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V.I. Senators Approves Bill to Raise Tobacco Purchase Age to 21

Lawmakers vote in favor of Bill 35-0289 to combat nicotine addiction among adolescents. Health officials anticipate reduced smoking rates and lower healthcare costs as enforcement measures are strengthened

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Members of the Committee on Health, Hospitals, and Human Services on Wednesday voted in favor of proposed legislation that will increase the legal age to purchase tobacco products from 18 to 21.

Bill 35-0289 was sponsored by committee chair Senator Ray Fonseca, who claimed that “nicotine addiction is particularly strong in adolescents and young adults.” With their brains still

developing, Mr. Fonseca said this age group is more “vulnerable to its effects.” He anticipates that the enactment of Bill 35-0289 would “help reduce the likelihood of nicotine addiction....Smoking and vaping are linked to a variety of cancers primarily due to the harmful chemicals they introduce into the body,” said Mr. Fonseca in his appeal.

In her testimony, Health Commissioner Justa Encarnacion told lawmakers that “raising the legal age [to] 21 would reduce access to high school-age teens and those in early adulthood.” Consequently, the Virgin Islands could record a “significant reduction to smoking initiation,” protecting young Virgin Islanders from nicotine addiction and health complications. “Fewer tobacco-related illnesses would result in healthier communities and lower long-term health care costs,” said the commissioner. She also anticipates “significant savings for the territory's healthcare system” as tobacco-related diseases are difficult to treat.

Similarly, the bill was supported by the Department of Licensing and Consumer Affairs. In December 2019, the Federal Food, Drug and Cosmetic Act was amended to raise the federal minimum age for the sale of tobacco products from 18 to 21 years. With all 50 states adopting the new age requirement, DLCA Assistant Commissioner Horace Graham agreed that “amending our local statute to align with federal law will further protect our youth from the dangers of nicotine addiction.”

If the bill is enacted, DLCA must “ensure that all 248 tobacco retailers and 15 tobacco wholesalers are informed and educated on the updated law to ensure compliance.” The department would also be required to “increase its enforcement of efforts to monitor compliance with the new age requirement effectively,” and must update all official communication and signage requirements.

As the federal bill supersedes local law, tobacco products are already only supposed to be sold to those age 21 or older. However, Dwayne Howell of the Access to Racial and Cultural Health Institute is hopeful that Bill 35-0289 will “eliminate such confusion” as some retailers were still found to be selling to people as young as 18.

Meanwhile, Micah Crawford, chairperson of the Adolescents and Young Adults Health Champions Project, told lawmakers that he is “often made aware of the number of vapes, e-cigarettes, or even cigarettes that my peers use nearly every day” including 15 to 17-year-olds. “Adolescents are intentionally eroding their brain simply because a lack of policy prevents them from doing so,” contended Mr. Crawford, a freshman at the University of the Virgin Islands. He has encouraged the Legislature to “allocate funding for impactful and effective community prevention services” as well.

Alilia Hantz, president of the Drug-Free Coalition of Adolescents and Young Adults, encouraged lawmakers to think ahead to the next steps after the bill is enacted. She suggested encouraging retailers to “consider the physical design of their stores by moving tobacco products from directly behind cashiers so our youths don't have to easily see the products.”

Confident that the bill would be enacted, Senator Marvin Blyden told Alilia Hantz that the next steps would involve “a lot [of] enforcement and communication.”

Meanwhile, while Senator Kenneth Gittens was generally supportive of the bill's intent to come into compliance with federal laws, he was concerned that the legislation “just solely looks to the sale of the product.” He encouraged investigating the “root cause of the problem amongst youngsters as well,” and not just penalizing non-compliant businesses. “There are studies that will also show that our young people will find ways of accessing these tobacco products regardless of the legal age,” he contended. He advocated for a “holistic approach”, emphasizing that “education

and enforcement will be key.”

Senator Donna Frett-Gregory, for her part, appealed for regular enforcement. She requested that DLCA make a “deliberate attempt to ensure that the law is in place and in full force and effect.” Health Commissioner Justa Encarnacion has promised to work with DLCA to hold retailers accountable, “because if not, then we're actually risking the lives of not only our youth, but adults as well.” “I think it's okay for them to feel a little bit in terms of their pocket,” she said.

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