

**CITY OF BRIDGEPORT
ORDINANCE COMMITTEE
PUBLIC HEARING
MARCH 1, 2021**

ATTENDANCE: Marcus Brown, Co-chair; Rosalina Roman-Christy, Co-chair;
M. Evette Brantley, Ernest Newtown, Avelino Silva, Maria Valle,
Michelle Lyons (5:38 p.m.)

OTHERS: Council Member(s): J. Herron, M. McCarthy, E. Martinez, M. Pereira, D.
Taylor-Moye & A. Vizzo-Paniccia; C. Vickers, Director of Legislative
Affairs; T. Gaudett, Mayoral Aide

This meeting was conducted by Zoom/Teleconference

CALL TO ORDER

Co-chair Brown called the meeting to order at 5:32 p.m. A quorum was present.

He explained the Public Hearing protocols and requested that they mute themselves unless they were speaking. He said that only Bridgeport residents or Bridgeport business owners or organizations would be allowed to speak. He said that there was a Council Meeting at 6:30 and if there was anyone who still needed to speak at 6:25 p.m., he would recess the meeting.

Council Member Michelle Lyons announced she had joined the meeting at 5:38 p.m.

Proposed Amendments to the Municipal Code of Ordinances, amend Chapter 8.90 – Regulation of the Sales and Marketing of Tobacco Products. [21-20]

Givonna Mozzo came forward and thanked the Council Members for this public hearing. She is affiliated with the HUB and was a former menthol tobacco smoker. She said that she quit when she was pregnant and still has cravings. Nicotine affects the brain. Prohibiting the sale of flavored tobacco protects our youth. It can lead to lifelong health issues. Menthol cigarettes increased the number of cigarette smokers. Flavored e-cigarette have increased the number of smokers because the flavor mask the bitter taste of tobacco. Vaping has also increased dramatically in Connecticut. She said that she had submitted her testimony and supported the ban of flavored tobacco products.

Council Member Vizzo-Paniccia said that she had received several emails and calls about this agenda item. Most of the calls were against the ban. She said that she did not believe that the Council should be telling people what they can buy or eat.

Ms. Kate Rivera, a Bridgeport resident and mother, said that she supports the prohibiting of tobacco and vaping. Her grandfather died of emphysema. She also had seen students arrested for smoking flavored tobacco and then introduced to the school to prison pipeline.

She said that there were gas stations that were not in favor of this ban, and if their business exists because they sell poison, then maybe they shouldn't be in the business. Becoming addicted to flavored tobacco gives them health issues. Council Members who vote against this are voting against the children.

Ms. Amy Marshall, 51 Arcadia Avenue, said that she was a retired public school. She was strongly in support of the prohibition of flavored tobacco. Prior to the outbreak of COVID 19, there were many reports of teens becoming ill due to vaping. Numerous teens were in ICU due to this problem and their parents were not aware they had been vaping. Vaping is colorless, odorless and difficult to detect. Research has shown that teens have found numerous ways to obtain vaping materials and use them throughout the day both at home and at school. They no longer light up a cigarette and stick their heads out a bedroom window in order to smoke and not get caught.

As of last week, over 500,000 individuals have died as a result of COVID-19. Ms. Marshall said that she wonders how many of those individuals died due to underlying health issues that they had related to smoking flavored tobacco products. Many COVID survivors, even teens and younger, will have long lasting effects on their lungs and health due to the issues with COVID. Everyone has heard about those long haulers. Let's not forget these youths whose lives have been forever changed due to the loss of parents, grandparents or guardians due to COVID-19. Many public health crises can be significantly reduced by the prohibition of the sale of flavored tobacco products. Ms. Marshall strongly urged the Bridgeport City Council Members to support the prohibition of the sale of flavored tobacco products. Be a role model for Bridgeport youth and say no to the sale of flavored tobacco products.

Mr. Eddie Jamal, the owner of Phoenix Gulf, said that he was present to request that the prohibition not be approved. He owns two convenience stores.

Mr. Jamal said that he was present to testify against the proposed tobacco regulation. He said that he had a convenience store and kept his store open during the COVID pandemic so that the local neighbors could purchase food items. While Mr. Jamal does not like tobacco, banning tobacco would just drive the business underground. Now about 25% of the tobacco business is already underground. Taking away the tobacco would destroy a major portion of his income and also affect his employees, many of whom are working to support families.

Ms. Callie Heilmann came forward and spoke on behalf of Bridgeport Generation NOW. She thanked the Council for the opportunity to speak in support of the important health policy because prohibiting the sale of all flavored tobacco products in all Bridgeport locations would save lives. She knows the appeal of cigarettes because she started smoking at the age of 14 and continued smoking until she was in her mid-twenties because she thought it was cool despite the health risks. As a parent, she sees young people vaping everywhere. She does not want her children to do this just to look cool because once someone starts smoking or vaping, it is very addictive.

After attending a webinar on this subject, Ms. Heilmann said that she discovered that the tobacco industry has systematically targeted black communities into addiction with menthol cigarettes.

They gave free products away to kids in iconic black neighborhoods and plastered black communities with ads that promoted menthol cigarettes as part of black culture. The truth is that smoking is not anyone's culture or past time, but a highly addictive and lethal product marketed by multi-million dollar corporations.

Ms. Heilmann stated that in Connecticut 900 kids under the age of 18 become new daily smokers each year. Tobacco stores are more prevalent in low income communities of color than in wealthier, whiter neighborhoods. The menthol cigarettes which are easier to get hooked on and harder to quit are cheaper in communities of color. This is not just a public health issue but an issue of racial economic justice. Bridgeport is a community that cares deeply about one another and the ordinance shows that the Council cares about the health and well-being of their neighbors and the City's children.

The Council Members serve on various task forces, boards and committees where the question of "what about the kids?" is raised. By passing the ordinance. The Council Members will be champions for the children by encouraging them to lead healthy lives. She said that it would be very important that the ordinance include all flavors of all tobacco products including menthol cigarettes.

Mr. Brian Fojtik, of the National Association of Tobacco Outlets, then spoke on behalf of the business located at 2738 Main Street. The National Association of Tobacco Outlets is a retail store association that represents over 60,000 stores, including many in Bridgeport, but specifically including the business located at 2738 Main Street. He said that he was present to speak in opposition of the item because there was no basis in fact that approving the ordinance would improve public health or reduce vaping. It is just as likely to cause negative outcomes.

Additionally, the businesses, employees and families are disproportionately owned by first or second generation immigrants, people of color, and those for whom English may not be a first language. Stand up for them.

Because of COVID-19, gas stations and convenience stores have suffered significant losses including 45% in fuel and 20% or more in store sales. The businesses are already suffering from the pandemic and they rely on tobacco products for about 36% of their sales. This bill would magnify pandemic harms to businesses by driving adult customers to purchase from outside the city and from illicit markets.

Banning menthol cigarettes in Massachusetts has been a dismal failure. Sales data clearly demonstrates that smokers have switched to non-menthol cigarettes or simply purchased flavored products out of state. Since menthol cigarettes were banned in Massachusetts, the in state non-menthol cigarette sales have increased by 15%. In New Hampshire, menthol cigarette sales are up 90% and in Rhode Island, menthol sales are up by 29%. Cigarette tax stamp sales in Massachusetts have decreased by approximately 9 million stamps and increased in the neighboring states. The only thing the Massachusetts ban accomplished was to devastate retailers, fuel illicit markets and drive sales out of state.

There have been Federal changes that occurred during the last 15 months. Congress raised the age of purchase to 21 which removed the products from schools. The FDA banned flavored products and flavor disposable products. Manufacturers are now required to submit a pre-market tobacco application. FDA started identifying violators and taking action. Congress recently prohibited the U.S. Postal Service from shipping tobacco products and Federal Express is doing the same. According to FDA and CDC research, youth vaping is on the decline. For these reasons and more items including in the letter that was sent to the Council, Mr. Fojtik urged the Council not to approve the ban.

Mr. Jonathan Shaer, was the next speaker. He greeted the Council Members and said that he was the Executive Director of the New England Convenience Store Marketers Association and was speaking on behalf of the owner of the business at 1360 Noble Avenue in Bridgeport. He said that he would be speaking in opposition to the tobacco ban.

Mr. Shaer said that he understood the emotional perspective on this issue but reacting to emotions is policy making at its worst. It is not about liking or disliking the product, but compared it to throwing a grenade to fill a small hole. He stated that it was a relatively narrow problem that could be addressed strategically and by utilizing good partners. However, the proposal goes far beyond and blows up the system by including products that are preferred by adults. It disregards all the statistics, the FDA and CDC recommendations, several Federal policies, along with ignoring the regulatory and enforce framework that the retailers observe and the real, tangible impact to small local businesses. While it thumbs its nose at Bridgeport adults, it does nothing to protect Bridgeport youth.

Mr. Shaer said that this has been an issue for dozens of years all around New England and the call is always the same – to protect kids from nicotine initiation. It is an important goal that everyone agrees upon, but the discussion addresses varies from day to day. The CDC supports this. High school students have reported using the following products in the past 30 days: 19.6% used vape; 4.6% used cigarettes and 3.1% used smokeless. That is a statistic that should be considered but this proposal paints every tobacco product with a broad brush because of flavors.

For the last several months, the Federal government has taken extreme action again vape companies, so much so that Bridgeport doesn't need to do anything and still see positive results. He added that the City cannot address the issue adequately because the access is beyond the City's reach. The ban will do nothing to choke off access, but harm the retailers and annoys the adults.

If the City wishes to do something, there are micro steps that can be taken that won't have the same far reaching, unintended consequences of a full flavored tobacco ban. It is not a matter of money versus health. A ban will harm the businesses but do nothing for health since the products are available outside the City, over state lines and online. This is not the trade off the City wants.

Rev. Stanley Lord, the Greater Bridgeport NAACP President, was the next speaker. He stated that he was in favor of the ordinance. The Greater Bridgeport NAACP appreciates the opportunity to make this appeal and support this ordinance.

For over 60 years, big tobacco has strategically and successfully targeted black and brown communities. Regardless of the statistics, the reality is the black and brown communities have been targeted. The pandemic has exposed the inequities in health care, inequities in insurance, inequities in how the community members died. Tobacco had a major impact in this. The African American community usually smokes fewer cigarettes and starts at a later age, but suffers a greater burden related to tobacco related mortality of any racial or ethnic group in the United States. These disparities have become even worse. When African American are disproportionately dying, they cannot just sit by and look at statistics. They see the results as one after another have died. It is time to end the tobacco industry exploitation of black and brown lives for profit. If you listen to some of the previous testimonies, it was all about their profit, not about those who are dying.

Rev. Lord said that they are sick of it. What does the future hold for the youth? The youth are vaping according to the statistics that were mentioned earlier, but they are using and they are dying, so it is time to stand up for them. The Greater Bridgeport NAACP supports this ordinance. Rev. Lord thanked the Committee for their time.

Ms. Laconia Price, who lives on Waterman Street, said that she opposes the menthol ban cigarette. Menthol cigarettes are the preferred choice of African Americans that choose to smoke cigarettes. The adults should have the choice to make regarding menthol cigarettes. The ban would just provide another way to negatively interact with the retailers or individual citizens at a lower level of non-violent offenses. At a time when the relationship between law enforcement and young men and women of color have ended tragically, we should be looking for ways to positively interact with law enforcement. Individuals under the age of 21 are already banned from purchasing tobacco products.

Ms. Price said that banning the menthol cigarettes is another racial discriminatory public policy and it will increase the crime enforcements portion of it through illegal street sales.

Ms. Gemeen Davis of Bridgeport Generation NOW, said that she strongly supports the ban of flavored tobaccos in Bridgeport. Everyone knows the predatory nature of the tobacco companies. The communities want to protect their children. While she appreciates the corner stores and the challenges they face, but they should not be trading the health of their children for their business. The predatory nature of the tobacco industry needs to stop now and the Council has the power to do this.

Mr. Darnell Goldstein, who is not a smoker was the next speaker. He does not care about the tobacco companies or what the corner stores owners do. His concern is that the Council was making something illegal that is currently legal for adults. He pointed out that this ban would affect 40, 50 and 60 year old adults from buying their tobacco products. These older individuals have had the right to use these products for decades and now the City will tell them they no longer have the right to use the products because they don't want children to smoke. Everyone agrees that children should not be smoking, but the State has laws about who can buy alcohol, who can drive and a variety of other things. How is banning cigarettes to legal adults would stop children from getting cigarettes. Education is what they should be supporting. There are hundreds of millions of dollars that the State receives from tobacco companies alone and less

than 10% of that money is spent on education to stop the children from smoking. If they are serious about stopping children from smoking, the focus should be on education, not on banning flavored tobacco.

Ms. Lucy Jordon came forward and said that she opposed the law because menthol cigarettes is the preferred choice of over 80% of African American citizens. They should be allowed to make their own health decision. A ban on menthol cigarettes will give the police just one more issue to negatively interact with black citizens and the black community over a non-violent offense. They should be looking for a way to lessen encounters. She stated she was against the proposal.

Malachi Lindsay, a fifth grader, came forward to speak for the Bridgeport NAACP Youth. Malachi said that vaping should be banned. Even with the warnings, kids continue to vape. This can damage one's lungs to where breathing is almost impossible and can cause COPD. The research indicates that people who vape are more likely to develop COPD. The chemical that the vaper inhales is linked to asthma and chronic lung damage. Most people have no idea that e-cigarettes are dangerous to their lungs. The more one engages with vape, the more likely to make wrong decisions later because it can lead to brain damage. People may say that vaping is better than cigarettes but studies have proven doubles the amount of nicotine. Help the children be the best they can be.

Mr. Michael McQuillan stated that he was calling on behalf of one of his customers, and represents one of the International e-store distributors in the country. He said that he was calling to oppose the ban. Mr. McQuillan pointed out that the stores are the gatekeepers for tobacco products. The retailers are careful to sell age restricted products to the adults only. City bans don't work. Customers just travel to neighboring towns or purchase the products on-line. Product bans will not stop the sale of flavored tobacco. The adults will be purchasing menthol cigarettes out of town, through the mail or on the black market. This only hurts the local businesses. Menthol cigarettes are very popular in stores and the customers will simply look elsewhere for their purchases. This will merely cut sales and reduce jobs for local businesses. Local businesses produce taxes and create jobs.

Mr. Peter Spain then addressed the Council Members. He said that it was good working with the Council Members and the Health Director to pass Tobacco 21 a few years ago. The pandemic has magnified the importance of public health, particularly in terms of prevention and addressing health disparities. Smoking and vaping have been linked to worse COVID-19 outcomes including greater mortality. In Connecticut, smoking rates are elevated in communities with less income, less educational attainment and more people of color. Those communities have drastically lowered life expectancies compared to other communities in the state. There is a 19 year difference in the census tracts between Bridgeport and Westport. Preventing the initiation into tobacco use is more important than ever because tobacco use remains the leading cause of preventable disease and death. Some good did come from Tobacco 21, which Bridgeport led, it hasn't done enough.

In the most recent national tobacco survey, one in four high school students reported using tobacco products in the past 30 days. About 9 out of 10 users reported that they used flavored tobacco. Flavored tobacco products entice and help make "young replacement smokers". They

need to get replacement smokers when they are killing off their smokers. Nicotine addiction is a bigger problem than teens realize and there are 15,000 nicotine laced flavors products available. Nicotine fueled tobacco use is responsible for more than \$2 billion in direct health care costs every year in Connecticut. That \$2 billion includes more than \$520 in Medicaid. He urged the Council to pass the ban on all flavored tobacco products in Bridgeport. There are more than 220 retail locations selling tobacco products today.

This proposed ban will not criminalize possession of tobacco products. Tobacco 21 did not criminalize it either. He referred everyone to Chapter 8.9 of the Ordinances for the sales and regulation of Tobacco Products. The proposed ban ordinance language purposefully keeps police out of Public Policy and process. In subsection 020 of the current ordinance states “pursuant to the statutes of the State of Connecticut, the City has the power to make to make lawful regulations and ordinances for the furtherance of public health. Therefore the City seeks to prevent and reduce youth access to tobacco products.” It’s right there. Public health is so important that the State of Connecticut invested the cities with the ability to promote public health.

This pandemic shows how closely we are all connected. Our lung health, our public health, our health care system and our economy are all connected. We have also seen how our society has failed in reducing health disparities. Join with more than 100 municipalities around the country and the States of California and Massachusetts to tell tobacco companies that our public health, our kids and our lives are precious. No more flavored tobacco products should be sold in this city. Now is the time to commit and take important steps by supporting this ban and putting public health first.

Ms. Cc Evans [Inaudible] Greater Bridgeport NAACP [inaudible] and flavored tobacco should be banned. These compounds are known to cause diseases. When this tobacco is used around someone, it also harms them. [inaudible] Please ban flavored tobacco products.

Council Member Taylor-Moye said that when Mr. Spain had contacted her about this issue, she had to think about it. She sees the youth smoking in front of her building and smoked herself. She is now 10 years free of smoking and would like the youth to also be free of smoking and be able to use their mind. She appreciates the gentlemen who helped out the community, but that is something that should be done regardless of whether they support or ban flavored tobacco. None of the Council Members should be judged as to how they vote or be told how to vote. She said that she commended Gemeen and Callie presented, but Mr. Spain nailed it. She would support the ban.

RECESS

Council Member Brown announced that they would recess until 5:30 p.m. on Wednesday, March 3, 2021.

**** COUNCIL MEMBER BRANTLEY MOVED TO RECESS THE PUBLIC HEARING UNTIL 5:30 P.M. ON WEDNESDAY, MARCH 3, 2021.**

**** COUNCIL MEMBER NEWTON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting recessed 6:32 p.m.

Respectfully submitted,
Telesco Secretarial Services