AN ACT REGULATING ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS.

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

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

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

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

(b) (1) No person shall use an electronic nicotine delivery system or
vapor product: (A) In any building or portion of a building owned and
operated or leased and operated by the state or any political
subdivision thereof; (B) in any area of a health care institution; (C) in
any area of a retail food store; (D) in any restaurant; (E) in any area of
an establishment with a permit issued for the sale of alcoholic liquor
pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-23,
30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f of
the general statutes, or the bar area of a bowling establishment holding
a permit pursuant to subsection (a) of section 30-37c of the general
statutes; (F) within a school building while school is in session or
student activities are being conducted; (G) in any passenger elevator,
provided no person shall be arrested for violating this subsection
unless there is posted in such elevator a sign which indicates that such
use is prohibited by state law; (H) in any dormitory in any public or
private institution of higher education; or (I) in any area of a dog race
track or a facility equipped with screens for the simulcasting of off-
track betting race programs or jai alai games. For purposes of this
subsection, "restaurant" means space, in a suitable and permanent
building, kept, used, maintained, advertised and held out to the public
to be a place where meals are regularly served to the public.

(2) This section shall not apply to (A) correctional facilities; (B)
designated smoking areas in psychiatric facilities; (C) public housing
projects, as defined in subsection (b) of section 21a-278a of the general
statutes; (D) classrooms where a demonstration of the use of an
electronic nicotine delivery system or vapor product is taking place as
part of a medical or scientific experiment or lesson; (E) smoking rooms
provided by employers for employees, pursuant to section 31-40q of
the general statutes; (F) notwithstanding the provisions of
subparagraph (E) of subdivision (1) of this subsection, the outdoor
portion of the premises of any permittee listed in subparagraph (E) of
subdivision (1) of this subsection, provided, in the case of any seating
area maintained for the service of food, at least seventy-five per cent of
the outdoor seating capacity is an area in which smoking is prohibited
and which is clearly designated with written signage as a nonsmoking
area, except that any temporary seating area established for special events and not used on a regular basis shall not be subject to the prohibition on the use of an electronic nicotine delivery system or vapor product or the signage requirements of this subparagraph; or

(G) any tobacco bar, provided no tobacco bar shall expand in size or change its location from its size or location as of October 1, 2015. For purposes of this subdivision, "outdoor" means an area which has no roof or other ceiling enclosure, "tobacco bar" means an establishment with a permit for the sale of alcoholic liquor to consumers issued pursuant to chapter 545 of the general statutes that, in the calendar year ending December 31, 2015, generated ten per cent or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, and "tobacco product" means any substance that contains tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco or chewing tobacco.

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

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

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

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

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

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

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

This act shall take effect as follows and shall amend the following sections:

<table>
<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Type</th>
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<tbody>
<tr>
<td>1</td>
<td>October 1, 2015</td>
<td>New section</td>
</tr>
<tr>
<td>Sec. 2</td>
<td>October 1, 2015</td>
<td>New section</td>
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</tbody>
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Statement of Purpose:
To protect nonusers from exposure to electronic nicotine delivery systems and vapor products.
Committee Bill No. 6283

[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