



March 1, 2016

Senator Terry Gerratana (Chairperson)
Representative Matthew Ritter (Chairperson)
Joint Public Health Committee Members
State Capitol
Hartford, CT 06106

Dear Chairperson Gerrantana, Chairperson Ritter, and Joint Public Health Committee Members:

As the Executive Director and legal counsel of the National Association of Tobacco Outlets, Inc. (NATO), a national retail tobacco trade association, I am submitting this letter on behalf the association and the member retail stores located in Connecticut. Please consider these comments as testimony in opposition to Senate Bill 290, which would increase the legal age to 21 for the purchase and sale of tobacco products and electronic smoking devices.

Raising the Age to 21 Will Not Prevent Minors From Obtaining Tobacco

Raising the legal age to 21 to purchase tobacco products as proposed in Senate Bill 290 would not solve the real underlying issue of reducing the health consequences related to underage youth tobacco usage. The real issue that Senate Bill 290 does not address is the longstanding problem of complicit adults obtaining and providing tobacco products to underage individuals. Such adults are known as “social sources” and the widespread prevalence of social sources is supported by a study published in the August, 2014 issue of the Journal of School Health which found that 86% of underage youth obtain tobacco products from older friends, adult age siblings, parents, and even strangers who purchase tobacco products for them.¹

Joint Public Health Committee Should Take a Leadership Role on Social Sources

As state elected officials, I urge the members of the Joint Public Health Committee to take a leadership position and work with advocates and retailers to combat the real source of tobacco products for minors. Until the issue of social sources is recognized as the main problem with underage access to tobacco products and appropriate steps are taken to reduce the availability of tobacco through complicit adults, Senate Bill 290 will only serve to penalize law-abiding retailers by reducing the sale of legal tobacco products to adults of legal age.

¹ Jones, S.E. and Caraballo, R.S., Usual Source of Cigarettes and Alcohol Among US High School Students, Journal of School Health, Vol 84, Issue 8, pp 493-501, August 2014. A chart depicting these results is attached.

Since Senate Bill 290 focuses on retailers and prohibits them from selling tobacco products to anyone under the age of 21, the bill is based on a false presumption that retailers routinely violate the law and sell tobacco products to youth under the age of 18. This false presumption should not serve as the basis for passing legislation aimed at protecting the health of underage individuals. Rather, NATO and its Connecticut retail members urge each of you to refocus these commendable legislative efforts by taking action to educate the public not to serve as a social source of tobacco products. The problem of social sources has been around as long as there have been teenagers and the retail community should not continue to be the target of legislation to further reduce youth tobacco use when retailers are rightfully part of the solution.

Connecticut Will Lose Excise Tax Revenue Annually if Senate Bill 290 is Enacted

Raising the legal age to 21 will shift the buying habits of adults who are 18, 19 and 20 years old to purchasing tobacco products over the Internet or traveling to Massachusetts, New York, or Rhode Island that have a legal age law of 18 years old. As a result, an impact of raising the legal age will be a loss of excise tax and sales tax revenue to the State of Connecticut.

For comparison purposes, the New Jersey Office of Legislative Services issued a fiscal impact analysis last year that found Senate Bill 602, which proposed 21 as the legal age to purchase tobacco in New Jersey, would reduce cigarette and tobacco excise tax and sales tax revenue by \$19 million annually. I acknowledge that Connecticut has approximately half the population of New Jersey, but Connecticut's current legal age is also 18 while New Jersey's legal age is higher at 19, which means a larger adult age group would be affected if Senate Bill 290 is enacted. For your reference, a copy of New Jersey fiscal impact analysis accompanies this letter.

Adults Should Be Allowed to Purchase and Use Legal Products

Since tobacco products are legal under federal and state law, the personal liberties of all adults, regardless of age, need to be considered because government and society impose responsibilities and duties on those who have reached the age of 18 such as voting, military service, marriage, payment of income taxes, health insurance requirements, and candidacy for public office. The magnitude of these rights and responsibilities demonstrate that 18 years is the age at which a person becomes an adult and they should be afforded the right to make decisions as an adult.

Again, we respectfully request that you not support Senate Bill 290 and in the alternative that other solutions be pursued to begin to solve the problem of social sources of tobacco products. Thank you for your time and consideration.

Sincerely,

National Association of Tobacco Outlets, Inc.

Thomas A. Briant

Executive Director and Legal Counsel

