



## Neutral Testimony – SB 2156

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Chairman Dockter, Vice-Chair Pyle and members of the Committee:

The American Cancer Society Cancer Action Network (ACS CAN) appreciates the opportunity to comment on SB 2156, a bill that would raise the minimum age for the sale of tobacco products to 21 years old.

As the nonprofit, non-partisan advocacy affiliate of the American Cancer Society, ACS CAN advocates for public policies that reduce death and suffering from cancer which include policies targeted at reducing tobacco use.

**While SB 2156 raises the tobacco sales age to 21, the bill doesn't go far enough to reduce tobacco use.**

There are several components that make up a strong Tobacco 21 law:

- Covers all tobacco products, including electronic cigarettes.
- Provides public education and training and technical assistance to retailers.
- Implements measures for active enforcement, such as retailer licensing and penalties, including suspension and revocation.
- Does not create a new category of products, which would exempt them from other tobacco control laws.
- Does not penalize youth.
- Does not preempt local jurisdiction from passing strong tobacco control laws.

**We would like to see these components included in this bill.**

1. The removal of the penalty on youth for purchase, use and possession, so called (PUP provisions).
  - a. Compliance with the law should be the responsibility of the retailer, and penalties for violations should not fall on the youth attempting to purchase tobacco or minimum wage clerks behind the counter.
  - b. Studies have shown that "Purchase, Use, and Possession" laws do not curb teen use of these deadly products. This is a concern as it could lead to targeting of the youth as well as profiling in rural and low-income neighborhoods where tobacco retailers tend to be more densely populated.
  - c. This can also serve as a distraction for stopping retailers who are illegally selling tobacco to those under 21 in the first place. It is better to focus the efforts of enforcement on

retailer compliance checks. Many youths are addicted due to marketing tactics by the industry, making it difficult for them to quit, and research shows that penalizing youth could deter them from seeking support for cessation services.

2. Include a comprehensive “tobacco product” definition.
  - a. Providing a comprehensive definition of “tobacco product” can aid in compliance and enforcement by clearly specifying what exactly is being prohibited.
  - b. A comprehensive definition will cover all current, known tobacco products, which include not only cigarettes, cigars, and smokeless tobacco, but also products like pipes, rolling papers, electronic smoking devices, and other related devices. A strong definition will also be broad enough to capture future products.
  - c. “Tobacco product” means: (1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (2) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or (3) any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, and pipes.
3. Remove outdated exemptions for tobacco specialty stores and for kid accompanied by a parent.
4. License retailers that sell e-cigarettes and change the enforcement authority from law enforcement to health department.

SB 2156 in current form takes some positive steps forward but could be strengthened to fully achieve its public health benefits. Laws prohibiting sales to youth have historically not been effective stand-alone measures and we recommend a three-prong approach that includes increasing the cost of tobacco products, enacting 100% smoke-free laws, and funding sustainable, comprehensive tobacco control programs.

Thank you for your time.

Sara Mannerter