

PUBLIC HEARING MINUTES
January 22, 2019
8:00 p.m.
South Windsor Town Council

PURPOSE: To Receive Citizen Input on the Amendment to Ordinance #114, Article III, Division 2, Section 70-111 to Section 70-116 (Forbidding the Sale of Tobacco to Persons Under 18 Years of Age; and Providing Notice on Cigarette Vending Machines)

Mayor Anwar called the Public Hearing to order at 8:00 p.m.; and requested that the Clerk of the Council read the call of the meeting (a copy of which is attached hereto, **Exhibit A**). There were approximately sixteen (16) people present in the audience. The amended Ordinance is shown as **Exhibit B**.

Mayor Anwar asked if there was anyone from the public that would like to speak.

Mr. Bright Johnson, Director of Government Relations for the American Cancer Society, Cancer Action Network, came forward and stated that the American Cancer Society has been working on this issue with other Towns in the State. Mr. Johnson stated that they would be submitting written testimony as well as supporting materials as this process continues. Mr. Johnson announced that about an hour ago, Bridgeport became the second municipality in Connecticut to pass a Tobacco 21 Ordinance following Hartford last October. Mr. Johnson gave the Council a number of statistics to support raising the age to 21 to purchase tobacco products.

Mr. Robert Dickinson, 19 Birch Road, came forward to support this amendment stating that it is important for the Town to pass this ordinance which will show the State of Connecticut that South Windsor would like this statewide.

Mrs. Ruth Canovi, Director of Advocacy for the American Lung Association, came before the Council to speak in favor of this amendment and stated that for a long time people have thought that nicotine use was under control, but it is a real and present problem. Every year 4,900 people in Connecticut die from a tobacco-related disease. Raising the age could help prevent individuals from having a lifetime addiction. Nearly 95% of adults that smoke had tried their first cigarette before the age of twenty-one. High school students use electronic devices, so it is important to make sure those are included in this ordinance as well as all tobacco products.

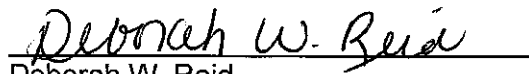
Councilor Lydecker read a letter of support into the record from the Connecticut Hospital Association, as shown in attached **Exhibit C**.

Mayor Anwar asked for a Straw Vote, the results of which were as follows:

Those supporting the amendment to Ordinance #114: 7
Those in opposition to the amendment to Ordinance #114: 0

The public hearing was closed at 8:13 p.m.

Respectfully submitted,


Deborah W. Reid
Clerk of the Council

Public Hearing Notice – Exhibit A
Regulating the Sale of Tobacco Products to Persons Under 21 Years of Age – Exhibit B
Testimony from the Connecticut Hospital Association – Exhibit C

Received January 14, 2019 @ 4:10 pm
Jonni L. Reid ATC



OFFICE
OF THE
TOWN COUNCIL

Town of South Windsor

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074-2786

AREA CODE 860/644-2511

FAX 860/644-3781

Exhibit A

TO BE PUBLISHED IN THE JOURNAL INQUIRER

January 14, 2019

LEGAL AD

TOWN OF SOUTH WINDSOR

Notice is hereby given that the South Windsor Town Council has set Tuesday, January 22, 2019, at 8:00 p.m., in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on an Amendment to Ordinance #114, Article III, Division 2, Section 70-111 to Section 70-116 (Forbidding the Sale of Tobacco to Persons Under 18 Years of Age; and Providing Notice on Cigarette Vending Machines), a copy of which is on file in the Office of the Town Clerk.

Dated at South Windsor, Connecticut this 11th day of January 2019.

Attested to by:

Deborah W. Reid
Deborah W. Reid
Clerk of the Council

Notice is hereby given that the South Windsor Town Council has set Tuesday, January 22, 2019, at 8:00 p.m., in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on an Amendment to Ordinance #114, Article III, Division 2, Section 70-111 to Section 70-116 (Forbidding the Sale of Tobacco to Persons Under 18 Years of Age; and Providing Notice on Cigarette Vending Machines), a copy of which is on file in the Office of the Town Clerk.

Dated at South Windsor, Connecticut this 11th day of January 2019.

Attested to by:

Deborah W. Reid
Clerk of the Council

Journal Inquirer
January 14, 2019

DRAFT

Regulating the Sale of Tobacco Products to Persons Under 21 Years of Age

Be It Hereby Ordained by the Town Council that Article III, Division 2, Section 70-111 to Section 70-116 of the Town Ordinances is hereby amended and restated:

Sec. 70-111 Purpose: Legislative Authority.

Tobacco use is the foremost preventable cause of premature death in the United States, responsible for more than half a million deaths per year in the United States and costing the nation approximately \$300 billion in healthcare and lost worker productivity costs each year; and

- (1) About ninety-five percent (95%) of all adult smokers began smoking before age twenty-one (21), and adolescence is a critical period when smokers move from experimental smoking to addictive, daily use;
- (2) There is strong evidence that those who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age;
- (3) Electronic nicotine delivery system use among adolescents has recently tripled, and use of these systems are associated with and clearly encourage the use of conventional tobacco products;
- (4) Raising the minimum legal sales age for all tobacco products to twenty-one (21) reduces access to these products by youth, as teens often acquire such products from social networks, including older friends: the vast majority of those providing nicotine and tobacco products for youth 17 and under are themselves between eighteen (18) and twenty (20) years old and are able to purchase legally.
- (5) Select findings from the 2017 Connecticut School Health Survey (known nationally as the Youth Tobacco Survey (YTS) reflect over one-third of Connecticut high school students (nearly 59,000) report having ever tried some form of tobacco, and current tobacco use is reported at 17.9%.
- (6) The YTS survey shows the vast majority of youth are using flavored tobacco products, e-cigarettes and vaping devices, and although cigarette smoking has decreased among Connecticut youth, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7%, and shows usage increasing with age. Studies have shown that this type of nicotine use by teens increases their risk of also using combustible tobacco.
- (7) When asked how they accessed these products, the majority of youth surveyed (59.3%) reported they obtained their e-cigarettes from a friend.

- (8) The legalization of recreational marijuana sales in Massachusetts will likely increase the sale of electronic cigarettes and vaping devices to be used to consume cannabis based products legally obtained in Massachusetts.
- (9) The Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationwide will have a substantial positive impact on public health and provide long-term declines in smoking rates by reducing tobacco initiation among adolescents aged 15 to 17 by twenty-five percent (25%) and overall prevalence of tobacco use by twelve percent (12%). This report also projects that 4.2 million young people alive today would be protected from premature death related to tobacco use as a result of raising the minimum legal sales age for tobacco products to 21.

Accordingly, the purpose of this article is to promote the health, safety, and welfare of the residents of South Windsor. This article is adopted in accordance with the provisions of Section 7-148(c)(7)(H)(ii) and (ix) of the Connecticut General Statutes, as amended.

Sec. 70-112 Definitions.

For the purpose of this title, the following definitions shall apply:

Tobacco product means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. *Tobacco product* also means electronic smoking devices, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device, and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs and liquids used in electronic smoking devices, whether or not they contain nicotine. Tobacco product does not include drugs, devices, or combination products authorized for sale as proven cessation products by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Sale or sell means selling, giving, bartering, exchanging, delivering, or otherwise distributing tobacco products, unless the person is delivering or accepting delivery in such person's capacity as an employee. Sale or sell also includes offers to sell, barter, or exchange.

Retailer means any person or business that owns, operates, or manages any place at which tobacco products are sold. *Retailer* also includes any person or business that is required to purchase a dealer's license under CT Gen Stat § 12-287.

Sec. 70-113 Minimum Legal Sales Age.

No retailer or retailer's agent or employee shall give, sell, or otherwise distribute any tobacco product to any person under twenty-one (21) years of age.

The person selling any tobacco product must examine the identification card issued in accordance with the provisions of CT Gen Stat § 1-1h for anyone who appears to be under the age of 30 and verify proof of age demonstrating the recipient is at least twenty-one (21) years of age before selling any tobacco product.

- (1) That a person appeared to be over the age of twenty-one (21) shall not constitute a defense to a violation of this section. If a person fails to provide such proof of age, such retailer or retailer's agent or employee shall not sell any tobacco product to the person.

Sec. 70-114 Signage.

"The Sale of Tobacco or Nicotine Products or Devices to Persons Under 21 is Prohibited" signs shall be legibly printed in letters at least one-half inch high and shall be posted clearly and conspicuously in every location where the products are available for purchase. Signage shall be in multiple languages as needed to be consistent with other facility postings.

Selling tobacco products in any place that does not have a sign posted in a conspicuous place to a person under twenty-one (21) years of age is prohibited by law and punishable consistent with this division.

Sec. 70-115 Enforcement.

It shall be the duty of the town manager or his designee to enforce the provisions of this division.

Sec. 70-116 Penalties.

- (a) Any person who sells, gives or delivers to any minor under 21 years of age any tobacco product, unless the minor is delivering or accepting delivery in his capacity as an employee, in any form shall be fined not less than \$200.00 for the first offense, \$350.00 for a second offense within an 18-month period and not more than \$500.00 for each subsequent offense within a 18-month period.
- (b) Any person less than 21 years of age who purchases or misrepresents his age to purchase any tobacco product in any form shall be fined not more than \$50.00 for the first offense and not less than \$50.00 nor more than \$100.00 for each subsequent offense.
- (c) Any retailer who fails to post the signage required by this division shall be fined not less than \$200.00 for the first offense, \$350.00 for a second offense within a 6-month period and not more than \$500.00 for each subsequent offense with a 6-month period.

Sec. 70-117 Appeals.

- (a) Any person or retailer who violates this division shall be sent by the Town Manager, or his designee, by certified mail, electronic mail or by hand delivery, a written notice of the fine(s) being imposed pursuant to section 70-116 above, which notice shall specify the section which has been violated. Any person or retailer may appeal said notice of violation(s) by filing a written notice of appeal with the office of the town manager or his designee within ten days of the date of said notice. If an appeal is taken as aforesaid, the first day of violation shall be seven days after the decision of the hearing officer or on such later date as established by the hearing officer.
- (b) In scheduling formal appeal hearings, the violator shall be notified by mail of the place and time of the hearing. Such notice shall be provided at least 15 days but not more than 30 days prior to the scheduled hearing date.
- (c) The procedure for the hearing shall be informal as to the rules of evidence, but testimony shall be taken under oath or affirmation.
- (d) In considering an appeal, the hearing officer may consider all relevant facts and circumstances and may require personal appearance of the violator and the enforcement officer if the presence of said enforcement officer is requested in writing in accordance with Connecticut General Statutes Section 7-152c.
- (e) Any person aggrieved by the decision of the hearing officer may appeal to the superior court in accordance with Connecticut General Statute Section 7-152c.

Sec. 70-118. Appointment of hearing officer(s).

The town manager shall appoint one or more hearing officer(s) to hear each appeal pursuant to section 70-117. The hearing officer(s) shall be appointed within ten days of receipt of a notice of appeal. The officer(s) appointed shall not be a police officer, or employees or persons who issue citations or fines. Hearing officer(s) may be compensated by the town with funds appropriated for this purpose as recommended by the town manager.



**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE TOWN COUNCIL OF SOUTH WINDSOR
Monday, December 17, 2018**

**South Windsor Town Ordinance: Raising The Legal Age To Purchase
Tobacco To Twenty-One**

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning South Windsor's proposed ordinance to raise the legal age to purchase tobacco to 21. CHA supports this important proposed ordinance.

Before commenting on the proposed ordinance, it's 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.

The proposed ordinance would raise the legal age to buy tobacco within the town's boundaries from 18 to 21. 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. Recent data show that more than 10 percent of Connecticut high school students smoke, and 1,300 Connecticut children under the age of 18 become new daily smokers each year.¹ National data show that about 95 percent of adult smokers began smoking before they turned 21, and approximately 80 percent of adult smokers first tried smoking before the age of 18.² Tobacco use is a pediatric epidemic, as most tobacco use starts in the high school years.² Eighty percent of youth smokers will become adult smokers, and one-half of adult smokers will die prematurely from tobacco-related diseases.²

On a daily basis, caregivers in Connecticut hospitals see firsthand the impact of smoking-related disease and illness and, because of this, we wholeheartedly endorse common sense public policy initiatives that reduce or delay the start of smoking by youths. If the proposed city ordinance is passed, the town of South Windsor would join the city of Hartford, as well as other states and cities that have increased the age to purchase tobacco. Currently, an

individual must be 21 to purchase tobacco in a number of cities, including New York City, Chicago, Cleveland, Portland (Maine), Albany (New York), and the two Kansas Cities (Missouri and Kansas), as well as in the states of Massachusetts, California, Hawaii, Maine, New Jersey, and Oregon.

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

¹ The Toll of Tobacco in Connecticut. Campaign for Tobacco-Free Kids. Last updated 11/17/17. Accessed at <https://www.tobaccofreekids.org/problem/toll-us/connecticut> on 1/12/18.

²United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. <http://doi.org/10.3886/ICPSR36361.v1>; see also Institute of Medicine, *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*, Washington, DC: The National Academies Press, 2015, <http://iom.nationalacademies.org/Reports/2015/TobaccoMinimumAgeReport.aspx>