

**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO HARTFORD
COURT OF COMMON COUNCIL
Tuesday, February 16, 2021**

Hartford City Ordinance: Banning The Sale Of Flavored Tobacco Products

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning the City of Hartford's proposed ordinance banning the sale of certain flavored tobacco products within the jurisdiction of the City of Hartford. CHA supports strong tobacco-control measures, whether it be through municipal ordinances, workplace policies, or state and federal laws.

Before commenting on the proposed ordinance, it is important to point out that Connecticut hospitals provide high quality care for everyone, regardless of their ability to pay. They do more than treat illness and injury. They strive to improve health and well-being by identifying and leveraging new and more effective ways to improve community health, manage chronic illness, expand access to primary care, and address social determinants of health.

In 2019, Hartford became the first municipality to propose and pass an ordinance that raised the legal age to buy tobacco within the city's boundaries from 18 to 21. CHA and its member hospitals in Hartford were supportive of that ordinance and commend the City Council and the Mayor for their leadership on that issue. Similarly, CHA looks forward to working with City policymakers to ensure that any proposed ordinance to ban flavoring in tobacco products achieves the goal of improving the health and well-being of Hartford residents, while ensuring that there are no unintended consequences to healthcare providers or patients.

CHA respectfully requests that you consider amending the definitions of *electronic smoking devices* and *tobacco products* to avoid interference with the use of nebulizers and other medicines and therapies within the city's boundaries. 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 city ordinance that defines banned devices or substances. The suggested language is below:

“Electronic smoking device 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;”

“tobacco product 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;”

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. We also know that added flavoring in tobacco products entices more users and makes an otherwise objectionable taste more palatable and enjoyable¹. Flavored tobacco products can appeal to youth and young adults and influence initiation and establishment of tobacco-use patterns². To that end, we support the goal to ban the sale of these products and look forward to working with you to ensure the passage of this important public health policy initiative.

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

¹ U.S. Food and Drug Administration. *Menthol and Other Flavors in Tobacco Products* (<https://www.fda.gov/tobacco-products/products-ingredients-components/menthol-and-other-flavors-tobacco-products#reference>) accessed 2-16-20.

² Centers for Disease Control and Prevention, Morbidity and Mortality Weekly Report, Flavored Tobacco Product Use Among Middle and High School Students — United States, 2014–2018; *Weekly*/October 4, 2019/68(39);839–844 (<https://www.cdc.gov/mmwr/volumes/68/wr/mm6839a2.htm>) accessed 2-16-20.