

Finance, Revenue and Bonding Committee

JOINT FAVORABLE REPORT

Bill No.: HB-7275

AN ACT CONCERNING THE REGULATION OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR

Title: PRODUCTS.

Vote Date: 4/24/2025

Vote Action: Joint Favorable Substitute

PH Date: 4/16/2025

File No.: 896

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SPONSORS OF BILL:

Finance, Revenue, & Bonding Committee

REASONS FOR BILL:

Recent technological advancements have greatly evolved tobacco and electronic nicotine delivery systems (ENDS). Many nicotine products not been tested or approved by the U.S. Food and Drug Administration (FDA). These products are still widely available and can be attractive for the youth. This bill aims to regulate new products containing tobacco, strengthen restrictions around the shipping of cigarettes, and reinforce deterrence of youth access to all products containing tobacco or nicotine. The bill would revise the definition of "cigarette" in the tax code to align with the existing definition in § 4-28h drawn by the Master Settlement Agreement (MSA), as the current excise tax definition of "cigarette" in § 12-285 predates the MSA definition, which would affect the state's compliance with the terms of the MSA. The bill's updates would strengthen enforcement and help reduce youth access to harmful products.

RESPONSE FROM ADMINISTRATION/AGENCY:

William Tong, Attorney General, State of Connecticut:

The Office of the Attorney General supports this bill but recommends adding additional language. This language would expand the definition of "tobacco products" in §12-330a to include non-tobacco nicotine and nicotine analogs. This additional change would be consistent with a federal law that was passed in 2022, which clarified the FDA's ability to regulate tobacco products containing nicotine from any source. This change would have Connecticut align with the federal definition, and the definitions of California, Massachusetts,

New Hampshire, and New Jersey. Currently, it is impossible to determine whether products like oral pouches are derived from tobacco or synthetically created. The disparity in how the law treats traditional tobacco nicotine vs. synthetic nicotine and nicotine analogs creates challenges for consumers, retailers, regulators, and law enforcement. Nicotine analogs being included in the definition of "tobacco products" also accounts for the market for products that create a rush like nicotine but are chemically different than nicotine itself. Since such products are untested and unregulated, there is no information on the long-term effects of the human body.

Nancy Navarretta, Commissioner, Department of Mental Health and Addiction Services (DMHAS):

The DMHAS supports age verification as an essential process for tobacco and ENDS sales to protect public health, as it will limit youth access to tobacco products. Verifying age will prevent early exposure to nicotine. Research has shown that consistent enforcement of age restrictions at the point of sale for products that contain nicotine has led to meaningful improvements for public health. The most recent DMHAS TPEP inspection data from 2023 and 2024 has revealed a higher Retailer Violation Rate (RVR) during attempts to purchase electronic nicotine delivery systems (ENDS) products (e-cigarettes, vapes, and associated cartridges or e-liquids) compared to attempts involving traditional tobacco products. ENDS products are the most used products among youth, and they are also the easiest to access. The current law only requires age verification for ENDS sales if the buyer appears to be under thirty years old. Allowing cashier clerks to use discretion creates inconsistency, which could be remedied by including ENDS products. DMHAS also notes that new products, such as Zyn nicotine pouches, are gaining traction with youth.

NATURE AND SOURCES OF SUPPORT:

Rep. Cristin McCarthy Vahey and Sen. Saud Anwar, Connecticut Public Health Committee Co-Chairs:

The Chairs of the Public Health Committee are **in support** of this bill, as it makes critical updates to Connecticut's tobacco laws to better protect public health from the technological advancements of nicotine products. The chairs also urge the Committee to expand the definition of "tobacco products" in Conn. Gen. Stat. §12-330a to include non-tobacco-derived nicotine products. This matters because identical products are treated differently under current law, youth-targeted marketing exploits this loophole, and regulatory consistency will enhance enforcement.

Jody Bishop-Pullan, Director of Health and Human Services: City of Stamford Department of Health and Human Services:

The City of Stamford has recently had an increase in the number of smoke shops opening, which makes access to tobacco and related products easier to access. In a May 2024 survey conducted by Stamford Youth Voices Count, 3.53 percent of youth in grades 7-12 vaped nicotine in the past month, with the number growing to 4.25 percent among high school students. These results indicate that it is easier for youth to access tobacco and its related products. This bill can help resolve this issue. The Department also recommends expanding the definition of tobacco products in CGS Sec. 12-330a to include traditional and synthetic nicotine.

Ruth Canovi, Director of Advocacy, American Lung Association in Connecticut:

Supports this bill but recommends amending it to include all nicotine products in the definition of tobacco products. Revising the definition of cigarette in Section 1 best allows for the state to tax and regulate such products. Nicotine pouches are most popular with youth, where a quarter of individuals that use such products are aged 18-20. Seventy-three percent of young people who ever used nicotine pouches currently still use them.

Kathy Hanley, Behavioral Health Program Manager, Western CT Coalition:

Supports this bill but recommends amending it to include all nicotine products in the definition of tobacco products. Vapes and synthetic nicotine products are easier to use, which make it easier to consume larger amounts of nicotine. This risk is magnified for individuals who are under the age of 21, whose brains are not fully developed. While most of Connecticut youth does not vape, 11.5 percent of high school youth have used an electronic vapor product in the last 30 days, according to the 2023 Youth Risk Behavior Survey. This bill will close a loophole that allows products like synthetic nicotine pouches to avoid regulation, and taxation will help protect the youth.

Abigail Jewett, Director of External Affairs and Head of Northeast Region, PMI US Corporate Services:

As a corporate citizen of Connecticut, PMI US supports this bill. The mission of the company is to reduce smoking by replacing combustible cigarettes with less harmful alternatives for the approximately 28 million American adults who still smoke. Connecticut has been proactive with embracing tobacco harm reduction through tax policy and should continue to do so through this bill. Included in the company's portfolio is a product called IQOS, which replicates the experience of smoking at a much lower risk profile. Connecticut should encourage adult smokers to switch to FDA-authorized products like IQOS by imposing risk-proportionate taxation, which Connecticut has already done through establishing a lower tax rate for products with an MRTP designation. This bill should exclude IQOS products, so such products can continue to be readily available for adult smokers in Connecticut while allowing the state to meet its obligations under the Master Settlement Agreement.

The following individuals provided testimony in support of the bill, but also request to expand the definition of "tobacco products" in CGA Sec. 12-330a to include traditional and synthetic nicotine:

Sandra Carbonari; Allyson Nadeau, Erin Osterhoudt, and Samantha Forbes of Amplify, Inc; Ingrid Gillespie, Director of Prevention, Liberation Programs, Inc.; Bryte Johnson, Connecticut Government Relations Director, American Cancer Society Cancer Action Network; Caroline Joyce, Parents Against Vaping; Pamela Mautte, Director, BHcare; Melanie Sue Collins, FAAP Pediatric Pulmonologist at Connecticut Children's; Jim Williams, CT Government Relations Director, American Heart Association.

The following individuals also provided testimony in support of the bill:

Anonymous, Michelle Ly.

NATURE AND SOURCES OF OPPOSITION:

Scott Pearce, President, Cigar Association of America, Inc.:

Opposes this bill, noting that a potential unintended consequence of the bill could be prohibiting online direct-to-consumer sales of cigars and pipe tobacco to adult Connecticut consumers. Current Connecticut law maintains direct licensing and regulatory requirements for cigarettes versus other tobacco products, and requiring all tobacco shipments to go exclusively through licensed cigarette distributors would create a burden for businesses that sell cigars or pipe tobacco. Under federal law, cigars and pipe tobacco are exempted from the Prevent All Cigarette Trafficking Act (PACT Act), which restricts direct-to-consumer online sale of cigarettes, smokeless tobacco, and e-cigarettes. Connecticut law aligns with this federal framework, and if the concern is with direct-to-consumer sales of e-cigarettes it could be dealt with in a more specific manner. The latest National Youth Tobacco Survey reported that youth cigar use is at a historic low of 1.2 percent, and pipe tobacco use is low at 0.5 percent, which highlights that youth access to such products should not be of concern.

Carol Miranda:

Expressed opposition toward the bill.

Reported by: Abigail Lockwood

Date: 4/30/25