



Testimony of the **Kansas Public Health Association** to the
Kansas House Committee on Federal and State Affairs
Proponent for HB 2340 • **February 22, 2021**

Chairman Barker and Members of the Committee:

Thank you for the opportunity to provide written testimony in support of House Bill 2340 which raises the purchase and possession age of tobacco products from 18 years of age to 21 years of age. This change brings our state in line with federal statutes and will make enforcement easier for state and local authorities. A deeper dive into the Federal Tobacco-21 law indicates that funding for states and U.S. territories from the Substance Abuse and Mental Health Services Administration (SAMHSA) under the Synar Amendments will be tied to a new legal sales age of 21. And Synar compliance checks must use 21 as the minimum legal sales age.ⁱ As public health professionals, we are deeply concerned about the harms from tobacco products. **Tobacco use continues to be the leading preventable cause of death in Kansas and the United States.** New research increasingly demonstrates that the use of e-cigarettes, or vaping, is unsafe for kids, teens and young adults. HB 2340 supports public health's long-standing efforts to decrease the use of tobacco and vaping products adding e-cigarette use to the definition of "smoking".

While KPHA is committed to efforts to raise the purchase and possession age of tobacco products, we respectfully ask the committee to consider two changes to the bill. We recognize the need to increase the number of tobacco retailer compliance checks to "not less than two" per year, but the bill neglects to provide an increase in tobacco retailer fees to offset that cost. A similar bill heard in the previous legislative session would have raised the fee from \$25 each biennium to \$100ⁱⁱ. KPHA supports an increase in licensing fees to assure enforcement of the Tobacco 21 policies. Assuring an enforcement mechanism is fundamental to the success of the intended changes to reduce access to harmful products to youth and young adults. Additionally, we join with fellow health advocates in raising a concern about financial penalties for youth. A review of Tobacco 21 Initiatives conducted by the Kansas Health Institute reports that researchers have concluded that penalties for youth in possession can reduce effectiveness of enforcement efforts.ⁱⁱⁱ

We encourage the Committee to support HB 2340 and urge consideration of additions that would eliminate fines on youth and increases retailer fees to support enforcement.

Respectfully Submitted,

Brandon Skidmore, President
Kansas Public Health Association

KPHA is a professional association for Kansas public health practitioners, professionals, and advocates. As a voice for public health, KPHA provides a forum for individuals and organizations to work collectively to assure conditions in which Kansans' lives will be healthy. *(This position reflects the collective position of association members through the action of the Board of Directors and may not necessarily reflect the views of each KPHA member's employer.)*

ⁱ The New Federal Tobacco-21 Law: What it Means for State, Local, and Tribal Governments, available at <https://www.publichealthlawcenter.org/blogs/2020-01-07/new-federal-tobacco-21-law-what-it-means-state-local-and-tribal-governments>

ⁱⁱ http://kslegislature.org/li/b2021_22/asures/documents/hb2340_00_0000.pdf

ⁱⁱⁱ Understanding the Tobacco 21 Initiative and Implementation of Tobacco 21 Laws, Report by Kansas Health Institute, available at <https://www.khi.org/assets/uploads/news/14844/tobacco-21-laws-r1.pdf>

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