

TOBACCO eighteen twenty-one

Testimony regarding House Bills 6108/6109

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Representative Roger Hauck, Chair

House Regulatory Reform Committee

Michigan State Legislature

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Dear Chairman Hauck and Committee Members,

Thank you for the opportunity to speak today on House bills 6108 and 6109. As the eastern director for the national Tobacco 21 organization, I've worked on dozens of Tobacco 21 ordinances and bills across the country. Our organization also worked on the federal legislation that President Trump signed in 2019. That legislation, co-sponsored by Senators Mitch McConnell and Tim Kaine, kept in place a provision in federal law called the *Synar Amendment*. This amendment requires that each state demonstrate compliance with the federal tobacco sales age of 21 to a retailer violation rate of no more than 20 percent annually, or that state risks losing 10 percent of its block grant funding from the Substance Abuse and Mental Health Administration, or SAMHSA. The federal Tobacco 21 law DOES NOT REQUIRE that states pass a Tobacco 21 law, although most states either had already done so when the federal law passed, or are doing so now. In 2021, Michigan was awarded more than \$155 Million by SAMHSA. The years 2020 and 2021 were *grace period years* for retailers as they prepared to enforce the new age of sale AND because of Covid-19, which paused in person FDA inspections. FDA inspections have resumed, however, and the grace period is coming to an end. Michigan's retailer violation rates have been steadily climbing over the past 5 years, and the latest FDA report shows that between January 2021 and today, the statewide retail violation rate has climbed to 42 percent-- MORE THAN DOUBLE what is considered permissible by the FDA. This means the state's federal funding is currently at risk unless it can bring these violation rates down.

These bills raise the age of sale for tobacco products in Michigan, but do NOT ADDRESS retail enforcement, which is currently inadequate, as evidenced by your unacceptably high state violation rates. Therefore, these bills alone won't do anything to lower Michigan's retailer violation rates. Further, these bills are tie-barred to other senate tobacco bills that also do next to nothing to address the retail environment or its role in the ongoing youth e-cigarette epidemic.

Please reject these bills and work with us on legislation that will actually protect kids and protect Michigan's federal funding. The bills we create together don't have to be perfect, but they need to be much, much stronger than these if they are to have any impact at all.

Thank you.

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