



February 24, 2020

The Honorable Harriet Drummond
Co-Chair, Community and Regional
Affairs Committee
Alaska House of Representatives
State Capitol Room 108
Juneau AK, 99801

The Honorable Sara Hannan
Co-Chair, Community and Regional
Affairs Committee
Alaska House of Representatives
State Capitol Room 432
Juneau AK, 99801

Dear Chairwoman Drummond, Chairwoman Hannan, and Members of the Committee,

On behalf of JUUL Labs, Inc. (JLI), I am writing to express strong support to enact legislation to align state law with federal law and prohibit the sale of tobacco products as well as electronic smoking products, also known as vapor products, to anyone under the age of 21. We believe that raising the minimum age is a critical step in combating underage use of cigarettes, other tobacco products, and vapor products.

As you are likely aware, Congress recently passed, and the President signed, legislation to prohibit the sale of tobacco and vapor products to persons under the age of 21. JLI applauds this critical step toward reducing underage access to and use of these products. But, as a recent article in Roll Call¹ explains, "progress in reducing youth vaping will depend on states to ensure that underage sales are halted." For the new federal law to work, states should still pass and enforce laws to ensure that retailers only sell to those age 21 and older. As an incentive, states that do not adopt strategies to enforce against retailers selling to underage persons risk losing a portion of their federal block grant funding.

The Need for Tobacco 21

- Nearly 94%² of smokers started before age 21 and approximately 70-80%³ of underage users access vapor products through "social sourcing," obtaining tobacco or vapor products from legal-age adults.
- The Oregon Health Authority⁴ commissioned an evaluation of their recent minimum age increase, which found reduced recent initiation among 13-17 year-olds by 26%.
- A recent study in *Addiction*⁵ found that tobacco-21 laws reduced the odds of both recent and current established smoking among 18-20-year-olds who had ever tried cigarettes by 39%.
- A California study⁶ found a 45% decrease in detected retailer sales to underage youth in the wake of their recent law to increase the minimum age to 21.

Underage Use Prevention

As a responsible company, it is essential that we do our part in preventing underage use of our products. Underage use is antithetical to our mission, and we have taken definitive steps towards the goal

¹ Siddons, Andrew. "Success of Tobacco Age Change Will Depend on State Efforts." Roll Call, 8 Jan. 2020, www.rollcall.com/news/policy/success-of-tobacco-age-change-will-depend-on-state-efforts.

² "Tobacco-Related Mortality." *Tobacco-Related Mortality*, Centers for Disease Control and Prevention, 17 Jan. 2018, www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/index.htm.

³ See CDC, 2017 Youth Risk Behavior Survey (YRBS).

⁴ "Oregon's Tobacco 21 Law: Impact Evaluation." Oregon Health Authority, May 2019, www.oregon.gov/oha/PH/PREVENTIONWELLNESS/TOBACCPREVENTION/Documents/Oregon-Tobacco-21-Impact-Evaluation-Report.pdf.

⁵ Friedman, Abigail S., et al. "Tobacco-21 Laws and Young Adult Smoking: Quasi-Experimental Evidence." *Addiction*, vol. 114, no. 10, 2019, pp. 1816-1823., doi:10.1111/add.14653.

⁶ Zhang X, Vuong TD, Andersen-Rodgers E, et al. "Evaluation of California's 'Tobacco 21' law." *Tobacco Control* 2018; 27:656-662.

of restricting it, including:

- Voluntarily discontinuing the sale of all flavored products other than Virginia Tobacco, Classic Tobacco, and Menthol, unless and until the FDA determines through its Premarket Tobacco Product Application (PMTA) process that their sale is appropriate for the protection of public health.
- Restricting sales on our ecommerce platform (JUUL.com) through industry-leading age- verification technology, including using third parties to verify the purchaser's personal information against publicly-available records, and limiting the amount of product that can be purchased.
- Establishing our Retail Access Control Standards (RACS) program for retailers of JUUL products, a technological standard at the point-of-sale that requires electronic ID scanning to verify age and ID validity and limits the amount of product that can be purchased. In the spring of 2019, JLI ran a pilot study among retail outlets that had adopted RACS, which showed that the overall age-verification failure rate fell to just 0.2% after implementation.
- Instituting a "three-strikes policy" as part of our secret-shopper program that will prohibit authorized retailers from selling JUUL products for at least one year if they incur three violations for either age-verification or bulk-purchasing non-compliance within a calendar year.
- Ceasing the promotion of JUUL products on social media and aggressively enforcing against third-party posts that inappropriately depict, or sell, JUUL products. In partnership with the social media platforms, we have removed close to 2000 inappropriate accounts reaching 1.5 million followers. We have also removed an additional 45,000 illegal social media listings for JUUL products.
- Suspending the advertising and promotion of JUUL products through broadcast media (e.g., television and radio), print publications, and digital channels.

While JLI has taken these actions, we strongly believe that category-wide regulation and enforcement is necessary. It will require a more comprehensive regulatory framework, and all parties working collaboratively with regulators, policymakers, and stakeholders to restrict underage access and use, while preserving the availability of vapor products as an alternative for adult smokers.

In conclusion, JLI shares a common goal with policymakers, regulators, parents, school officials, and community stakeholders - **prevent the underage use of tobacco and vapor products, including JUUL products**. Our mission is to transition the world's one billion adult smokers away from combustible cigarettes. We pursue this mission while actively combating underage use of our products. We know from states that have already increased their minimum age that such a policy can be effective at reducing underage access and use. In 2020, it's important that the remaining states, such as Alaska, follow suit and make sure that the minimum age of 21 is enforced. Therefore, we respectfully urge the Alaska Legislature to pass legislation that would prohibit the sale of all tobacco and vapor products to persons under the age of 21.

Should you have questions about this or other relevant policy matters, please contact Ann Simons at Ann.Simons@juul.com.

Sincerely,

Ann Simons, Senior Regional Manager
State Government Affairs, JUUL Labs, Inc.