



General Assembly

Amendment

May Special Session, 2016

LCO No. 6443



Offered by:
SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.

To: Senate Bill No. 502

File No.

Cal. No.

**"AN ACT CONCERNING REVENUE AND OTHER ITEMS TO
IMPLEMENT THE BUDGET FOR THE BIENNIUM ENDING JUNE 30,
2017."**

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- 1 In line 3467, strike "but need not be limited to,"
 - 2 Strike section 79 in its entirety and renumber the remaining sections
 - 3 and internal references accordingly
 - 4 In line 4291, strike "143" and insert "107" in lieu thereof
 - 5 In line 4495, strike "143" and insert "107" in lieu thereof
 - 6 In line 4522, strike "143" and insert "107" in lieu thereof
 - 7 In line 4593, strike "143" and insert "107" in lieu thereof
 - 8 In line 4710, strike "143" and insert "107" in lieu thereof
 - 9 In line 4759, strike "143" and insert "107" in lieu thereof

10 Strike section 111 in its entirety and renumber the remaining
11 sections and internal references accordingly

12 In line 7959, after "except that" insert ", for the fiscal year ending
13 June 30, 2018, and each fiscal year thereafter,"

14 In lines 5746, 5750 and 5755, strike "the Elderly" and substitute
15 "Seniors" in lieu thereof

16 In line 5761, strike the second "the"

17 In line 5762, strike "Elderly" and substitute "Seniors" in lieu thereof

18 In lines 5770, 5849, 5897 and 5933, strike "the Elderly" and substitute
19 "Seniors" in lieu thereof

20 In lines 5944, 5988, 6032, 6054, 6061, 6075, strike "the Elderly" and
21 substitute "Seniors" in lieu thereof

22 In line 6005, bracket "17a-400" and insert "17a-405" after the closing
23 bracket

24 Strike lines 6008 to 6014, inclusive, in their entirety, and substitute
25 the following in lieu thereof:

26 "(3) Regulation of hearing aid dealers pursuant to chapter 398; and

27 (4) Plumbing and Piping Work Board, established under section 20-
28 331. [;]

29 [(5) Commission on Children, established under section 46a-126;
30 and

31 (6) Connecticut Public Transportation Commission, established
32 under section 13b-11c.]"

33 In line 6106, strike "the"

34 In line 6107, strike "Elderly" and substitute "Seniors" in lieu thereof

35 In lines 6128, 6143, 6148, 6166, 6220, 6248, 6300, 6352, 6413, 6446,
36 6467, 6506, 6576 and 6579, strike "the Elderly" and substitute "Seniors"
37 in lieu thereof

38 In line 6613, strike "the"

39 In line 6614, strike "Elderly" and substitute "Seniors" in lieu thereof

40 In lines 6621, 6666, 6670, 6709 and 6743, strike "the Elderly" and
41 substitute "Seniors" in lieu thereof

42 In line 6756, strike "the"

43 In line 6757, strike "Elderly" and substitute "Seniors" in lieu thereof

44 In lines 6780, 6806, 6823, 6843, 6905, 6930 and 6945, strike "the
45 Elderly" and substitute "Seniors" in lieu thereof

46 In line 6969, strike "the Elderly" and substitute "Seniors, or a
47 designee" in lieu thereof

48 In lines 7000, 7024, 7294, 7299, 7310, 7314, 7320, 7349, 7354 and 7359,
49 strike "the Elderly" and substitute "Seniors" in lieu thereof

50 In line 7368, strike "the"

51 In line 7369, strike "Elderly" and substitute "Seniors" in lieu thereof

52 In lines 7377 and 7387, strike "the Elderly" and substitute "Seniors"
53 in lieu thereof

54 In lines 7392 and 7411, strike "the Elderly" and substitute "Seniors"
55 in lieu thereof

56 Strike section 197 in its entirety and renumber the remaining
57 sections and internal references accordingly

58 After the last section, add the following and renumber sections and
59 internal references accordingly:

60 "Sec. 501. Section 21a-415 of the 2016 supplement to the general
61 statutes is repealed and the following is substituted in lieu thereof
62 (*Effective from passage*):

63 (a) On and after March 1, 2016, no person in this state may sell, offer
64 for sale or possess with intent to sell an electronic nicotine delivery
65 system or vapor product unless such person has obtained an electronic
66 nicotine delivery system certificate of dealer registration from the
67 Commissioner of Consumer Protection pursuant to this section for the
68 place of business where such system or product is sold, offered for sale
69 or possessed with the intent to sell. An electronic nicotine delivery
70 system certificate of dealer registration shall allow the sale of electronic
71 nicotine delivery systems or vapor products at such place of business.
72 A holder of an electronic nicotine delivery system certificate of dealer
73 registration shall post such registration in a prominent location
74 adjacent to electronic nicotine delivery system products or vapor
75 products offered for sale. For the purposes of this section, "person"
76 means each owner of a business organization, or such owner's
77 authorized designee, provided each affiliate of a business organization
78 that is under common control or ownership shall constitute a separate
79 person and "person" includes, but is not limited to, retailers,
80 wholesalers and dealers.

81 (b) (1) On or after January 1, 2016, any person desiring an electronic
82 nicotine delivery system certificate of dealer registration or a renewal
83 of such a certificate of dealer registration shall make a sworn
84 application therefor to the Department of Consumer Protection upon
85 forms to be furnished by the department, showing the name, [and]
86 address and electronic mail address of the applicant [,] and the location
87 of the place of business which is to be operated under such certificate
88 of dealer registration. [and a financial statement setting forth all
89 elements and details of any business transactions connected with the
90 application. The application shall also indicate any crimes of which the
91 applicant has been convicted. Applicants shall] The department may
92 require that an applicant submit documents sufficient to establish that
93 state and local building, fire and zoning requirements will be met at

94 the location of any sale. The department may, in its discretion, conduct
95 an investigation to determine whether a certificate of dealer
96 registration shall be issued to an applicant.

97 (2) The commissioner shall issue an electronic nicotine delivery
98 system certificate of dealer registration to any such applicant not later
99 than thirty days after the date of application unless the commissioner
100 finds: (A) The applicant has wilfully made a materially false statement
101 in such application or in any other application made to the
102 commissioner; or (B) the applicant has neglected to pay any taxes due
103 to this state, [; or (C) the applicant has been convicted of violating any
104 of the cigarette or other tobacco products tax laws of this or any other
105 state or the cigarette tax laws of the United States or has such a
106 criminal record that the commissioner reasonably believes that such
107 applicant is not a suitable person to be issued a license, provided no
108 refusal shall be rendered under this subdivision except in accordance
109 with the provisions of sections 46a-80 and 46a-81.]

110 (3) A certificate of dealer registration issued under this section shall
111 be renewed annually and may be suspended or revoked at the
112 discretion of the Department of Consumer Protection. Any person
113 aggrieved by a denial of an application, refusal to renew a dealer
114 registration or suspension or revocation of a dealer registration may
115 appeal in the manner prescribed for permits under section 30-55. An
116 electronic nicotine delivery system certificate of dealer registration
117 shall not constitute property, nor shall it be subject to attachment and
118 execution, nor shall it be alienable, [, except that it shall descend to the
119 estate of a deceased holder of a certificate of dealer registration by the
120 laws of testate or intestate succession.]

121 (4) The applicant shall pay to the department a nonrefundable
122 application fee of seventy-five dollars, which fee shall be in addition to
123 the annual fee prescribed in subsection (c) of this section. An
124 application fee shall not be charged for an application to renew a
125 certificate of dealer registration.

126 [(5) In any case in which a certificate of dealer registration has been
127 issued to a partnership, if one or more of the partners dies or retires,
128 the remaining partner or partners need not file a new application for
129 the unexpired portion of the current certificate of dealer registration,
130 and no additional fee for such unexpired portion shall be required.
131 Notice of any such change shall be given to the department and the
132 certificate of dealer registration shall be endorsed to show correct
133 ownership. Whenever any partnership changes by reason of the
134 addition of one or more partners, a new application and the payment
135 of new application and annual fees shall be required.]

136 (c) The annual fee for an electronic nicotine delivery system
137 certificate of dealer registration shall be four hundred dollars.

138 (d) The department may renew a certificate of dealer registration
139 issued under this section that has expired if the applicant pays to the
140 department any fine imposed by the commissioner pursuant to
141 subsection (c) of section 21a-4, which fine shall be in addition to the
142 fees prescribed in this section for the certificate of dealer registration
143 applied for. The provisions of this subsection shall not apply to any
144 certificate of dealer registration which is the subject of administrative
145 or court proceedings.

146 (e) (1) Any person in this state who knowingly sells, offers for sale
147 or possesses with intent to sell an electronic nicotine delivery system or
148 vapor product [without] from a place of business that does not have a
149 certificate of dealer registration as required under this section shall be
150 fined not more than fifty dollars for each day of such violation, except
151 that the commissioner may waive all or any part of such fine if it is
152 proven to the commissioner's satisfaction that the failure to obtain or
153 renew such certificate of dealer registration was due to reasonable
154 cause.

155 (2) Notwithstanding the provisions of subdivision (1) of this
156 subsection, any person whose electronic nicotine delivery system
157 certificate of dealer registration for the place of business where

158 electronic nicotine delivery systems or vapor products are sold, offered
159 for sale or possessed with the intent to sell has expired and who
160 knowingly sells, offers for sale or possesses with intent to sell an
161 electronic nicotine delivery system or vapor product, where such
162 person's period of operation without such certificate of dealer
163 registration is not more than ninety days from the date of expiration of
164 such certificate of dealer registration, shall have committed an
165 infraction and shall be fined ninety dollars.

166 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
167 this subsection, no penalty shall be imposed under this subsection
168 unless the commissioner sends written notice of any violation to the
169 person who is subject to a penalty under subdivision (1) or (2) of this
170 subsection and allows such person sixty days from the date such notice
171 was sent to cease such violation and comply with the requirements of
172 this section. Such written notice shall be sent [, within available
173 appropriations,] by mail evidenced by a certificate of mailing or other
174 similar United States Postal Service form from which the date of
175 deposit can be verified or by electronic mail to the electronic mail
176 address designated by such person on its application or renewal
177 application for nicotine delivery system certificate of dealer
178 registration.

179 Sec. 502. Section 21a-415a of the 2016 supplement to the general
180 statutes is repealed and the following is substituted in lieu thereof
181 (*Effective from passage*):

182 (a) On and after March 1, 2016, no person in this state may
183 manufacture an electronic nicotine delivery system or vapor product
184 unless such person has obtained an electronic nicotine delivery system
185 certificate of manufacturer registration from the Commissioner of
186 Consumer Protection pursuant to this section for the place of business
187 where such system or product is manufactured. An electronic nicotine
188 delivery system certificate of manufacturer registration shall allow the
189 manufacture of electronic nicotine delivery systems or vapor products
190 in this state at such place of business. For the purposes of this section,

191 "manufacturer" means any person who mixes, compounds, repackages
192 or resizes any nicotine-containing electronic nicotine delivery system
193 or vapor product, and "person" means each owner of a business
194 organization, provided each affiliate of a business organization that is
195 under common control or ownership shall constitute a separate
196 person.

197 (b) (1) On or after January 1, 2016, any person desiring an electronic
198 nicotine delivery system certificate of manufacturer registration or a
199 renewal of such a certificate of manufacturer registration shall make a
200 sworn application therefor to the Department of Consumer Protection
201 upon forms to be furnished by the department, showing the name,
202 [and] address and electronic mail address of the applicant [,] and the
203 location of the place of business which is to be operated under such
204 certificate of manufacturer registration, [and a financial statement
205 setting forth all elements and details of any business transactions
206 connected with the application. The application shall also indicate any
207 crimes of which the applicant has been convicted. Applicants shall]
208 The department may require that an applicant submit documents
209 sufficient to establish that state and local building, fire and zoning
210 requirements will be met at the place of manufacture. The department
211 may, in its discretion, conduct an investigation to determine whether a
212 certificate of manufacturer registration shall be issued to an applicant.

213 (2) The commissioner shall issue an electronic nicotine delivery
214 system certificate of manufacturer registration to any such applicant
215 not later than thirty days after the date of application unless the
216 commissioner finds: (A) The applicant has wilfully made a materially
217 false statement in such application or in any other application made to
218 the commissioner; or (B) the applicant has neglected to pay any taxes
219 due to this state, [; or (C) the applicant has been convicted of violating
220 any of the cigarette or other tobacco products tax laws of this or any
221 other state or the cigarette tax laws of the United States or has such a
222 criminal record that the commissioner reasonably believes that such
223 applicant is not a suitable person to be issued a license, provided no
224 refusal shall be rendered under this subdivision except in accordance

225 with the provisions of sections 46a-80 and 46a-81.]

226 (3) A certificate of manufacturer registration issued under this
227 section shall be renewed annually and may be suspended or revoked
228 at the discretion of the Department of Consumer Protection. Any
229 person aggrieved by a denial of an application, refusal to renew a
230 certificate of manufacturer registration or suspension or revocation of a
231 certificate of manufacturer registration may appeal in the manner
232 prescribed for permits under section 30-55. An electronic nicotine
233 delivery system certificate of manufacturer registration shall not
234 constitute property, nor shall it be subject to attachment and execution,
235 nor shall it be alienable, [, except that it shall descend to the estate of a
236 deceased holder of a certificate of manufacturer registration by the
237 laws of testate or intestate succession.]

238 (4) The applicant shall pay to the department a nonrefundable
239 application fee of seventy-five dollars, which fee shall be in addition to
240 the annual fee prescribed in subsection (c) of this section. An
241 application fee shall not be charged for an application to renew a
242 certificate of manufacturer registration.

243 [(5) In any case in which a certificate of manufacturer registration
244 has been issued to a partnership, if one or more of the partners dies or
245 retires, the remaining partner or partners need not file a new
246 application for the unexpired portion of the current certificate of
247 manufacturer registration, and no additional fee for such unexpired
248 portion shall be required. Notice of any such change shall be given to
249 the department and the certificate of manufacturer registration shall be
250 endorsed to show correct ownership. Whenever any partnership
251 changes by reason of the addition of one or more partners, a new
252 application and the payment of new application and annual fees shall
253 be required.]

254 (c) The annual fee for an electronic nicotine delivery system
255 certificate of manufacturer registration shall be four hundred dollars.

256 (d) The department may renew a certificate of manufacturer

257 registration issued under this section that has expired if the applicant
258 pays to the department any fine imposed by the commissioner
259 pursuant to subsection (c) of section 21a-4, which fine shall be in
260 addition to the fees prescribed in this section for the certificate of
261 manufacturer registration applied for. The provisions of this
262 subsection shall not apply to any certificate of manufacturer
263 registration which is the subject of administrative or court
264 proceedings.

265 (e) (1) Any person in this state who knowingly manufactures an
266 electronic nicotine delivery system or vapor product ~~[without]~~ from a
267 place of business that does not have a certificate of manufacturer
268 registration as required under this section shall be fined not more than
269 fifty dollars for each day of such violation, except that the
270 commissioner may waive all or any part of such fine if it is proven to
271 the commissioner's satisfaction that the failure to obtain or renew such
272 certificate of manufacturer registration was due to reasonable cause.

273 (2) Notwithstanding the provisions of subdivision (1) of this
274 subsection, any person whose electronic nicotine delivery system
275 certificate of manufacturer registration for the place of business where
276 electronic nicotine delivery systems or vapor products are
277 manufactured has expired and who manufactures in this state an
278 electronic nicotine delivery system or vapor product, where such
279 person's period of operation without such certificate of manufacturer
280 registration is not more than ninety days from the date of expiration of
281 such certificate of manufacturer registration, shall have committed an
282 infraction and shall be fined ninety dollars.

283 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
284 this subsection, no penalty shall be imposed under this subsection
285 unless the commissioner sends written notice of any violation to the
286 person who is subject to a penalty under subdivision (1) or (2) of this
287 subsection and allows such person sixty days from the date such notice
288 was sent to cease such violation and comply with the requirements of
289 this section. Such written notice shall be sent [, within available

290 appropriations,] by mail evidenced by a certificate of mailing or other
291 similar United States Postal Service form from which the date of
292 deposit can be verified or by electronic mail to the electronic mail
293 address designated by such person on its application or renewal
294 application for nicotine delivery system certificate of dealer
295 registration."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>from passage</i>	21a-415
Sec. 502	<i>from passage</i>	21a-415a