

Good morning Chairman Headland and members of the Committee. My name is Neil Charvat, and I am the Director of the Tobacco Prevention and Control Program for the North Dakota Department of Health. I am here to provide testimony in support of House Bill 1386.

Tobacco prevention and control efforts in North Dakota focus on guidance provided by the Centers for Disease Prevention and Control (CDC) *Best Practices for Comprehensive Tobacco Control Programs* (Best Practices). Best Practices provides evidence-based interventions to: prevent tobacco product use initiation; increase quitting tobacco use; and reduce exposure to secondhand smoke. House Bill 1386 designates electronic smoking devices, or electronic nicotine delivery systems (ENDS), as a tobacco product. This will help prevent tobacco product use initiation.

Nearly one in five high school students uses tobacco products. Additionally, adolescents' use of ENDS (e-cigarettes/vaping devices) has significantly increased from 1.6 percent in 2011 to 19.1 in 2017 (ND Youth Risk Behavior Survey). JUUL, an ENDS device resembling a computer USB storage device, has taken over almost three-quarters of the ENDS market in just a few years. JUUL has caused widespread concern because of its popularity with youth. On September 12, 2018, the Food and Drug Administration (FDA) declared that youth use of ENDS has reached "nothing short of an epidemic proportion of growth". In addition, new data from the FDA cites an anticipated increase of 77 percent in ENDS use among high school students within the next year.

Citing statistics regarding youth use of ENDS is difficult, since these devices are not classified as "tobacco products". HB 1386 would change this classification from general merchandise to tobacco products and require that retailers have a tobacco license to sell these products. Additional benefits include:

- Helping retailers justify checking for identification for proof of age as they already do with other tobacco products.

- Assisting groups performing tobacco compliance checks in retailer establishments to include youth purchase attempts of ENDS with other tobacco products, such as cigarettes. With ENDS lacking this state-level designation, many compliance statutes are not possible for ENDS.
- Allowing closer monitoring of the amount of ENDS sales; thereby, assisting efforts to gather data regarding usage of these products.

Designation of ENDS as tobacco products will help reduce youth initiation and use, helping to lower the "epidemic" of high ENDS usage levels among youth. For this reason, we ask for your support in passing House Bill 1386.