

Public Safety and Security Committee

JOINT FAVORABLE REPORT

Bill No.: SB-340

Title: AN ACT CONCERNING TOBACCO DEALER LICENSE RENEWALS.

Vote Date: 3/19/2024

Vote Action: Joint Favorable Substitute

PH Date: 3/7/2024

File No.:

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SPONSORS OF BILL:

Rep. Josh Elliott, 88th Dist.

Sen. Martin M. Looney, 11th Dist.

Rep. Ronald A. Napoli, 73rd Dist.

Rep. Greg S. Howard, 43rd Dist.

REASONS FOR BILL:

This bill permits municipalities to adopt an ordinance requiring a person applying for renewal of a tobacco dealer's license to simultaneously and in writing, inform the chief law enforcement official, or designee, of the application. It also will permit the chief or designee to submit comments regarding the application, within 15 days after receipt of the notice, and require the Commissioner of Revenue Services to consider such comments prior to approving such an application.

Substitute Language:

Language added in Sec. 3(a)(b)(c)(d)(e), explains the filing date, commissioner consideration of comments and what happens after the applicant files an application. Sec 3(d) explains what steps the residents take to give notice to the commission and the remonstrance timeline/expectations. Sec 3e deals with the fees.

RESPONSE FROM ADMINISTRATION/AGENCY:

None Expressed

NATURE AND SOURCES OF SUPPORT:

Luci Bango, Director of Health – Trumbull Health: Testified via correspondence in support of this bill. Luci testified that recent undercover police stings have identified several of these smoke shops selling tobacco products to minors under the legal age of 21 and more concerning is their illegal sales of marijuana products. Luci continued to testify that patterns of illegal sales of tobacco and marijuana products correlates with crime and poor public health outcomes. Luci cited that currently the smoke shops face fines for the sales for tobacco products and marijuana products to underage consumers, but there are no penalties to revoke licenses and close establishments for repeat offenders which perpetuates these sales.

Luci urges the committee to add a provision for community members to object to tobacco dealer license renewals like the remonstrance process outlined for liquor permit renewals in Section 30-39(4)(c).

Maritza Bond, Director of Health – City of New Haven: Testified in support of this bill via correspondence and in person. She testified as to the health risks involved with underaged utilization of tobacco products and marijuana products and the data collected regarding the continued and alarming trends of said use. She continued to testify that this bill is a critical step in addressing this issue by requiring police chiefs to approve tobacco licensing renewals. She noted that if tobacco establishments understand their licensing renewal is dependent on maintaining legal operations, there can be a reduction in the number of youth tobacco use rate and improved the health of the community. Also, adding the provision for residents to object to tobacco license renewals would empower community members to organize around public safety, health and quality of life concerns.

Gwendolyn Busch, Director – City of New Haven: Testified via correspondence in support of this bill. She also cited statistics including that of 16% of high school and more report current use if tobacco and roughly 2.5 million young people use e-cigarettes in 2022, not to mention the breathing in of the toxins and fine particles that damage lung tissues and causes cancer. She also cited that, hundreds of thousands of kids smoked hookah which is equivalent to smoking 100 cigarettes in a typical 1-hour session. Also, nearly 1 in 10 middle schoolers and 2 in 10 high schoolers used some form of smokeless tobacco and little cigars, often flavored, which is a growing favorite among young smokers. She also testified that there is no safe form of tobacco, especially for growing brains and bodies, and kids who use nicotine in adolescence can harm parts of the brain that control attention, learning, mood and impulse control and face a greater risk of other substance use disorders later in life. She stated that it is time we stand together to protect our future generation.

Deepa Camenga, MD - MHS: Testified in support of this bill via correspondence. She testified that as a practicing pediatrician and board-certified in addiction medicine, she has cared of hundreds of teens in the New Haven area who use tobacco products including e-cigarettes which contains nicotine. She cited data from 2021 CT School Health Survey showing that 1 in 10 high schoolers in CT have used tobacco in the past month. She has cared for children in the hospital who have experienced severe effects of tobacco use such as e-cigarette and vaping associated lung injuries and severe asthma exacerbations. Some as young as 11 have reported to her that they cannot stop vaping nicotine and meet the clinical criteria for a severe nicotine use disorder. Youth nicotine use is associated with poorer academic performance and increased risk of mental health disorders and future substance use disorders. If left untreated half of the people who regularly use tobacco will eventually die of tobacco-related illnesses. She urges the committee to add the community

members provision so that the community can object to tobacco dealer license renewals like the process outlined for liquor permit renewals.

Sandra Carbonari, MD FAAP – CT Academy of Pediatrics: Testified in support of this bill via correspondence. She cited 2020 statistics regarding high school students and middle schoolers reports of nicotine use and testified that as a primary care pediatrician and executive board member of the CT chapter of AAP, this bill will strengthen protections against tobacco dealers who repeatedly sell products to minors, and by enhancing the involvement of law enforcement it will deter tobacco dealer violations such as sales to minors and reduce the frequency of these violations. She also requests that this bill is a step toward protecting our adolescents and preadolescents from the harm caused by tobacco products.

Justin Elicker, Mayor – City of New Haven: Testified via correspondence and in person in support of this bill. He testified representing the interest of the city and the well being and safety of the entire state he wishes to convey his strong support for this proposed legislation. He advocates for penalties for the sellers as the current regulatory gap perpetuates underage tobacco use and contributes to a broader law enforcement challenges and community safety concerns. The mayor also cited 2019 stats supporting the need for this legislation and acknowledges the pivotal role law enforcement plays in safeguarding our communities especially our youth. Among other issues and reasoning he also argues for establishing a process for remonstrance petitions from within the impacted communities to object a tobacco license or renewal due to location or permittee unsuitability.

Erik Gonzalez, Manager – Grand Avenue SSD: Testified on behalf of the Grand Avenue Special Service District in support of this bill via correspondence, and in person. He testified that they believe that by introducing a provision requiring tobacco license renewals to be sent to municipal police chiefs before approval, there can be established a more comprehensive and effective mechanism for the review, vetting, and approval of establishments selling tobacco products. This will also serve as a vital tool in mitigating community violence understanding the importance of balancing business interests with public health and safety. He articulated that this proposed amendment is not intended to hinder legitimate businesses but rather to strengthen the partnership between local businesses and law enforcement in a shared commitment to community well-being. He also thinks that this additional layer of scrutiny will contribute to a more vigilant approach in identifying and addressing any concerns related to underage tobacco sales and associated criminal activities.

Karl Jacobson, Chief of Police – City of New Haven: Testified in support of this bill via correspondence and in person. Chief stated that as an agency responsible for public safety withing the city they take pride on consistently building and maintaining relationships with the community. They also observe the issues firsthand on patrol. He commented that this legislation will allow them to maintain the responsibility to the community to uphold law and order and provide safer and healthier communities and believes that this legislation will be one additional tool that can be used to manage problem establishments.

Kevin McCarty: Testified via correspondence in support of this bill. He testified that though most tobacco dealers may be law abiding, years after the minimum age for purchasing tobacco was raised to 21 the young people are still able to purchase them. He also testified that this bill would help identify the dealers selling to young people and will promote compliance with the law.

Sarah Miller, Alder – New Haven Board of Alders: Testified in support of this legislation via correspondence. She testified that one of New Haven's largest elementary-middle schools, Fair Haven School, is within walking distance of at least 8 businesses that sell tobacco. She routinely receives calls from parents and school staff about a couple of those establishments selling to underaged children (10-14 years old.) Parent finds the paraphernalia in their children's coat pockets and backpacks. The community struggles to address the situation because of the limited role of law enforcement and community members in the enforcement of tobacco permits.

She stated that her neighborhood was effective with objecting to a bar's liquor licenses revocation because the police department was able to weigh in with their objections and the community in which it was located filed a remonstrance petition with the CT Liquor Commission. They were successful in the bar's license being revoked and closing. She urges the committee to add a provision for community members to object to tobacco dealer licenses renewals like that outlined in the liquor permit renewals.

Caroline Smith, Alder of Ward – New Haven Board of Alders: Testified in support of this bill via correspondence. She echoed the sentiments and testimony of Alder Sarah Miller.

Jody Bishop-Pullan, Director of Health - City of Stamford: Testified via correspondence in support of this bill. She testified that her city has data to prove this current process does not hold the store owner accountable nor provide an incentive to comply. Allowing the local chief law enforcement official to provide comments on any tobacco dealer license renewals is a step in the right direction toward limiting access to tobacco products to youth. Allowing more community input into these licensing decisions is welcome

Jessica Thompson, School Nurse Practitioner – Fair Haven Community Health Center: Testified via correspondence in support of this bill. Reducing the use of any tobacco products (cigarettes, e-cigarettes, cigars, smokeless tobacco, hookah, pipe tobacco, and/or bidis) among adolescents is a national leading health indicator and high-priority Healthy People 2030 objective. Tobacco use is the leading cause of preventable disease and death in the United States, and nearly all tobacco use begins in childhood and adolescents. Nearly 9 out of 10 adults who smoke cigarettes daily first try smoking by age 18 (CDC, 2023).

Leslie Blatteau, President – NHFT Local 933: Testified in support of this bill via correspondence. She testified that as a social studies teacher, a mother, and a union leader, she looks for opportunities for partnering with elected officials to improve living conditions, learning conditions, and working conditions for the young people she teaches and represent. Though the smoking rates have steadily declined in the United States over the last several decades, the smoking rates for children in this remain a serious concern. These are dangerous habits, starting during adolescence, with lifelong consequences. We need strengthened protections against tobacco dealers who repeatedly sell products to minors and/or are associated with other law enforcement issues. This legislation is an opportunity to expand our capacity to ensure young people can no longer access tobacco in their local communities, close to the playgrounds, parks, and schools where they go every day.

Matt Brown, Principal – Wilbur Cross High School: Testified via correspondence in support of this bill. Matt testified that this bill responds to major public safety and public health challenges, especially underage tobacco uses and early addiction to tobacco products.

The expansion of smoke shops throughout the state and in vulnerable communities exacerbates underage tobacco use, which presents significant long-term health risks. Reliance on state intervention for enforcement misses the opportunity to fully utilize the knowledge of local law enforcement and local communities. Communities need strengthened protections against tobacco dealers who repeatedly sell products to minors and/or are associated with other law enforcement issues. Patterns of illegal activity in some tobacco dealer businesses, including some corner stores and smoke shops, also correlate with community violence. We need more organized and community support to lessen the opportunity for tobacco and tobacco related products to make their way into the hands of our youth. This bill can help.

Patrick Buturia, Sergeant – West Haven Police Department: Testified in support of this bill via correspondence. He stated that for the last four years he has served as the Department's Crime Prevention Supervisor, which encompasses the school's resource officers. In recent years they have observed a significant increase in vape products confiscated by staff during the daily opening. All the individuals in possession of these vape products are under the legal age to purchase them, and the kids revealed that purchasing vape products is relatively easy, and most places don't require ID. The PD has adopted numerous prevention tactics, upon hearing this.

In coordination with the West Haven Prevention Council and the Department of Mental Health and Addictions Services, our unit has conducted many unannounced compliance checks of our tobacco retailers. These compliance checks are controlled operations where underage teenagers are sent into an establishment to make a purchase of a vaping product. If the employee asks the underage teenager for proper identification, they have acted in accordance with State Law and no sale was permitted.

It should be noted that during these inspections for tobacco or vape sale violations, our unit has discovered numerous vape shops to be illegally and unlawfully selling marijuana and THC products. This bill will further strengthen prevention efforts and afford the Chief of Police the opportunity to have input into the renewal process.

Juan Candelaria, Deputy Speaker – CT General Assembly: Testified via correspondence and in person in support of this bill. This pervasive issue not only violates the law but also harms the communities, particularly the youths. Too often, offenders face no consequences, perpetuating addiction among our children, and this bill is a critical step towards holding them accountable. He further stated that this bill aims to discourage breaches of tobacco licensing laws, as well as illegal activities occurring within the tobacco-selling establishments. Presently, while frontline sellers may incur fines for transgressions, there are no repercussions specific to licensing. He urges all committee members to heed the voices of supporters and prioritize the well-being of the youths by passing this bill.

Rebecca Cramer, Chair – WEB Community Management Team: Testified in support of this bill via correspondence. She testified that she has seen 5 new smoke shops open on Whalley Avenue. The New Haven Police Department has greater knowledge of the community and has officers patrolling Whalley Avenue throughout the day, and this bill presents an opportunity to engage the local police more effectively in enforcing the laws around tobacco sales. This bill would also allow community members more input into which businesses could have their licenses renewed. Community members are often the most knowledgeable which businesses are not compliant and contributing to other issues impacting the community negatively. She urges members of the committee to also add a

provision for community members to object to tobacco dealer license renewals, like the remonstrance process outlined for liquor permit renewals in Sec. 30-39(4)(c), which would allow community groups to share concerns.

Carlos Eyzaguirre, Deputy EDA – City of New Haven: Testified via correspondence in support of this bill. He testified that while tobacco license violations, including for sales to minors, carry fines for frontline sellers, they do not carry penalties for licensees per se or higher penalties for repeat offenders. He believes that the punishment for repeatedly selling tobacco products to minors is insufficient and the fines/penalties should increase as the offenses increase/repeat. This bill begins to address the problem by permitting municipalities to adopt an ordinance requiring a tobacco dealer's license renewal applicant to inform its chief law enforcement official, or such designee, permitting such official or designee to submit comments regarding the application, and requiring the Commissioner of Revenue Services to consider such comments prior to approving such an application. He suggested that in order to improve this proposed legislation, the City of New Haven respectfully requests that the Committee establish a process for remonstrance petitions from the community to object to a new or renewed tobacco license due to unsuitability of the location or permittee, like that for liquor renewals.

David Hunter, President & CEO – Mary Wade Home: Testified via correspondence in support of this legislation. He testified that communities need strengthened protections against tobacco dealers who repeatedly sell products to minors and/or are associated with other law enforcement issues. Patterns of illegal activity in some tobacco dealer businesses, correlate with community violence. He believes that enhanced involvement of law enforcement will deter tobacco dealer violations, such as sales to minors, which will in turn reduce the frequency of these violations – as well as deter other illegal activity and community violence in tobacco-selling establishments

Sen. Martin Looney, President Pro-Tempore: Testified twice via correspondence in support of this bill. He testified that currently, frontline sellers face fines for such violations, yet there are no license penalties and no possible escalation of penalties against repeat offenders. This legislation would require that tobacco license renewals be sent to municipal police chiefs for review which would provide law enforcement with the tools to ensure that businesses that sell tobacco products do so in a manner that does not violate the law. He would support adding a provision that allows residents to object to tobacco license renewals in their communities which would empower community members to raise public health and quality of life concerns.

Patrick McCormack, Director of Health – Uncas Health District: Testified in support of this bill via correspondence. He cited statistics for 2021 CT School Health surveys and the current use of cigarettes among high school students being at 1.3% down from 17.8% in 2009 and the increase in e-cigarette smoking or vaping among the same age group. In the last few years, there has been an expansion of smoke shops throughout the state — particularly in vulnerable communities. Strengthening the role of municipal police chiefs in the tobacco license approval and renewal processes will allow for appropriate review, vetting and approval of establishments. Enhanced law enforcement involvement will play a role in deterring tobacco dealer violations, such as sales to minors, and reduce the frequency of these violations.

Benjamin Oldfield, VP of Clinical Affairs – Fair Haven Community Health Care: He testified in support of this bill via correspondence. He testified that as a practicing board certified pediatrician, internal medicine and addiction medicine he sees first-hand the impact that e-cigarettes and other smoking devices have on children in CT. Screening adolescents for unhealthy substance use, e-cigarettes and other smoking devices are the most frequent topic that arises in the exam room. Among Connecticut high-school students, survey data suggests that about 1 in 9 endorse having used a tobacco product in the prior 30 days. This is likely an underestimate of the use of vaping devices overall, which may be used for marijuana and other non-tobacco products. Access to these products is too enticing, too easy, and with too little oversight. He thinks this bill is a simple, and quite modest, first step at a solution to this grave problem, and urges the community members involvement in dealer renewals.

Frank Redene, Youth Coordinator – Alder – NHPS-CTVIP: Testified in person and via correspondence in support of this bill. He testified that in his role as youth development coordinator at Fair Haven School he cannot count how many times he has confiscated vapes from 10 and 11-year-olds who purchased them illegally from the stores. The sale of such items to underage kids degrades the neighborhood in his opinion. Most smoke shops and corner stores in his community also contribute and enable the drug trade. They allow dealers to hang out in and in front of their stores, sometimes stashing bundles of narcotics in the store when police are around. Too often arrests for drugs and shootings are made in and around the same stores that sell to underage kids. Some illegal, unregulated marijuana products with excessive THC amounts, and the synthetic forms are also sold to children. He also testified witnessing several students near overdose from synthetic marijuana's sold at smoke shops. More than 90% of them are operated by people who do not live in the neighborhood and generally show that they do not care for the well-being of these neighborhoods.

Sakinah Suttiratana, Reseacher – Citizen of Stamford: Testified via correspondence in support of this bill. She testified as a public health practitioner who has also conducted research on tobacco related inequities and health disparities as a faculty member of the Yale School of Medicine and Yale Cancer Center. Expansion of smoke shops throughout the state exacerbates underage tobacco use which presents significant long-term health risks. Youth and young adults are targets of industry marketing for various tobacco and nicotine products and are more likely to initiate use of tobacco products. Since tobacco use remains the largest modifiable risk factor that can reduce the burden of cancer deaths and deaths and illness caused by other tobacco-related illnesses, it is important that we ensure that communities can help decide about whether they would like to spend money up front on reasonable measures to fairly locate, renew and monitor tobacco dealer licenses or on the back end where tobacco exposures cause suffering including death, but also contribute to inequitable burdens of underage tobacco sales, second- and third-hand smoke, and poor air quality.

NATURE AND SOURCES OF OPPOSITION:

None Expressed

Reported by: Michelle Adams

Date: 3/26/2024