

Good afternoon Chairperson Marquart and members of the Committee,

My name is Kim Murray and I'm from Brainerd, MN. I am an advocate for Tobacco Harm Reduction. My family has paid a heavy price to smoking. Enclosed with my written testimony is the story of my son and his daughter. He was a disabled, unemployed, single parent when he had his first smoking related heart attack at the age of 29. I share their story in honor of February being Heart Month.

I sat with my mom when she took her last breath. She died of the trifecta of smoking - COPD, Heart Disease, and Cancer. She was the last of my elders, smoking had killed them all. In my early 50's, I became the family elder after losing my Mom. Over the past 6 years, I have witnessed so many people reduce the risk of death and disease when they switched to vapor technology, an alternative to smoking which is 95% safer. It has become my mission in life to help as many people as possible.

Many lump vaping and smoking into one category. This is a huge mistake that doesn't take the continuum of risk into account. There's been much concern in recent years over youth use of vapor products. We seem to be throwing more and more laws at the problem, but fail to do a consistent job of enforcing the laws we already have.

In July 1992, Congress enacted the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act (PL 102-321), which includes an amendment (section 1926) aimed at decreasing youth access to tobacco. This amendment, named for its sponsor, Congressman Mike Synar of Oklahoma, requires states (that is, all states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and six Pacific jurisdictions) to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18. States must comply with the Synar Amendment in order to receive their full Substance Abuse Prevention and Treatment Block Grant (SABG) awards.

The Synar Amendment was developed in the context of a growing body of evidence about the health problems related to smoking by youth, as well as evidence about the ease with which youth could purchase tobacco products through retail sources. The Synar program has been successful in preventing youth tobacco use.

Every year, states file an annual synar report. Minnesota has those reports online, and if you haven't read them, it is worth your time to research them. There is a glaring issue in those reports and that is the repeated issue of not having enough funding for compliance checks or enough manpower. Not every license holder in Minnesota is getting a compliance check at least 1X per year, as required by state statutes. Example:

e. **Did every tobacco outlet in the state receive at least one compliance check that included enforcement of the state youth tobacco access law(s) in the last year?**

Yes No

MN. Statute 461.12, subd. 5 states; "A licensing authority shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with section 609.685." However, Over 80 percent of respondents (136) who answered the question indicated they checked every retailer. Out of the 29 respondents who answered "no," 10 said their agencies were not responsible for conducting the checks. Seven respondents cited a lack of resources or available staff and time to perform checks.

(MN Annual Synar Report FFY 2020)

The report also shows that Minnesota does not check for compliance on ALL types of tobacco products every year. A few years ago, vapor products weren't even on the list.

4. **Describe the type of tobacco products that are requested during Synar inspections.**

a. **What type of tobacco products are requested during the inspection?**

- Cigarettes
- Small Cigars/Cigarillos
- Smokeless Tobacco
- Other

b. **Describe the protocol for identifying what types of products and what brands of products are requested during an inspection.**

Per the inspection protocol Youth Inspectors should attempt to purchase Marlboro cigarettes. This type and brand of tobacco should remain consistent for all inspections.

(MN Annual Synar Report FFY 2016)

The reports also demonstrate that year after year, not all clerks who have broken the law and sold a tobacco product to a minor are being fined.

b. **The following items concern penalties imposed for all violations of state youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES (this does not include enforcement of federal youth tobacco access laws). Please fill in the number requested. If state law does not allow for an item, please mark "NA" (not applicable). If a response for an item is unknown, please mark "UNK." The chart must be filled in completely.**

PENALTY	OWNERS	CLERKS	TOTAL
Number of citations issued	233	212	445
Number of fines assessed	174	159	333
Number of permits/licenses suspended	4		4
Number of permits/licenses revoked	1		1
Other (Please describe.) Minors cited: 609 Minors fined: 169 Minors warned in writing: 113			
*Table includes responses from 172 agencies/ 69% of those 250 surveyed.			

(MN Annual Synar Report FFY 2016)

In 2020 Minnesota raised the legal age to purchase tobacco and vapor products to 21. The language in the state tobacco statutes also increased the fines to a business for violating the T21 laws. Minnesota did NOT raise the fine for the cashier or a private party that sells or provides tobacco and vapor products to your youth. That fine stands at only \$50.00 and the language was changed from the MUST be given a minimum of that \$50 administrative fine to the MAY be given the administrative fine. Rarely are cashiers and private parties charged with a misdemeanor and involved with the judicial system. If we truly care about our youth, why is the fine not the same for a legal business as for the cashier? Why is the fine not the same for a legal, licensed seller and an illegal, unlicensed seller?

The majority of cities and counties in Minnesota have not updated their language to change the age from 18 to 21 and they have not updated the language to include the new, higher administrative fines for selling to someone under 21.

We have not had enough time to give Tobacco 21 the opportunity to achieve its intended goal. If the issue is about kids, let's enforce the laws we have and give our new law time to prove itself.

The largest population of people who smoke in Minnesota are low income. As these people quit smoking and switch to a safer alternative they not only benefit, so do their families, their employers, and their community. They become healthier, their children aren't exposed to secondhand smoke, they become more productive at work, and experience lower health care costs.

We've told Minnesotans for years we want them to quit smoking. It seems inhuman and unjust to add a "sin tax" to the products that helped them quit smoking. Doesn't it seem like we are punishing them for what we've been asking them to do?

Thank-you for your time!

Kim Murray

8807 Gwynn Ln

Brainerd, MN 56401

[MN Annual Synar Report FFY 2020](#)

[MN Annual Synar Report FFY 2016](#)