



General Assembly

February Session, 2014

***Raised Bill No. 5286***

LCO No. 1334



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT REQUIRING LABELING OF ELECTRONIC CIGARETTES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) For purposes of this  
2 section:

3 (1) "Electronic nicotine delivery system" means an electronic device  
4 that may be used to simulate smoking by delivering nicotine or other  
5 substance to a person inhaling from the device and includes, but is not  
6 limited to, an electronic cigarette, electronic cigar, electronic cigarillo or  
7 electronic pipe, and any related device and any cartridge or other  
8 component of such device;

9 (2) "Label" means a display of written, printed or graphic matter  
10 upon the immediate container of an electronic nicotine delivery  
11 system;

12 (3) "Person" includes any individual, partnership, corporation,  
13 limited liability company or association;

14 (4) "Retailer" means a person who owns or operates a business that

15 sells electronic nicotine delivery systems in the state by any means to a  
16 consumer; and

17 (5) "Sale" or "sell" means any and every sale and includes (A)  
18 manufacturing, processing, packing or any other production,  
19 preparation or putting up; (B) exposure, offer or any other proffer; (C)  
20 holding, storing or any other possessing; and (D) dispensing, giving,  
21 delivering, serving or any other supplying.

22 (b) (1) No person shall manufacture, package, sell, offer to sell,  
23 distribute, or import for sale or distribution within the state any  
24 electronic nicotine delivery system, the package of which fails to bear a  
25 label stating the contents and nicotine yield of such electronic nicotine  
26 delivery system.

27 (2) Such label shall be located on the front of the package containing  
28 an electronic nicotine delivery system underneath any cellophane or  
29 other clear wrapping. The text of the label statement shall be in  
30 conspicuous and legible seventeen point type, unless the text of the  
31 label statement would occupy more than seventy per cent of the front  
32 of the package, in which case the text may be in a smaller conspicuous  
33 and legible type size, provided at least sixty per cent of the front of the  
34 package is occupied by required text. The text shall be black on a white  
35 background, or white on a black background, in a manner that  
36 contrasts, by typography, layout or color, with all other printed  
37 material on the package and shall be legible through the package's  
38 cellophane or other clear wrapping.

39 (c) Any person selling, offering for sale or distributing in this state  
40 any electronic nicotine delivery system required to be labeled as  
41 provided in this section shall be responsible for ensuring that such  
42 electronic nicotine delivery system is so labeled, except a retailer of  
43 electronic nicotine delivery systems shall not be in violation of this  
44 subsection for packaging that: (1) Contains a label listing the purported  
45 contents and nicotine yield; (2) is supplied to the retailer by a

46 manufacturer, importer or distributor of electronic nicotine delivery  
47 systems; and (3) is not altered by the retailer in a way that is material  
48 to the requirements of this section.

49 (d) The provisions of this section shall be enforced by the  
50 Commissioner of Consumer Protection.

51 (e) Any person who knowingly violates any provision of this section  
52 shall be liable for a civil penalty not to exceed one thousand dollars per  
53 day, per product. Calculation of such civil penalty shall not be made or  
54 multiplied by the number of individual packages of the same product  
55 displayed or offered for retail sale. Civil penalties assessed under this  
56 section shall accrue and be assessed per each uniquely named,  
57 designated or marketed product.

58 (f) The Commissioner of Consumer Protection may adopt  
59 regulations, in accordance with the provisions of chapter 54 of the  
60 general statutes, to implement and enforce the provisions of this  
61 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section

**Statement of Purpose:**

To require the labeling of electronic cigarettes and similar devices.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*