



**35TH LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON HEALTH, HOSPITALS AND HUMAN SERVICES**

The Honorable Senator Ray Fonseca.
Chair of Committee

Testimony Presented By

The Honorable Justa Encarnacion, RN, BSN, MBA/HCM
Commissioner of Health

On

Bill No. 35-0289- An Act amending title 27 of the Virgin Islands Code by raising the legal age to purchase tobacco products from 18 to 21 years of age.

Sponsored by Senator Ray Fonseca

1 Good day, Honorable Senator Ray Fonseca, Chairperson of the Committee on Health, Hospitals
2 and Human Services; Honorable Senator Kenneth L. Gittens, Vice Chair; Committee members,
3 and all non-committee members, and the viewing and listening audience. I am Justa “Tita”
4 Encarnacion, Commissioner for the Virgin Islands Department of Health, and present with me
5 today are Assistant Commissioners Dr. Nicole Craigwell-Syms and Reuben Molloy and Chief
6 Medical Officer Tai Hunte Caesar, Deputy Commissioner Renan Steele and Director of
7 Environmental Health Wanson Harris. We are here to provide testimony on Bill No. 35-0289- An
8 Act amending title 27 of the Virgin Islands Code by raising the legal age to purchase tobacco
9 products from 18 to 21 years of age.

10 Tobacco use remains the leading cause of preventable death and disease in the United States,
11 contributing to approximately 1 in 5 deaths annually. Smoking is responsible for a wide range of
12 health issues, including heart disease, lung cancer, chronic respiratory conditions, and a wide array
13 of mental health disorders, leading to not only personal suffering but also substantial economic
14 costs for our healthcare system. Young people are particularly vulnerable to the harmful effects of
15 nicotine. Research indicates that 95% of adult smokers began smoking before the age of 21.
16 Adolescence and young adulthood are critical periods for brain development, and nicotine
17 exposure during this time can have long-lasting negative effects on cognitive function, memory,
18 and attention. In the USVI, like the mainland U.S., many adult smokers begin using tobacco in
19 their teens. Raising the legal age to 21 would reduce access for high school-aged teens and those
20 in early adulthood. This could lead to a significant reduction in smoking initiation, helping to
21 protect young Virgin Islanders from nicotine addiction.

22 Further, tobacco use leads to preventable diseases such as oral and gum disorders, heart disease,
23 chronic lung disorders, lung and other forms of cancer and stroke, which puts a strain on healthcare
24 resources. The Virgin Islands has a smaller healthcare infrastructure compared to many U.S. states,
25 so reducing smoking rates would lower the burden on local hospitals and clinics. Fewer tobacco-
26 related illnesses would result in healthier communities and lower long-term healthcare costs. The
27 developing brains of young people are more vulnerable to nicotine addiction, and starting tobacco
28 use at an early age increases the likelihood of long-term dependence. By raising the age limit to

1 21, the policy would help delay the age at which individuals may start using tobacco, reducing the
2 risk of nicotine addiction in the USVI.

3 In addition to health risks, the Virgin Islands faces financial challenges related to public health
4 spending. Tobacco-related diseases are costly to treat, and reducing smoking rates would translate
5 into significant savings for the territory's healthcare system. Over time, fewer smoking-related
6 health issues would mean lower public healthcare expenditures, as well as reduced costs for
7 families affected by tobacco-related illnesses. The Virgin Islands' economy is heavily dependent
8 on tourism, and public health policies play a role in maintaining a positive image. Becoming a
9 jurisdiction that enacts progressive public health measures, such as raising the tobacco purchasing
10 age, may enhance the territory's reputation as a health-conscious destination. This could attract
11 tourists who value wellness and healthy environments. Moreover, the impact on positive behavior
12 cannot be overlooked. Tobacco use is a significant public health issue in many communities, and
13 reducing its prevalence would lead to a healthier population in the Virgin Islands. Raising the legal
14 age to purchase tobacco products can send a clear message to young people that tobacco use is
15 dangerous and should be avoided. Over time, this could shift cultural attitudes toward smoking
16 and make it less socially acceptable, particularly among youth.

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

25 Public Law 116-94, signed on December 20, 2019, superseded this legislation, and increased the
26 minimum age for tobacco sales from 18 to 21. The Synar program is managed by VI Department
27 of Health, responsible for implementing the requirements of the Synar Amendment. The 2024
28 Synar Report completed in November of 2023 showed 4 violations of sales to minors. The vendors
29 found to be non-compliant were reported to DCLA for further actions.

1 Effective December 20, 2019, the US passed a federal law raising the minimum age of purchasing
2 tobacco products from 18 years to 21 years (Tobacco 21 [T21]). In a published study evaluating
3 the impact of the federal T21 law at the 1-year mark, the law, passed in 2019, showed potential to
4 reduce easy access to tobacco access among adolescents and young adults, and the need to ensure
5 intensified efforts to increase compliance¹. By raising the age of tobacco purchase to 21, the USVI
6 will join other jurisdictions that have implemented this policy to reduce the impact of tobacco on
7 their populations' health.

8 Individuals who begin smoking at an early age are more likely to develop severe addiction to
9 nicotine than those who begin later. According to the Behavioral Risk Factor Surveillance Surveys
10 conducted in the USVI in 2016, 2021 and 2022, reported prevalence of tobacco use in the adult
11 population has remained historically low, at less than 1%. The Youth Risk Behavior Survey
12 conducted in 2018 among middle and high school youth reveals that 6.6% reported trying
13 cigarettes, though only 1.9% reported smoking on at least one day during the previous 30 days.
14 Age at which youth first smoked cigarettes ranged from as low as 8 years old (1.5%) to 17 (<1%).
15 Overall, the age most frequently reported for first time use was 15 or 16 years old (2.4%) followed
16 by 13 or 14 years old. The Department of Health, with a strong focus on prevention, supports all
17 initiatives and policies that may prevent any shift in trends towards increasing use of tobacco
18 products in youth and adult populations.

19 The USVI Tobacco Coalition, a dedicated group of community stakeholders, has consistently
20 advocated for all initiatives and policies aimed at reducing health risks, to include raising the legal
21 age to purchase tobacco products from 18 to 21, as a key strategy to achieve better health outcomes
22 for all in the USVI. The Tobacco Coalition consists of legal experts, individuals from agencies
23 such as the Department of Licensing and Consumer Affairs and the VI Department of Education,
24 non-profit community-based organizations, and some retirees who have served in various
25 capacities in public health. Focus areas for the Coalition include community engagement and
26 education, secondhand smoking, enforcement of current laws, clinical care, and youth. Coalition
27 initiatives seek to engage with young people across the Virgin Islands and will continue to target
28 that demographic for tobacco use prevention educational campaigns and initiatives. In so doing,
29 the Tobacco Coalition supports the goals of the Chronic Disease and Prevention Division within

1 the VI Department of Health, and members are dedicated to creating a healthier Virgin Islands
2 community.

3 Our thanks to Governor Albert Bryan Jr., Lt. Governor Tregenza A. Roach and the members of
4 this body for your steady support in implementing policies aimed at prevention and promoting
5 better health outcomes for the people of this territory.

6 The Department of Health is committed to reducing health risks, increasing access to quality
7 equitable healthcare, and enforcing health standards. Again, thank you for the opportunity to speak
8 on the legal age to purchase tobacco products in the territory. The Department continues
9 collaborative efforts with the 35th Legislature members. We stand ready to respond to any
10 questions you may have.

11 1. Agaku IT, Nkosi L, Agaku QD, Gwar J, Tsafa T. A Rapid Evaluation of the US Federal Tobacco 21 (T21) Law
12 and Lessons From Statewide T21 Policies: Findings From Population-Level Surveys. *Prev Chronic Dis*
13 2022;19:210430. DOI: <http://dx.doi.org/10.5888/pcd19.210430>.