

# Public Health Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5289

AN ACT CONCERNING THE DEPARTMENT OF PUBLIC HEALTH'S

**Title:** RECOMMENDATIONS REGARDING THE CLEAN INDOOR AIR ACT.

**Vote Date:** 3/26/2018

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/20/2018

**File No.:** 436

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## **SPONSORS OF BILL:**

Public Health Committee  
Department of Public Health

## **REASONS FOR BILL:**

HB-5289 modifies Connecticut's Clean Indoor Act by, among other things, clarifying that when the law bans smoking and e-cigarette use in any area of a building, facility, or establishment, it includes the interior of the space, as well as the outside area within 25 feet of any doorway, operable window, or air intake vent. The bill also prohibits smoking and e-cigarette use in any area of a school building or on school property, instead of only within a school building while school is in session or student activities are being conducted, as under current law.

Additional prohibitions include smoking and e-cigarette use in any public housing project constructed on or after October 1, 2018, and allows any public housing project or tenement house landlord to include a provision in the rental agreement that prohibits smoking or e-cigarette use. Under current law all public housing projects are exempt from the smoking ban. Under the new law, exempted from the smoking ban would be "tobacco specialists" which are businesses that sell tobacco products and generate at least 75% of their annual gross income from on-site sales of tobacco products and rental on-site humidifiers. The bill also prohibits hotel and motel operators from allowing guests to smoke or use e-cigarettes in their rooms, and it prohibits employers from designating smoking and e-cigarette areas inside business facilities, which is generally allowed under current law.

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

**Raul Pino, Commissioner, Connecticut Department of Public Health:**

The Department of Public Health (DPH) supports the bill and thanks the committee for raising this important issue. The proposed modifications contained in HB-5289 to the Clean Indoor Air Act are evidence based strategies recommended by the Centers for Disease Control and Prevention and the U.S. Surgeon General. These recommendations have been shown to protect nonsmokers from exposure to secondhand smoke, reduce tobacco use initiation among youth, assist smokers in quitting, and prevent tobacco related illness and death. HB-5289 also applies the proposed enhancements to electronic nicotine delivery systems (ENDS), vapor products and liquid nicotine containers. The aerosol produced by ENDS can contain ingredients such as nicotine, ultrafine particles, volatile organic compounds such as benzene, and heavy metal such as lead. These ingredients are harmful to the person that is vaping, and potentially harmful to the public's health.

There is no safe level of exposure to secondhand smoke, and comprehensive Clean Indoor Air laws are one of the most effective interventions to protect non-smokers from the health effects of secondhand smoke. Establishing smoke-free environments is the only proven way to prevent exposure, as research has shown that secondhand smoke cannot be controlled by ventilation, and creating separate areas does not eliminate the hazard of exposure to secondhand smoke.

#### **State of Connecticut, Judicial Branch, External Affairs:**

The Connecticut Judicial Branch requests a clarification of HB-5289. The new Section 3(b) provides that "any area" means "the interior of the facility and the outside area within twenty-five feet of any doorway, operable window or air intake vent of the facility." To avoid confusion, the Judicial Branch suggests that all of the sections in this bill that contain the phrase "any area" should include the clarifying language in the new Section 3(b).

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

##### **Pamela Mautte, President, Connecticut Prevention Network:**

The Connecticut Prevention Network (CPN) supports the bill. CPN encompasses five Regional Behavioral Health Action organizations that focus on prevention efforts including gambling, substance abuse, and suicide prevention. For the past 20 years, CPNA has worked on tobacco issues. There has been a significant reduction in smoking among youth and adults as a result of comprehensive tobacco policies and programs that have been implemented throughout the state. CPN supports this legislation because it begins to treat electronic cigarettes as a health risk. As evidenced by the numbers, youth across the state have taken up using electronic cigarettes and the online availability has allowed for the easy sale to minors. HB-5289 and SB-164 will help combat the significant rise of e-cigarette smokers among Connecticut's youth.

##### **Central Connecticut Health District:**

The Central Connecticut Health District (CCHD) Board of Directors supports HB-5289. Smoking bans were established because of overwhelming data on the risks of secondhand smoke. The implementation of these bans has improved air quality and decreased the exposure to tobacco smoke. These laws have saved lives. Currently, there is data suggesting that e-cigarettes have negative health effects similar to those from cigarettes and other

tobacco products, including the accompanying secondhand effects. The addition of places where tobacco will be banned will protect workers, children and families.

**Nancy Alderman, President, Environment and Human Health, Inc.:**

The Environment and Human Health, Inc. (EHHI) supports the bill. E-cigarette vapors can impair behavior, harm the immune system, harm male sperm and threaten heart health. A growing number of studies found that various liquids used in e-cigarette flavoring have been associated with lung problems ranging from irritation to a rare but serious lung disease. The public should not have to breathe in the harmful exhausts of ENDS.

**Connecticut Hospital Association:**

Connecticut Hospital Association (CHA) supports HB-5289. Caregivers in Connecticut hospitals see firsthand the impact of smoking related disease and illness and, because of this, CHA endorses common sense public policy initiatives that reduce smoking by youths. The Clean Indoor Air Act has helped to educate the public to understand the dangers of smoking and the accompanying negative impact of secondhand smoke. The proposed bill will protect and enhance the health and wellbeing of Connecticut's residents and visitors.

**Day Kimball Healthcare:**

The Day Kimball Healthcare (DKH) supports HB-5289. This legislation, which enhances the 2003 Clean Indoor Air Act, is another significant step toward reducing the incidence of smoking in Connecticut. Day Kimball Healthcare implemented these measures on their campuses in 2010 and became smoke-free in order to protect patients, visitors and staff from secondhand smoke, and encourage healthy lifestyles. Since then, DKH has provided hundreds of hours of no cost smoking cessation programs to staff of local employers as well as community at large. DKH became a Designated Lung Cancer Screening Center in 2016. This designation allows them to offer low-dose CT lung cancer screening to provide early detection for lung cancer. Day Kimball Healthcare urges the committee to pass the Department of Public Health's recommended amendments.

**Western Connecticut Health Network:**

The Western Connecticut Health Network (WCHN) supports the bill. According to the Center for Disease Control, smoking leads to disease and disability and harms nearly every organ of the body. It is also the leading cause of preventable death, and costs the United States billions of dollars each year in healthcare costs. In Connecticut, approximately 56,000 children alive today will ultimately die prematurely from smoking related diseases. The best way to reduce harm caused by smoking is to simply abstain from smoking. This bill and SB-164 offer additional steps to address this leading cause of preventable death. WCHN urges the Public Health Committee to pass this legislation.

**Griffin Hospital:**

Griffin Hospital supports HB-5289. The intent of this legislation is consistent with Griffin Hospital's efforts to clear the air in and around its buildings. In 2008, Griffin became one of the first hospitals in Connecticut to implement a smoke-free campus. The hospital also offers

a series of smoking cessation programs for its employees and the public. Griffin hospital created a Low Dose Lung Cancer Screening Program in 2013. Through this program, 22 cancers were detected. Prior to the program's inception, the majority of lung cancer diagnoses in the community were found at stage 3 or 4 when the disease was symptomatic and the treatment options were often more aggressive and less successful. The program has reversed the curve of diagnosing lung cancers with the majority of cancers identified through the program in stages 1 or 2, when the cancer can be more successfully treated or even cured. However, no program or medicine is as beneficial as simply abstaining from smoking and eliminating secondhand smoke. For these reasons, Griffin hospital urges the committee to pass this legislation.

**NATURE AND SOURCES OF OPPOSITION:**

None provided.

**Reported by: Valentina Mehmeti**

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