

House Committee on Judiciary, Chair Rep. Martin LaLonde
c/o Peninah Hodin, Committee Assistant

Written testimony in support of [H.212 \(2023-2024 session\)](#)

***An act relating to allowing minors to possess tobacco in connection with
Indigenous cultural tobacco practices***

Offered by Rich Holschuh, Chair of VT Commission on Native American Affairs, citizen of Elnu
Abenaki Tribe, Wantastegok/Brattleboro, VT 04-26-2023

- Oral testimony given by Chief Joanne Crawford and myself upon request of Senate Government Ops on 4/20/23 (at 20:22 into the video, for about 15 minutes): https://www.youtube.com/live/eVNQ1p_xYY8?feature=share
- There was and has been no testimony in opposition to this fundamental concept over the past four years that it has been in currency, to my knowledge
- The language drawn from the current draft [H.212 \(Section B\)](#) addresses possession only, not sales. It is not necessary here to invoke or amend current (complex) State law regulating retail sales of tobacco; those systems are reasonable in intent and not germane to these usages per se. It is possession for the purposes of ceremonial and spiritual practices - in Western terms, freedom of religious expression - that is the intention addressed herein. That act of possession and expression by younger Indigenous community members is overseen by our elders, practitioners, parents, and leaders.
- Native American religious freedom was [finally] protected by the Federal government in 1978, with the passage of the [American Indian Religious Freedom Act](#) (AIRFA). This Federal protection extends to all Native community members and Vermont's law as it stands ([S.86, Act 27 of 2019](#)) is effectively in opposition to Federal law.
- Further, the FDA (which regulates tobacco use in the US) has [an explicit policy of not interfering with ceremonial tobacco use](#), in contrast to its guidelines around discouraging recreational and commercial use of the substance.
- Traditional cultural practices with tobacco are described briefly and generally in [this overview from the Centers for Disease Control](#) (CDC).

Thank you for your consideration and care for recognizing and affirming this very important part of our cultural practices, extending the same assurances for protection of spiritual practices as is extended to any other group of citizens in the State of Vermont.

Wliwni - thank you - in gratitude,
Rich Holschuh