

Connecticut's E-Cigarette Laws

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Issue

This report describes Connecticut laws related to the regulation of electronic nicotine delivery systems and vapor products (hereafter referred to as “e-cigarettes”).

Summary

Like many states, Connecticut has enacted laws in recent years to regulate the sale and use of e-cigarettes, such as (1) prohibiting minors (under age 18) from buying or possessing in public e-cigarettes; (2) prohibiting anyone from selling, giving, or delivering e-cigarettes to minors; (3) restricting their use in various establishments and public places, such as state buildings and restaurants; and (4) requiring dealers and manufacturers to register with the Department of Consumer Protection (DCP).

This report highlights provisions of Connecticut laws that regulate the sale and use of e-cigarettes. It does not include all of the laws' provisions; to read the laws in their entirety, visit the Connecticut General Assembly's [website](#). Nor does the report include provisions of the federal Family Smoking and Tobacco Control Act (TCA) that apply to the manufacturing, sale, and use of e-cigarettes. (A federal rule finalized in 2016 extends the Food and Drug Administration's regulatory authority under the TCA to include e-cigarettes). For information on federal laws related to e-cigarettes and minors, see OLR Report [2018-R-0039](#).

What Are E-Cigarettes?

E-cigarettes are battery operated devices designed to deliver nicotine with flavorings and other chemicals to users in vapor instead of smoke.

According to the federal Centers for Disease Control and Prevention (CDC), the nation's youth are more likely than adults to use e-cigarettes. In 2016, 4.3% of middle school students and 11.3% of high school students reported current e-cigarette use as compared to 3.2% of adults (CDC's [Electronic Cigarettes website](#)).

Finally, like most states, Connecticut does not tax e-cigarettes; for information on states that do so, see OLR Report [2017-R-0265](#).

E-Cigarette Systems

E-cigarette systems consist of specific delivery devices and products. Under Connecticut 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. These systems include electronic (1) cigarettes, (2) cigars, (3) cigarillos, (4) pipes, (5) and hookahs. It also includes related devices, cartridges, or other components.

Additionally, the law defines a “vapor product” as a product that uses a heating element; power source; electronic circuit; or other electronic, chemical, or mechanical means, regardless of shape or size, to

produce a vapor that users inhale. The vapor may or may not include nicotine. The law exempts from this definition, a medicinal or therapeutic product used by a (1) licensed health care provider to treat a patient in a health care setting or (2) patient in any setting, if prescribed or directed by a licensed health care provider ([CGS §§ 19a-342a](#) and [53-344b](#), as amended by [PA 17-146](#)).

Examples of E-Cigarette Systems



E-Cigarettes and Minors

Connecticut law makes it illegal for (1) a minor (under age 18) to buy or possess in public an e-cigarette or vapor product and (2) anyone to sell, give, or deliver them to a minor. Violators are subjected to some of the same penalties the law imposes on those who commit similar violations involving tobacco cigarettes (see below).

Purchase of E-Cigarettes by Minors

By law, a minor who (1) buys an e-cigarette, (2) misrepresents his or her age to do so, or (3) possesses one in public, faces a fine of up to \$50 for the first offense and between \$50 and \$100 for each subsequent offense ([CGS § 53-344b](#)).

Sale, Gift, or Delivery of E-Cigarettes to Minors

The law requires sellers and their agents or employers who sell e-cigarettes to ask a prospective buyer whose age is in doubt for proper proof of age, in the form of a driver's license, valid passport, or identity (ID) card. Sellers are prohibited from selling an e-cigarette to someone who does not provide this proof.

The law subjects anyone who sells, gives, or delivers an e-cigarette to a minor to a maximum fine of:

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

But it exempts from fines anyone who sells, gives, or delivers e-cigarettes to, or receives one from, a minor who receives or delivers it (1) as an employee or (2) as part of a scientific study conducted by an organization for medical research purposes. The study must further efforts in tobacco and e-cigarette use prevention and cessation and be approved by the organization's institutional review board ([CGS § 53-344b](#) as amended by [PA 17-146](#)).

Use of Electronic Scanners to Verify Age

Connecticut subjects e-cigarettes to the laws regarding the use of electronic scanners to verify the age of prospective cigarette purchasers. These include:

1. allowing sellers to check the validity of certain documents other than driver's licenses and ID cards,
2. barring sellers from selling to someone if the scan fails to match the information on the license or ID card,
3. limiting the information a transaction scanner can record and maintain to the license or card holder's name and birthdate and the license's or card's expiration date and identification number,
4. prohibiting sellers or their employees from selling the information from a transaction scan, and
5. allowing an affirmative defense in prosecutions for selling e-cigarettes to minors where the seller relied on an electronic scan indicating a valid license or ID card.

As under the law regarding tobacco cigarettes, violators of the electronic scanner laws are subject to a civil penalty of up to \$1,000 ([CGS § 53-344b](#)).

Prohibition on Use in Certain Establishments and Public Places

Prohibited Locations

Connecticut law restricts the use of e-cigarettes in various establishments and public places, such as restaurants, health care institutions, and state buildings. These restrictions are similar to those placed on smoking tobacco products in these areas.

The law makes exceptions for e-cigarette use in certain areas and facilities, including designated smoking areas, tobacco bars, and outdoor areas in establishments serving alcohol. Table 1 lists the locations where e-cigarette use is generally prohibited as well as the locations exempt from this prohibition ([CGS § 19a-342a](#), as amended by [PA 17-146](#)).

Table 1: E-Cigarette Use: Prohibited Locations and Exemptions

<i>Locations Where E-Cigarette Use is Prohibited</i>	
<ul style="list-style-type: none"> • Buildings owned or leased and operated by the state or its political subdivisions 	<ul style="list-style-type: none"> • Restaurants
<ul style="list-style-type: none"> • Health care institutions 	<ul style="list-style-type: none"> • Retail food stores
<ul style="list-style-type: none"> • Places that serve alcohol under specified permits, such as hotels, universities, sporting facilities, and airports, among others 	<ul style="list-style-type: none"> • Dog race tracks of facilities equipped with screens for simulcasting off-track betting racing programs or jai alai games
<ul style="list-style-type: none"> • Licensed child care facilities (e.g., day care centers and group or family day care homes) 	<ul style="list-style-type: none"> • Passenger elevators
<ul style="list-style-type: none"> • Dormitories at public or private higher education institutions 	<ul style="list-style-type: none"> • School buildings during school or student activities

Table 1 (continued)

<i>Locations Exempt From the Prohibition on E-Cigarette Use</i>	
<ul style="list-style-type: none"> • Medical research sites where smoking and e-cigarette use is integral to the research being conducted 	<ul style="list-style-type: none"> • Designated smoking areas in psychiatric facilities
<ul style="list-style-type: none"> • Correctional facilities 	<ul style="list-style-type: none"> • Public housing projects
<ul style="list-style-type: none"> • Classrooms, during e-cigarette demonstrations that are part of a medical or scientific experiment or lesson 	<ul style="list-style-type: none"> • Outdoor portions of establishments serving alcohol, provided e-cigarette use is prohibited in at least 75% of outdoor areas where food is served and these areas are designated with a “nonsmoking sign”
<ul style="list-style-type: none"> • Employee smoking rooms provided by employers 	<ul style="list-style-type: none"> • Tobacco bars, provided they did not expand or change their location as of October 1, 2015
<ul style="list-style-type: none"> • Up to 25% of guest rooms in hotels, motels, or similar lodging 	

Signage Requirements

In each room, elevator, area, or building in which e-cigarette use is prohibited, the person in control of the premises must post or have someone post a sign indicating that state law prohibits e-cigarette use. The signs are not required to be in each room of a building, provided they are posted in conspicuous places ([CGS § 19a-342a](#), as amended by [PA 17-146](#)).

Penalties

By law, a person commits an infraction if he or she is found guilty of (1) using an e-cigarette in a location that is prohibited, (2) failing to post required signs, or (3) removing the signs without authorization ([CGS § 19a-342a](#), as amended by [PA 17-146](#)).

E-Cigarette Dealer and Manufacturer Registration

Connecticut law requires e-cigarette dealers (i.e., retailers, wholesalers, and dealers) and manufacturers to register with DCP and annually renew their registration in order to sell or manufacture e-cigarettes in the state. For manufacturers, the registration requirement applies to the business owners, but for dealers the requirement applies to the business owners or their authorized designees. By law, each affiliate under the business’s common control or ownership must obtain its own registration.

The law requires dealers and manufacturers to post their registrations in a prominent location next to the e-cigarettes they sell or manufacture ([CGS §§ 21a-415](#) and [415a](#)).

Application and Fee

To register with DCP, the dealer or manufacturer must submit an application along with a \$75 nonrefundable application fee and \$400 annual fee. By law, DCP may ask the applicant to provide proof that the business complies with state and local building, fire, and zoning requirements.

The DCP commissioner must issue the registration within 30 days after the application date, unless he finds that the applicant (1) willfully made a materially false statement on the registration application or other DCP application or (2) owes state taxes ([CGS §§ 21a-415](#) and [415a](#)).

Penalties

Connecticut law prohibits anyone from knowingly manufacturing, selling, offering for sale, or possessing with intent to sell an e-cigarette from a business without a manufacturer or dealer registration. The penalty for each violation is a fine of up to \$50 per day. But the DCP commissioner may waive the fine if he determines that there was reasonable cause for failing to obtain or renew the registration.

Under the law, the penalty is an infraction with a \$90 fine, payable by mail without court appearance, for a manufacturer or dealer who operates up to 90 days after the registration expires. Before imposing a penalty, the DCP commissioner must notify the dealer or manufacturer of the violation and give them 60 days to comply ([CGS §§ 21a-415](#) and [415a](#)).

Suspending or Revoking a Registration

DCP may suspend or revoke a registration at its discretion. Anyone aggrieved by a denial, suspension, or revocation may appeal using the appeal process for liquor sale permits ([CGS §§ 21a-415](#) and [415a](#)).

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