



General Assembly

January Session, 2015

Committee Bill No. 6283

LCO No. 5782



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

***AN ACT REGULATING ELECTRONIC NICOTINE DELIVERY SYSTEMS
AND VAPOR PRODUCTS.***

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this section
2 and section 2 of this act:

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

9 (2) "Vapor product" means any product that employs a heating
10 element, power source, electronic circuit or other electronic, chemical
11 or mechanical means, regardless of shape or size, to produce a vapor
12 that may or may not include nicotine, that is inhaled by the user of
13 such product.

14 (b) (1) No person shall use an electronic nicotine delivery system or

15 vapor product: (A) In any building or portion of a building owned and
16 operated or leased and operated by the state or any political
17 subdivision thereof; (B) in any area of a health care institution; (C) in
18 any area of a retail food store; (D) in any restaurant; (E) in any area of
19 an establishment with a permit issued for the sale of alcoholic liquor
20 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-23,
21 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f of
22 the general statutes, or the bar area of a bowling establishment holding
23 a permit pursuant to subsection (a) of section 30-37c of the general
24 statutes; (F) within a school building while school is in session or
25 student activities are being conducted; (G) in any passenger elevator,
26 provided no person shall be arrested for violating this subsection
27 unless there is posted in such elevator a sign which indicates that such
28 use is prohibited by state law; (H) in any dormitory in any public or
29 private institution of higher education; or (I) in any area of a dog race
30 track or a facility equipped with screens for the simulcasting of off-
31 track betting race programs or jai alai games. For purposes of this
32 subsection, "restaurant" means space, in a suitable and permanent
33 building, kept, used, maintained, advertised and held out to the public
34 to be a place where meals are regularly served to the public.

35 (2) This section shall not apply to (A) correctional facilities; (B)
36 designated smoking areas in psychiatric facilities; (C) public housing
37 projects, as defined in subsection (b) of section 21a-278a of the general
38 statutes; (D) classrooms where a demonstration of the use of an
39 electronic nicotine delivery system or vapor product is taking place as
40 part of a medical or scientific experiment or lesson; (E) smoking rooms
41 provided by employers for employees, pursuant to section 31-40q of
42 the general statutes; (F) notwithstanding the provisions of
43 subparagraph (E) of subdivision (1) of this subsection, the outdoor
44 portion of the premises of any permittee listed in subparagraph (E) of
45 subdivision (1) of this subsection, provided, in the case of any seating
46 area maintained for the service of food, at least seventy-five per cent of
47 the outdoor seating capacity is an area in which smoking is prohibited
48 and which is clearly designated with written signage as a nonsmoking

49 area, except that any temporary seating area established for special
50 events and not used on a regular basis shall not be subject to the
51 prohibition on the use of an electronic nicotine delivery system or
52 vapor product or the signage requirements of this subparagraph; or
53 (G) any tobacco bar, provided no tobacco bar shall expand in size or
54 change its location from its size or location as of October 1, 2015. For
55 purposes of this subdivision, "outdoor" means an area which has no
56 roof or other ceiling enclosure, "tobacco bar" means an establishment
57 with a permit for the sale of alcoholic liquor to consumers issued
58 pursuant to chapter 545 of the general statutes that, in the calendar
59 year ending December 31, 2015, generated ten per cent or more of its
60 total annual gross income from the on-site sale of tobacco products and
61 the rental of on-site humidors, and "tobacco product" means any
62 substance that contains tobacco, including, but not limited to,
63 cigarettes, cigars, pipe tobacco or chewing tobacco.

64 (c) The operator of a hotel, motel or similar lodging may allow
65 guests to use an electronic nicotine delivery system or vapor product
66 in not more than twenty-five per cent of the rooms offered as
67 accommodations to guests.

68 (d) In each room, elevator, area or building in which the use of an
69 electronic nicotine delivery system or vapor product is prohibited by
70 this section, the person in control of the premises shall post or cause to
71 be posted in a conspicuous place signs stating that such use is
72 prohibited by state law. Such signs, except in elevators, restaurants,
73 establishments with permits to sell alcoholic liquor to consumers
74 issued pursuant to chapter 545 of the general statutes, hotels, motels or
75 similar lodgings, and health care institutions, shall have letters at least
76 four inches high with the principal strokes of letters not less than one-
77 half inch wide.

78 (e) Any person found guilty of using an electronic nicotine delivery
79 system or vapor product in violation of this section, failure to post
80 signs as required by this section or the unauthorized removal of such

81 signs shall have committed an infraction.

82 (f) Nothing in this section shall be construed to require the
83 designation of any area for the use of electronic nicotine delivery
84 system or vapor product in any building.

85 (g) The provisions of this section shall supersede and preempt the
86 provisions of any municipal law or ordinance relative to the use of an
87 electronic nicotine delivery system or vapor product effective prior to,
88 on or after October 1, 2015.

89 (h) The Department of Public Health shall adopt regulations, in
90 accordance with chapter 54 of the general statutes, to implement the
91 provisions of this section.

92 Sec. 2. (*Effective October 1, 2015*) Not later than thirty days after the
93 federal Food and Drug Administration's proposed rule regarding
94 tobacco products deemed to be subject to the federal Food, Drug and
95 Cosmetic Act, 21 CFR Parts 1100, 1140 and 1143, becomes final, the
96 joint standing committee of the General Assembly having cognizance
97 of matters relating to public health shall hold a public hearing for
98 purposes of reviewing such rule and determining whether it
99 recommends legislation concerning products, including, but not
100 limited to, electronic nicotine delivery systems and vapor products, in
101 response to such rule.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section

Statement of Purpose:

To protect nonusers from exposure to electronic nicotine delivery systems and vapor products.

[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.]

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H.B. 6283