



**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE
PUBLIC HEALTH COMMITTEE
Monday, March 4, 2019**

**HB 7200, An Act Prohibiting The Sale Of Cigarettes, Tobacco Products,
Electronic Nicotine Delivery Systems And Vapor Products To
Persons Under Age Twenty-One**

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning **HB 7200, An Act Prohibiting The Sale Of Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems And Vapor Products To Persons Under Age Twenty-One**. CHA supports this bill and respectfully requests a definitional change to eliminate current confusion related to the use of vapor product and medical devices.

Before commenting on the bill, it's important to point out that Connecticut hospitals and health systems provide high quality care for everyone, regardless of their ability to pay. They do more than treat illness and injury. They build a healthier Connecticut by improving community health, managing chronic illness, expanding access to primary care, preparing for emergencies, and addressing social determinants of health. By investing in the future of Connecticut's hospitals, we will strengthen our healthcare system and our economy, put communities to work, and deliver affordable care that Connecticut families deserve.

Among other provisions, HB 7200 would raise the statewide legal age to buy tobacco – including vaping and Electronic Nicotine Delivery products – from 18 to 21. We know that the best way to reduce health-associated harm caused by smoking is to abstain from smoking altogether or, at a minimum, delay the start of smoking. Recent data show that more than 10 percent of Connecticut high school students smoke, and 1,300 Connecticut children under the age of 18 become new daily smokers each year.¹ National data show that about 95 percent of adult smokers began smoking before they turned 21, and approximately 80 percent of adult smokers first tried smoking before the age of 18.² Tobacco use is a pediatric epidemic, as most tobacco use starts in the high school years.² Eighty percent of youth smokers will become adult smokers, and one-half of adult smokers will die prematurely from tobacco-related diseases.²

HB 7200 would also ban the use of flavoring in tobacco and vaping products. Flavoring is added to tobacco and vaping products to make an otherwise unpleasant experience for young and first-time users more tolerable, thus increasing the opportunity for repeat usage, which will ultimately lead to addiction, a lifetime of decreased health, and an untimely death.

Although CHA remains wholeheartedly supportive of HB 7200, we have a concern that the definition of vapor product in various statutes referenced or amended by HB 7200 is too broad and will interfere with patients and providers being able to purchase legitimate therapeutic and medical products, such as nebulizers for asthma.

In an effort to ensure that nicotine alone is not the only deciding factor in identifying and controlling smoking and recreational vaping products, various laws have included a very broad definition of “vapor product.” Unfortunately, the definition is too broad because it extends to necessary and safe medical products and equipment that providers and consumers need to be able to access freely.

We urge that every statutory definition that seeks to limit use and access for “vapor products” include an express exemption for medical and therapeutic products and equipment. We respectfully request that the definition of vapor product in 19a-342a (a public health statute addressing smoking and vaping, which is referenced in HB 7200) be changed to read as follows:

(4) “Vapor product” means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine, that is inhaled by the user of such product, but shall not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a health care setting; (B) used by or administered to a patient, as prescribed or directed by a licensed health care provider in any setting; or (C) FDA-approved as a drug, biological product, device, or combination product.

For clarity, we also ask that the above definition be included in lines 557-561 (Section 11, which amends section 53-344b), 682-686 (Section 12, which amends section 21a-415) and lines 886-887 (Section 14, which amends section 21a-416).

On a daily basis, caregivers in Connecticut hospitals see firsthand the impact of smoking-related disease and illness and, because of this, we wholeheartedly endorse common sense public policy initiatives that reduce or delay the start of smoking by youths. If passed into law, Connecticut would join a number of major American cities, including New York City, Chicago, Cleveland, Portland (Maine), Albany (New York), and the two Kansas Cities (Missouri and Kansas), as well as in the states of Massachusetts, California, Hawaii, Maine, New Jersey, and Oregon in raising the age from 18 to 21 for the purchase of tobacco and vaping products.

Thank you for your consideration of our position. For additional information, contact CHA Government Relations at (203) 294-7310.

¹ The Toll of Tobacco in Connecticut. Campaign for Tobacco-Free Kids. Last updated 11/17/17. Accessed at <https://www.tobaccofreekids.org/problem/toll-us/connecticut-on-1/12/18>.

² United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>; see also Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, Washington, DC: The National Academies Press, 2015, <http://iom.nationalacademies.org/Reports/2015/TobaccoMinimumAgeReport.aspx>.