

# Public Health Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-6488

AN ACT CONCERNING CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC

**Title:** NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS.

**Vote Date:** 3/20/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 2/1/2023

**File No.:**

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

## **SPONSORS OF BILL:**

The Public Health Committee

## **REASONS FOR BILL:**

The bill seeks to increase the amount of funding received through the Tobacco and Health Trust Fund from the previous amount of \$12 million to \$22.7 million. The bill also requires that the Department of Mental Health and Addiction Services (DMHAS), in collaboration with the Department of Consumer Protection (DCP), Department of Public Health (DPH), and the Department of Revenue Services (DRS), convene a working group to evaluate licensure, penalties and taxes related to the sale of cigarettes, tobacco products, electronic nicotine delivery systems (ENDS) and vapor products. The goal is to ultimately develop a plan that discourages the use of these products.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Manisha Juthani, MD, Commissioner, CT Department of Public Health:**

DPH believes a ban on the sale of the products identified in this bill will reduce the use of these products across all age groups, but particularly among our youth. We know that adolescent brain development is negatively impacted by nicotine and nicotine addiction. Many young people are unaware of the presence of nicotine in ENDS products. DPH also supports a ban on the use of the products identified in this bill when a minor is present because there is no safe level of exposure to second-hand smoke.

### **William Tong, Attorney General, State of Connecticut:**

While the Attorney General fully supports a ban on flavored tobacco, this legislation, as currently written, does not accomplish this objective. He points to surveys showing that 80% of kids who never used tobacco started with a flavored product. Menthol is not only a starting

point for youth, but surveys show that these products disproportionately affect communities of color. Menthol's popularity is not an accident but rather a direct result of decades of predatory marketing by the industry. Ending the sale of flavored tobacco products will have a positive impact on reducing the numbers of people who die or suffer a preventable disease as the result of tobacco use.

## **NATURE AND SOURCES OF SUPPORT:**

### **Connecticut State Medical Society (CSMS):**

CSMS believes cracking down on flavored tobacco products is critical to reversing an epidemic in youth use of electronic vapor products and other tobacco products. Flavors alter the taste and reduce the harshness of tobacco products, and thereby making them easier to use and more appealing. Evidence supports the notion that flavors attract both adults and young people to the use of electronic nicotine delivery systems (ENDS). Passage of this bill is a significant first step in reducing youth and adult use of cigarettes and vapor products and improving the health of our state's residents.

### **Kathleen Silard, Stamford Health:**

Stamford Health supports restrictions imposed on the sale of nicotine products, and the use of flavored nicotine products that entice young people. Stamford also favors language preventing the exposure of young people to second-hand smoke. While all the negative impacts of vaping may not yet be known, there are clear significant risks that have been demonstrated. Hospitals are an integral player in addressing this public health problem. Community needs assessments have demonstrated the use of vaping products in young people is a significant concern.

### **Kathy Hanley, Behavioral health Director, Western CT Coalition:**

Ms. Hanley believes that flavors make vaping and tobacco products smell better and they reduce the harshness often experienced in combustible cigarettes. Efforts to ban flavored tobacco products have occurred at the federal and state level to minimize the attractiveness of these products to children. CT should follow the lead of its neighboring states and ban flavored nicotine and tobacco products.

### **Others in Support of This Bill:**

Ruth Canovi, Advocacy Director, American Lung Association in CT  
Maritza Bond, Director of Health, New Haven, CT  
Melissa McGarry, Parent

## **NATURE AND SOURCES OF OPPOSITION:**

### **Elizabeth Hicks, US Affairs Analyst, Consumer Choice Center:**

Ms. Hicks believes HB 6488 will do more harm than good. By banning flavors, consumers will be forced to go back to combustible cigarettes. Studies have shown vaping to be 95% less harmful than smoking combustibles, so having access to flavored vape products suggests fewer people will die of smoking related illnesses. Ms. Hicks also expresses concern for the growth of the black market if flavored products are banned. This bill, while well intentioned, is a misguided attempt to protect the public health.

**Jim Williams, CT Government Relations Director, American Heart Association (AMA):**

The AMA requests that the legislature either ban the sale of all flavors in all tobacco products or oppose passage of this bill. This bill does not go far enough and cannot be supported by the AMA. Heart disease is the #1 cause of death in Connecticut and smoking is a leading risk factor for this disease.

**Michael Madden, MD:**

Dr. Madden urges a common-sense approach to tobacco control efforts that address not only youth use of vapor products, but also the potential positive impact vaping products and electronic nicotine delivery systems and other non-combustible products have in helping adult smokers move away from smoking combustibles. While he agrees with the CDC and the FDA that youth should not smoke anything at all, he acknowledges that young people will do what they want despite adult protests. This bill limits smoker's access to a safer product without any evidence suggesting it will have any impact on the prevalence of youth vaping.

**Other Testimony in Opposition to This Bill:**

Mohammad Shahid Khan, President, Shahani, Inc Tobacco Products

Mark Krauchick, Standard Petroleum

Jeff Allen, CEO, National Convenience Distributors

Joseph Lewis

Nikki Kollie, Director of Legislative Affairs, CEMA

Tim Andrews, Americans for Tax Reform

**Reported by: David Rackliffe**

**Date: 3/28/2023**