



# STATE OF CONNECTICUT

## DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

*A HEALTHCARE SERVICE AGENCY*

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GOVERNOR

THOMAS A. KIRK, JR., Ph.D.  
COMMISSIONER

### **Memorandum:**

TO: Judiciary Committee

FROM: Thomas A. Kirk, Jr., Ph.D.  
Commissioner, DMHAS

DATE: March 13, 2006

SUBJECT: **Written Comments on H.B. 5653, An Act Prohibiting the Possession of Tobacco by Minors**

Nicotine from tobacco smoke is one of the most highly addicted substances we have in this country:

- More than 400,000 deaths in the U.S. each year are attributed to cigarette smoking, making it the leading preventable cause of death. In Connecticut, more than 5,400 people annually die from smoking-related diseases.
- Smoking increases the risk of heart disease, cancer, stroke, and chronic lung disease. Heart disease is the leading cause of death in the US and in Connecticut, and the leading cause of heart disease is smoking.
- Approximately 80% of chronic obstructive pulmonary (COPD) and emphysema deaths are attributable to smoking.
- Lung cancer results from long-term tobacco use and, it is the most common form of cancer mortality in the U.S. accounting for 80-90% of all cancer deaths. Connecticut's lung cancer death rate was 53.8 per 100,000 population in 2001.
- Environmental tobacco smoke increases the risk for heart disease and lung cancer among nonsmokers.
- Careless smoking is the leading cause of fatal fires in the U.S.
- The social costs per year of tobacco use in the United States were estimated to be \$177.2 billion in 2001, including those attributed to lost productivity and medical expenditures.

In recognition of the need to reduce these societal costs and prevent nicotine addiction in youth, in July 1992, Congress enacted the SYNAR amendment. The amendment was aimed at decreasing access to tobacco products among individuals under the age of 18 and requires states to enact and enforce laws prohibiting any manufacturer, retailer or distributor from selling and distributing tobacco products to individuals under the age of 18. The ultimate goal of this amendment is to reduce the number of tobacco outlets selling to minors to no more than 20% in each state. Synar regulation issued in January 1996 defines state requirements for conducting unannounced inspections of tobacco vendors to assess their compliance with state's access law. Annual reports are to the Secretary of Health and Human Services describing that year's enforcement activities, the extent to which the state reduced the availability of tobacco to minors, and a strategy and timeframe for achieving and maintaining inspection for a rate of no more than 20%. If Connecticut does not meet its target reduction, we may lose one percent of our federal block grant dollars for each percent that we are over 20% of the minimum threshold.

In 1996 the Connecticut legislature brought about major changes in youth access laws that placed restrictions on the sale of tobacco products through cigarette vending machines. During 1995 our department intensified its tobacco enrollment by developing a tobacco prevention project. In 1996, in accordance with federal regulations, Connecticut developed and implemented an annual inspection program to measure the rate at which retail outlets illegally sell tobacco products to individuals under age 18. Results from the 1996 survey, the initial baseline, found that the non-compliance rate was at 70% and that was the national target at that time. Our efforts have been very successful. Since 1996 we have met the federal criteria in each year. The target has decreased gradually down to 20%. In 2004 our buy-rate was 18% and we are pleased to announce that the 2005 buy-rate was 10.7%, the lowest since these inspections began.

Connecticut's success in reducing underage youth access to tobacco can be credited to its over 100 partnerships with local law enforcement agencies, its annual merchant education campaign and local community efforts to increase awareness of the seriousness of nicotine addiction. However, as a state, current tobacco use rates among youth are still alarming. While current cigarette use among youth in CT has fallen to match the national rate of 15%, over the last 9 years, recent surveys show that approximately 10% of middle schools and 27% of high school students currently smoke.

Environmental strategies such as imposing fines are effective in bringing about desired behaviors. These strategies have worked in reducing the rate at which the state's tobacco merchants sell and we have no doubt that they will work to reduce youth smoking. Moreover, imposing fines are supported by law enforcement agencies which have stated in testimonies to our department their helplessness at inaction when witnessing youth smoking or lying about their age to obtain cigarettes.

Thank you for the opportunity to submit written testimony on HB 5653. I would be happy to meet with you in future, or to provide additional information on this matter, as needed.