

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-6110

AN ACT CONCERNING THE ONLINE SALE AND DELIVERY OF ELECTRONIC
Title: NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS.

Vote Date: 3/11/2021

Vote Action: Joint Favorable Substitute

PH Date: 2/4/2021

File No.:

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SPONSORS OF BILL:

Committee on Children
Sen. Marilyn V. Moore, 22nd Dist.

REASONS FOR BILL:

This bill protects the youth of Connecticut by regulating the selling of nicotine from online sources. It will require identification at the time of purchase and confirmation that the identification matches with the payment method.

On line 14 language is added in order to better explain how the identity of a person must be checked by asking the consumer to provide a valid motor vehicle operator's license or valid identity card.

RESPONSE FROM ADMINISTRATION/AGENCY:

There is no response from administration/agency to this bill offered.

NATURE AND SOURCES OF SUPPORT:

Kate Rumbaugh, Vice President State Government Affairs from Juul Labs: The Labs testified in favor of this bill. Kate brought some data such as the fact that according to the National Youth Tobacco Survey the use of e-cigarettes has decreased 29% from 2019 to 2020. She suggests that:

- This bill “could be improved by giving delivery sellers the option to meet age-verification requirements by having the personal consumer information be verified through an independent, third-party that uses commercially-available databases, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification.”
- Further, “to complement these provisions and accelerate the decline in underage use of vapor products, H.B. 6110 should be amended to include advanced age-verification requirements for the sale of vapor products at brick-and-mortar retail stores.”
- Technology can help improve illegal sales to underage people. “For example, retailers now can incorporate automated quantity-purchase limits and electronic scanning of government-issued IDs to verify age and ID validity automatically, before completing purchases with consumers.”
- In addition, the leading 25 point-of-sale (POS) systems already offer age verification capability, and approximately 95% national convenience stores and 70% of independent stores already have a POS system in place.
- A study proves that before technology based systems, the “overall failure rate for age-verification was 36.8%, however, this failure rate fell to 0.2% after implementation”.

Geralyn Laut, Executive Board Member of Amplify: Geralyn testified in favor of this bill. Geralyn mentions statistics where 480,000 deaths per year are attributed to tobacco use with nearly 5,000 of them being in CT. She also states how research can attest that nicotine alone is harmful to developing brains and “even short term sporadic use can lead to a lifelong addiction and an increased susceptibility to alcohol dependence and other drug use”. In addition, she also brings up the fact that nicotine “drives a person to continue a harmful behavior despite the known consequences, regardless of the expense financially, socially or physically.”

Kelly Juleson-Scopino, Co-President & Chief External Affairs Office for The Governor’s Prevention Partnership: The Partnership is testifying in favor of this bill. She opens her argument with two statistics that state, “alcohol sales have increased in stores by 29% since late March – and 291% through online sales”. She talks about personal experiences she had with mishandling of alcohol products, allowing for people under 21 to have access to such products. She would like the committee to consider providing “special funding for the Department of Consumer Protection and the Department of Mental Health and Addiction Services to do underage compliance checks to ensure that establishments that sold liquor and/or ENDS products were not selling to minors.”

Melanie Sue Collins, MD, Pediatric Pulmonologist and Alyssa S. Bennett, MD Adolescent Medicine Physician at Connecticut Children’s: Connecticut Children’s testified in favor of this bill. They opened their statement with some statistics such as “one JUUL pod can contain as much nicotine as 20 cigarettes” and “1 in 10 ninth graders and 1 in 5 twelfth graders are currently using e-cigarettes”. They state that according to the CDC, studies say that the early use of nicotine can lead to various addictions later in life, in addition, nicotine can harm the developing brain, which develops until the age of 25. They reiterate how important it is that the youth is shielded from these products which can cause lifelong implications.

Connecticut Department of Public Health: The department testified in favor of this bill. Some statistics data was brought from the 2019 Connecticut Youth Risk Behavior Survey showing that “27% of high school youth reported vaping in the past 30 days” and 59.3% of these people had access through a friend while 11.1% had access through the internet. It is mentioned that in 2010 the Prevent All Cigarette Trafficking Act (PACT) was passed by Congress, however since then there have been many changes to how this type of tobacco is distributed to society. Lastly, the Department also suggests “limiting purchases through shopping applications such as Drizzly and Postmates. It may be prudent to also limit purchases brokered through social media applications such as Snapchat. These can be additional avenues that youth are using to obtain their products.”

Nancy Alderman, President of Environment and Human Health, Inc.: Nancy testified in support of this bill. Through many quotes she emphasized the possible damages nicotine use can cause to the youth as well as how this addiction early in life can have effects in the youth’s future, not exclusively in their health but also in their school performance among others. She also remarks how important it is to keep e-cigarettes away from children and teens.

Jonathan Shaer, Executive Director New England Convenience Store & Energy Marketers Association: The Association testified in opposition to this bill. Jonathan states that there are many laws that currently control the selling of such products online such as the Prevent All Cigarette Trafficking (“PACT”) Act as well as “Preventing Online Sales of E-Cigarettes to Children Act” (which brought ENDS into the PACT Act). He also adds that the following are the requirements for the selling of any tobacco products online:

- Sellers must register with the Attorney General of the US via the Bureau of ATF
- Strict invoice reporting requirements
- May not be shipped through US mail
- May not weigh more than 10 pounds
- The age of the purchaser must be verified through commercially available databases
- Shipments must be signed for and by a person who presents proof of being of legal age
- Packages must be labeled as containing tobacco
- Must pay state taxes and comply with state law as if the sale occurred within the state including legal sales age.

NATURE AND SOURCES OF OPPOSITION:

None Expressed

Reported by: Gabriela Dos Santos

Date: March 24th 2021

