



**TO:** Honorable members of the House Committee on Human Services

**RE:** SB 86 - Raising the minimum purchase age for tobacco products to 21 years old

**DATE:** March 14, 2019

Distinguished legislators:

I write to you representing the views of JT International U.S.A., Inc., PrimeTime International Distributing Inc. and Logic Technology Development, LLC.

We believe that tobacco products carry risk. **Our position is clear: minors should not use tobacco products and should not be able to obtain these products.** We market our products to adult smokers only, we abide by federal and state regulations that govern our industry and products, and we believe there is a role for regulation that is fair, evidence-based and proportionate.

Consistent with these beliefs, we share the state's interest in preventing minors from obtaining tobacco products and support effective proposals that would meaningfully halt youth access.

Given this, we are concerned as to the effectiveness of any proposed minimum purchase age increase. **SB 86**, which seeks to increase the purchase age to 21, has been proposed on the basis that it will address youth access – it will not. There is no evidence that merely increasing a minimum purchase age leads to any meaningful reduction in youth access to tobacco products. This view is supported by the FDA's recent enforcement blitz that amassed nearly 2,000 violations for selling tobacco products to minors, including states where the purchase age is 21.

**If you as legislators, the governor, and the retail and manufacturing communities involved are truly serious about preventing youth access, we believe the most effective measure would be to introduce mandatory identification verification for the purchase of all tobacco products, irrespective of retail location, product type or the age of the prospective purchaser.**

Mandatory ID checks would remove any guess-work from the hands of retailers, ensuring retailers do not incorrectly assume a consumer is of legal age, and would take the burden off the shoulders of retailers who are currently charged with deciding whether to ask for ID or not.

Recently, Walgreens, one of the largest retailers of tobacco products in the country, has moved to introduce mandatory ID across all of its stores as other efforts, including age verification against a 21 year old standard, have failed.

**Further, increasing the purchase age does nothing to address the key weaknesses in the current system that have resulted in thousands of violations nationwide.**

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Namely, the subjective nature of the existing ID checking requirements are ineffective, as demonstrated by national data that show sales to minors continue to occur even where the age has already been increased to 21. For example, in New Jersey, where a minimum purchase age of 21 went into effect in November 2017, the FDA has already issued over 400 citations to retailers for sales to minors.

Any proposal seeking to increase the state's minimum purchase age fails to address the current lack of effective age verification, which leads to minors being able to purchase tobacco products at retail.

Further, this proposal amounts to discrimination against adult smokers on the basis of age and represents an attempt to deny consumers access to a legal product. The distinction set forth between adults who are allowed by law to decide to purchase tobacco products, and those who are not, is arbitrary, being based solely on the date on which the legislation would come into force. There is no rational reason to allow adult smokers to legally purchase tobacco products one day and then deny them of this the next. Additionally, retailers will bear the brunt of managing the reaction from adult smokers when they are refused in store. All of this to introduce a measure that will not be effective in addressing the issue at heart, youth access.

We reiterate our commitment to preventing minors from accessing tobacco products and believe Vermont has the opportunity to meaningfully address this issue once and for all through the implementation of mandatory ID verification on all tobacco purchases. We urge you to reject the measure pending before you, which amounts to "papering over the cracks," and instead work to bring forth legislation that mandates one hundred percent identification checks on all tobacco purchases. We believe this is the only truly effective means by which to eradicate youth access to tobacco products in Vermont.

**For our part, we will continue to support age verification enforcement and participate in efforts to increase compliance training and educational resources at retail as members of the WeCard Manufacturer Advisory Council.**

Our support of WeCard and our commitment to eradicate youth access will continue up until such time that all states mandate ID checks as a truly meaningful way to address youth access to tobacco products.

We implore you not to squander this opportunity to fix this problem once and for all.

Yours respectfully,

A handwritten signature in black ink, appearing to read 'Rick Chandler', is written over a horizontal line. The signature is fluid and cursive.

**Rick Chandler**  
State Government Affairs

