



**Government of the Virgin Islands
of the United States of America
Department of Licensing and Consumer Affairs**

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**H. Nathalie Hodge
Commissioner**

**Testimony
Before the
35th Legislature of the Virgin Islands**

**Hon. Ray Fonseca, Chair
Committee on Health, Hospitals & Human Services**

Bill No 35-0289

October 2, 2024

"Serving Businesses & Assisting, Educating and Protecting Consumers"

1 Good Day Honorable Senator Ray Fonseca, Committee Chair, Committee on
2 Health, Hospitals & Human Services, 35th Legislature of the Virgin Islands, committee
3 Senators present, non-committee Senators present, and the listening and viewing audience.

4 I am H. Nathalie Hodge, Commissioner for the Department of Licensing and
5 Consumer Affairs (hereinafter referred to as “DLCA”). Present with me today are
6 Assistant Commissioner Horace Graham, Jr. and General Counsel Geraldine Vaval.

7 Thank you for providing the DLCA with the opportunity to testify before the 35th
8 Legislature on Bill 35-0289, an Act amending Title 27 of the Virgin Islands Code by
9 raising the legal age to purchase tobacco products from 18 to 21 years of age.

10 The DLCA fully supports this bill for the following reasons:

11 On December 20, 2019, the President signed legislation amending the Federal
12 Food, Drug, and Cosmetic Act, raising the federal minimum age for the sale of tobacco
13 products from 18 to 21 years, which was lauded as an important step toward keeping
14 tobacco products out of the hands of the youth. This legislation, commonly referred to
15 as “Tobacco 21” or “T21,” was recognized as a critical step in keeping tobacco products
16 out of the hands of young people. The law took immediate effect, making it illegal for
17 retailers to sell any tobacco products, including e-cigarettes, to anyone under the age of
18 21. All 50 states have since adopted the legal age of 21, underscoring the growing
19 acknowledgment of the health risks linked to early tobacco use.

20 Since the enactment of T21, the FDA has conducted compliance checks on
21 businesses across the territory, resulting in three hundred and ninety-two (392) warning
22 letters or citations, some with civil penalties. Amending our local statute to align with

23 federal law will further protect our youth from the dangers of nicotine addiction, help
24 prevent long-term health issues, curb access to tobacco products, and provide economic
25 benefits to the territory.

26 Research shows that adolescents and young adults are especially susceptible to
27 nicotine addiction. Raising the legal purchasing age to 21 will reduce early exposure to
28 tobacco products, thereby preventing long-term addiction and the accompanying health
29 risks. Studies consistently show that smoking is a leading cause of cancer, heart disease,
30 and respiratory illnesses. Reducing tobacco use among young people in the Virgin
31 Islands will lead to a healthier population, lower future healthcare costs, and ultimately
32 benefit the territory as a whole. The potential savings in healthcare costs and improved
33 worker productivity due to better public health outcomes will positively impact the
34 Virgin Islands' economy.

35 Additionally, raising the minimum purchasing age will go a long way in helping
36 to reduce the availability of tobacco products to teenagers, as many underage users obtain
37 through older peers. However, with fewer young adults legally able to purchase tobacco
38 products, the access pipeline is narrowed.

39 Under T 27 VIC 305b(e), the DLCA is responsible for determining the type and
40 size of signage that must be displayed by our licensees. Upon the passage of Bill 35-
41 0289, DLCA would need to update all official communications and signage requirements
42 to reflect the new age restriction of 21. Additionally, DLCA would ensure that all 248
43 tobacco retailers and 15 tobacco wholesalers are informed and educated on the updated

44 law to ensure compliance. DLCA would also need to increase its enforcement efforts to
45 monitor compliance with the new age requirement effectively.

46 Thank you for the opportunity to comment on these amendments. We stand ready
47 to answer any questions this Body may have.