

TOBACCO

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January 24, 2022 - Presented with strong evidence that raising the tobacco sales age from 18 to 21 could prevent millions of kids from starting down a path of smoking and nicotine addiction, the Virginia General Assembly passed a “Tobacco 21” law in January of 2019. Later that year, Congress also raised the federal tobacco sales age to 21, and President Trump immediately signed it into law. But Virginia is not enforcing Tobacco 21, and retailer violation numbers are climbing, meaning kids are being sold tobacco and nicotine products at unacceptably high rates throughout the Commonwealth, purchasing them, using them and bringing them to school to share with their peers. Right now, one in five Virginia high schoolers – 20 percent - are currently using highly-addictive e-cigarettes (“Vaping”) and doing so at almost double the national youth vaping rate of 11 percent. Ask any high school principal: vaping in school is the number one infraction reported by school administrators throughout Virginia.

Nicotine is highly-addictive; it harms the developing adolescent brain and is a gateway to other drug use. Nicotine has been linked to scholastic under-achievement, depression and other mental health disorders.

Research tells us (and the tobacco industry knows this too) that if a person has not started smoking or vaping by age 21, there is a very good chance they never will.

Properly enforced, “Tobacco 21” laws will reduce youth initiation and use of tobacco and nicotine and help prevent a lifetime of addiction, illness and early death. Tobacco Retail Licensing (“TRL”) is an essential tool for enforcing the state and federal sales age of 21, yet Virginia remains one of only nine states in the U.S. without a TRL law. Without a TRL, there is no comprehensive list of the estimated 7,800 tobacco and nicotine retailers in the state and no systematic enforcement program.

Virginia must enforce the federal age of 21 by demonstrating it has achieved a retailer violation rate (“RVR”) of no higher than 20 percent or the state risks losing 10% (more than \$4M) in annual Substance Abuse Block Grants (SABG) through SAMHSA.

Establishing a Tobacco Retail Licensing law through H. 685 will create a reasonable, systematic program of enforcement and establish a penalty and suspension structure for those who sell unlawfully. H. 685 will level the playing field for all tobacco retailers, eliminating the unfair advantage now held by rogue retailers who sell to kids.

H. 685 does not place burdensome regulations on tobacco retailers; it is a privilege license to sell an addictive and harmful product, the same as an ABC alcohol license and the licenses being considered for retail sales of marijuana in Virginia.

Please vote to pass H. 685 to protect Virginia kids from a lifetime of tobacco and nicotine use and addiction.

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