

Testimony in Support of HB 2269 on T21

Presented to: Senate Committee on Federal and State Affairs
By: Andrew Brown, Commissioner of Behavioral Health Services
Kansas Department for Aging and Disability Services

March 22, 2023

Chairman Thompson and Members of the Committee,

Thank you for the opportunity to provide proponent testimony on behalf of the Kansas Department for Aging and Disability Services (KDADS) about T-21. At KDADS, Youth Tobacco Prevention and Tobacco Retail Enforcement is an ongoing effort within the Behavioral Health Services Commission. Receipt of full federal funding for the **Substance Abuse and Prevention Treatment Block Grant** is contingent upon compliance with the federal Synar Amendment, which requires states to conduct annual, unannounced inspections that provide a valid probability sample of tobacco sales outlets accessible to minors. Public Law 116-94, signed on December 20, 2019, superseded this legislation and increased the minimum age for tobacco sales from 18 to 21.

States were given 3 years to achieve compliance and Kansas has not yet accomplished that due to our state laws still being set at age 18 for legal purchase of tobacco products. While most Kansas tobacco retailers are already complying with the federal age restrictions for sales of products, KDOR is unable to conduct inspections with 18 to 20-year old individuals attempting controlled buys.

KDADS is supportive of T-21 law and wants to see T-21 implemented, as well as enforced in Kansas. HB 2269's simple language is effective in allowing the administration to accomplish that goal. Passage of the bill without amendment will allow the KDOR inspections conducted this Fall of 2023 to comply with the federal requirements of SAMHSA, the Synar Amendment and Public Law 116-94. Compliance will prevent the loss of federal funding to the **Substance Abuse and Prevention Treatment Block Grant**.

In FY22, Kansas received \$12,104,947 in **Substance Abuse and Prevention Treatment Block Grant** funding. A 10% penalty would equate to \$1.2M annually in lost revenue. That is \$1.2M less each year for KDADS to administer to the Kansas Prevention Collaborative which provides training, technical assistance, and funding for substance use prevention, including tobacco use and vaping for youth and young adults. KDADS also provides Substance Abuse and Prevention Treatment Block Grant funding to a network of substance use disorder detox & treatment providers for uninsured individuals across the state.

The ultimate goal of T-21 is to prevent the use of nicotine products among Kansas young adults and the development of nicotine dependence disorders among Kansans, which may require behavioral health treatment and can lead to costly primary health care for chronic diseases as well as contribute to shorter life-spans.

Thank you for allowing us to provide proponent testimony on this important issue.