



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE PUBLIC HEALTH COMMITTEE February 26, 2007

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House Bill 5078 - An Act Prohibiting the Possession of Tobacco by Minors

The Department of Public Health provides the following information with regard to House Bill 5078.

The intent of this bill is to make possession of tobacco by a minor an infraction that would result in a fine. There is insufficient evidence to support the efficacy of policies that make possession of tobacco by a minor subject to citation or fine. Although many states have established such policies, there is little indication that there is any measurable positive outcome, such as a decrease in youth usage.

Such policies can deflect responsibility for illegal tobacco sales away from the retailer to underage youth. In 2005, approximately 68% of CT middle school students and 56% of CT high school students under the age of 18 were not asked for proof of age when purchasing cigarettes in a store. Approximately 65% of CT middle school students and 58% of CT high school students under the age of 18 were permitted to purchase cigarettes illegally in a store. These data suggest that retailer compliance is a significant issue in CT.

Research has also verified that there is a tendency for law enforcement efforts to primarily focus on youth possession (90%) rather than retailer compliance (6%). Increased emphasis on enforcement, coupled with laws against possession of tobacco by minors, may result in enforcement resources being selectively funneled to apprehending underage smokers rather than penalizing the merchants who sell tobacco to these minors. Furthermore, this policy would prevent the use of minors in retailer compliance checks, again shifting the focus away from retailer enforcement.

In addition to enforcement concerns, there are also concerns regarding the targeting of a population that has a disproportionate exposure to tobacco use. Youth smokers are twice as likely to have a smoker living in their home than youth who have never smoked. The punitive nature of imposing penalties and fines is not likely to counter behaviors that are often sanctioned and /or learned at home, nor will it prevent youth from having access to tobacco.

Implementation of this bill could deflect tobacco control efforts aimed at known effective youth prevention strategies (i.e. media campaigns) to an unenforceable and punitive approach, which has not been proven to be an effective technique to reduce underage tobacco usage.

Thank you for your consideration of the Department's views on this bill.

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