



**TESTIMONY OF  
CONNECTICUT HOSPITAL ASSOCIATION  
SUBMITTED TO THE  
PUBLIC HEALTH COMMITTEE  
Friday, March 6, 2020**

**SB 244, An Act Prohibiting The Sale Of Cigarettes, Tobacco Products,  
Electronic Nicotine Delivery Systems And Vapor Products By  
Health Care Facilities And Pharmacies**

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning **SB 244, An Act Prohibiting The Sale Of Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems And Vapor Products By Health Care Facilities And Pharmacies**. CHA supports strong tobacco-control measures, whether it be through municipal ordinances, workplace policies, or state and federal laws. As such, CHA supports SB 244, but respectfully requests that the bill be amended to address a concern we have with the definition of *electronic nicotine delivery system*.

Before commenting on this bill, it is important to point out that Connecticut hospitals and health systems provide high quality care for everyone, regardless of their ability to pay, and work to improve the health of those who live in our communities. Supporting Connecticut's hospitals strengthens our healthcare system and our economy.

In 2019, under the leadership of this Committee, the state of Connecticut passed a law that raised the legal age to buy tobacco products from 18 to 21. CHA and its member hospitals were supportive of that proposal and commend the General Assembly and the Governor for their leadership on that issue. Similarly, CHA looks forward to working with state policymakers to ensure that any proposed tobacco-control bill achieves the goal of improving the health and well-being of Connecticut residents, while ensuring that there are no unintended consequences to healthcare providers or patients.

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. SB 244 would prohibit any healthcare facility or pharmacy from selling cigarettes, tobacco products, electronic nicotine delivery systems, or vapor products, thus limiting the availability of products that cause harm.

CHA respectfully requests that you consider amending the definition of *electronic nicotine delivery system* to avoid interference with the use of nebulizers and other medicines and therapies.

Section 21a-415 of the general statutes contains a carve-out for medical devices and therapeutic products. We request that language be included in any proposed legislation that defines banned devices or substances. The suggested language is below:

*"Electronic nicotine delivery system" does not include a medicinal or therapeutic product that is (A) used by a licensed healthcare provider to treat a patient in a healthcare setting, (B) used by a patient, as prescribed or directed by a licensed healthcare provider in any setting, or (C) any drug or device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said Act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the United States Food and Drug Administration;"*

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