



STATE OF RHODE ISLAND

Department of Behavioral Healthcare, Developmental Disabilities & Hospitals

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June 29, 2021

The Honorable Robert E. Craven, Sr., Chairman
House Committee on Judiciary
State House
82 Smith Street
Providence, Rhode Island 02903

**RE: H 5571 Substitute A - AN ACT RELATING TO CRIMINAL OFFENSES – CHILDREN
S 263 Substitute B - AN ACT RELATING TO CRIMINAL OFFENSES - CHILDREN**

Dear Chairman Craven:

I write in support of H 5571 Substitute A and S 263 Substitute B, which would raise the legal age for individuals to purchase or be sold/delivered certain tobacco products, electronic nicotine delivery systems, and liquid nicotine containers from eighteen (18) years of age to twenty-one (21) years of age.

In 2019, the federal government amended the Family Smoking Prevention and Tobacco Control Act (“Tobacco Control Act”) to include a provision raising the federal minimum age for purchasing tobacco products from 18 to 21. This amendment explicitly prohibits retailers from selling tobacco products, including electronic nicotine delivery systems (ENDS) products, to individuals under the age of twenty-one (21). In order to comply with federal law, retailers cannot sell tobacco products to individuals under the age of 21 regardless of state or local minimum age purchase/sale requirements.

The 2019 amendments to the Tobacco Control Act do not repeal states’ mandates to comply with Synar Amendment requirements as a condition for receipt of federal Substance Abuse Prevention and Treatment (SAPT) Block Grant funding. States continue to be required to enforce underage access laws to a degree that reasonably can be expected to reduce the illegal sale of tobacco products to individuals under the minimum access age, which is now 21. However, because RI’s current minimum youth access age is 18, retailers cannot be cited under state law for the sale of tobacco products to individuals aged 18-21, severely limiting the State’s ability to comply with Synar Amendment enforcement requirements and with the requirement that the statewide retailer underage sales violation rate not exceed 20%. This legislation would align RI’s underage access law with federal statute and would support our efforts to maintain compliance with Synar Amendment requirements.

Failure to comply with these requirements may subject the State to a loss of federal SAPT Block Grant funding or acceptance of a negotiated alternate penalty which may include allocation of state funding as part of a corrective action plan.

The SAPT Block Grant is a primary funding source for substance use prevention and treatment services in the State, particularly for the community prevention coalitions and Project SUCCESS (student assistance)

which currently is implemented in thirty-one municipalities across the State. Loss of SAPT Block Grant funding due to non-compliance with Synar regulations would have a significant detrimental impact on our substance use prevention and treatment system.

Tobacco use is the leading preventable cause of disease, disability, and death in the United States and disproportionately impacts individuals with behavioral health conditions. On average, individuals with behavioral health conditions die 5-20 years earlier than those without a behavioral health condition due to tobacco-related disease rather than from their underlying behavioral health diagnosis.

I appreciate the considerable efforts by the sponsors to introduce this legislation which will support RI's compliance with federal laws and regulations; allow for effective enforcement of RIGL §11-9-13 *et seq.*; and, most importantly, will help prevent youth and young adult initiation of products known to cause addiction, other acute and chronic diseases, and death.

Sincerely,



Richard Charest, Director

cc: The Honorable Members of the House Judiciary Committee
The Honorable Grace Diaz
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House
The Honorable Cynthia Coyne
Kristen Silvia, Deputy Chief of Staff to the Senate President