

License Requirements for Sales of Vaping Products

By: Julia Singer Bansal, Associate Analyst
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Issue

What type of Department of Consumer Protection (DCP) registration must one have in order to sell vapor products? Does the requirement vary depending on the type of seller?

(This report does not discuss provisions in the federal Family Smoking Prevention and Tobacco Control Act that apply to the manufacturing and sale of vapor products.)

Summary

Since March 1, 2016, anyone selling, offering to sell, or possessing with the intent to sell a vapor product must first obtain an electronic nicotine delivery system certificate of dealer registration from DCP. The requirement applies to retailers, wholesalers, and dealers. A business' individual employees do not need to obtain a registration; only the business' owner or authorized designee. A separate registration is required for each place of business where such product is sold, offered for sale, or possessed with the intent to sell ([CGS § 21a-415](#)). By law, "sale" or "sell" means an intentional act, whether done as principal, proprietor, agent, servant, or employee, of transferring, or offering or attempting to transfer, for consideration, a vapor product, including bartering or exchanging, or offering to barter or exchange, a vapor product ([CGS § 53-344b](#)).

Certificate of Dealer Registration

Required before one may sell, offer for sale, or possess with the intent to sell an electronic nicotine delivery system or vapor product in Connecticut
([CGS § 21a-415](#))

Certificate of Manufacturer Registration

Required before one may manufacture a nicotine-containing electronic nicotine delivery system or vapor product in Connecticut
([CGS § 21a-415a](#))

Similarly, since March 1, 2016, an electronic nicotine delivery system certificate of dealer registration is required to manufacture a vapor product in Connecticut. Manufacturing includes mixing, compounding, repackaging, or resizing a vapor product. Each place of business that manufactures a vaping product in the state must obtain a registration ([CGS § 21a-415a](#)).

To obtain either type of registration, one must annually apply to DCP and pay the applicable fees. The application fee is \$75, but is not charged for renewals. Additionally, the annual registration fee is \$400 ([CGS §§ 21a-415 & -415a](#)).

(Additional information on Connecticut’s regulation of electronic nicotine delivery systems and vapor products can be found in OLR Report [2018-R-0040](#).)

Penalties

Connecticut law prohibits anyone from knowingly manufacturing, selling, offering for sale, or possessing with intent to sell a vapor product from a business without the appropriate registration. The penalty is a fine of up to \$50 per day the violation continues. But the DCP commissioner may waive the fine if she determines that there was reasonable cause for failing to obtain or renew the registration. The penalty is an infraction with a \$90 fine, payable by mail without court appearance, for a manufacturer or dealer who operates for up to 90 days with an expired registration.

Before imposing a fine, the DCP commissioner must notify the dealer or manufacturer of the violation and give them 60 days to comply.

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 & -415a](#)).

Definitions

A “vapor product” is 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 may or may not include nicotine, that is inhaled by the user of such product ([CGS § 53-344b](#)).

An “electronic nicotine delivery system” is 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 electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, or electronic hookahs and any related device and any cartridge, electronic cigarette liquid, or other component of such device ([CGS § 53-344b](#)).

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