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## **OLR Bill Analysis**

### **SB 164**

#### ***AN ACT RAISING THE LEGAL AGE TO PURCHASE TOBACCO TO TWENTY-ONE.***

#### **SUMMARY**

This bill raises, from 18 to 21, the legal age to purchase or possess in public cigarettes, other tobacco products, and e-cigarettes (i.e., electronic nicotine delivery systems and vapor products). It exempts from the increased age requirement anyone age 18 or older before October 1, 2018.

The bill makes corresponding changes to the laws regarding the sale, delivery, or giving of such products to individuals under the legal age (e.g., updating the age on the required sign that cigarette dealers and distributors must post at the point of sale).

Additionally, the bill extends some of the existing penalties for purchases by minors, or sales to minors, to purchases by or sales to individuals ages 18 to 20. But it does not make corresponding changes to certain penalties that the Department of Revenue Services (DRS) may impose under existing law for cigarette and tobacco purchases and sales involving minors.

EFFECTIVE DATE: October 1, 2018

#### **§§ 3 & 4 — PENALTIES FOR PURCHASE OR POSSESSION**

Under existing law and the bill, a person under the legal age who (1) buys cigarettes, other tobacco products, or e-cigarettes; (2) misrepresents his or her age to do so; or (3) possesses one in public, faces a fine of up to \$50 for a first offense and between \$50 and \$100 for each subsequent offense. By law, violators may pay the fine by mail, without making a court appearance (CGS § 51-164n).

By law, the DRS commissioner, after a hearing, may also impose

civil penalties on minors who purchase cigarettes or other tobacco products (CGS § 12-295a(a)). The bill does not extend these penalties to individuals ages 18 to 20 who purchase these products.

## **§§ 2-4 — PENALTIES FOR SALES**

Under existing law and the bill, anyone who sells, gives, or delivers cigarettes or other tobacco products or e-cigarettes to someone under the legal age is subject to a maximum fine of:

1. \$200 for a first offense,
2. \$350 for a second offense committed within 24 months, and
3. \$500 for each subsequent offense committed within 24 months.

Under existing law and the bill, this penalty does not apply if the person under the legal age is delivering or accepting delivery of the product (1) in his or her capacity as an employee or (2) as part of a scientific study that meets specified criteria.

As under existing law, the bill allows the DRS commissioner, after a hearing, to suspend or revoke the license of a dealer or distributor who illegally sells or delivers cigarettes or other tobacco products to individuals under the legal age.

Existing law also allows the DRS commissioner, after a hearing, to impose penalties on cigarette dealers, distributors, or their employees, or owners of businesses with cigarette vending machines, for sales to minors (CGS § 12-295a). The bill does not extend these provisions to sales to individuals ages 18 to 20.

## **BACKGROUND**

### ***Electronic Nicotine Delivery Systems and Vapor Products***

By law, an “electronic nicotine delivery system” is an electronic device used to simulate smoking in delivering nicotine or another substance to a person who inhales from it. Delivery systems include electronic (1) cigarettes, (2) cigars, (3) cigarillos, (4) pipes, and (5) hookahs. They also include related devices, cartridges, liquid, or other

components.

A “vapor product” uses a heating element; power source; electronic circuit; or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor the user inhales. The vapor may or may not include nicotine (CGS § 53-344b(a)).

***Related Bills***

sHB 5289, reported favorably by the Public Health Committee, makes various changes to the state’s smoking laws, such as (1) banning smoking and e-cigarette use in any public housing project constructed on or after October 1, 2018 and (2) prohibiting employers from designating areas for smoking or e-cigarette use inside business facilities.

HB 5293, reported favorably by the Public Health Committee, requires retailers of e-cigarettes to sell them to consumers only in a direct, face-to-face transaction, as is already required for the sale of cigarettes and smokeless tobacco.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 22 Nay 4 (03/26/2018)