AN ACT PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS TO PERSONS UNDER AGE TWENTY-ONE.

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

Section 1. Section 12-285 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) [When] As used in this chapter and section 8 of this act, unless the context otherwise requires:

(1) "Person" means any individual, firm, fiduciary, partnership, corporation, limited liability company, trust or association, however formed;

(2) "Distributor" means (A) any person in this state engaged in the business of manufacturing cigarettes; (B) any person, other than a buying pool, [as defined herein,] who purchases cigarettes at wholesale from manufacturers or other distributors for sale to licensed dealers, and who maintains an established place of business, including a location used exclusively for such business, which has facilities in
which a substantial stock of cigarettes and related merchandise for 
resale can be kept at all times, and who sells at least seventy-five per 
cent of such cigarettes to retailers who, at no time, shall own any 
interest in the business of the distributor as a partner, stockholder or 
trustee; (C) any person operating five or more retail stores in this state 
for the sale of cigarettes, or franchising five or more retail stores in this 
state for the sale of cigarettes who shares in the gross profits generated 
by such stores and who purchases cigarettes at wholesale for sale to 
dealers but sells such cigarettes exclusively to retail stores such person 
is operating or franchising; (D) any person operating and servicing 
twenty-five or more cigarette vending machines in this state who buys 
such cigarettes at wholesale and sells them exclusively in such vending 
machines. If a person qualified as a distributor in accordance with this 
subparagraph, in addition sells cigarettes other than in vending 
machines, such person shall be required to be qualified as a distributor 
in accordance with subparagraph (B) of this subdivision and have an 
additional distributor's license for purposes of such other sales; (E) any 
person who imports into this state unstamped cigarettes, at least 
seventy-five per cent of which are to be sold to others for resale; and 
(F) any person operating storage facilities for unstamped cigarettes in 
this state;

(3) "Cigarette vending machine" means a machine used for the 
purpose of automatically merchandising packaged cigarettes through 
the insertion of the proper amount of coins therein by the purchaser, 
but does not mean a restricted cigarette vending machine;

(4) "Restricted cigarette vending machine" means a machine used 
for the dispensing of packaged cigarettes which automatically 
deactivates after each individual sale, cannot be left operable after a 
sale and requires, prior to each individual sale, a face-to-face 
interaction or display of identification between an employee of the 
area, facility or business where such machine is located and the 
purchaser;

(5) "Dealer" means any person (A) other than a distributor who is
engaged in this state in the business of selling cigarettes, including any
person operating and servicing fewer than twenty-five cigarette
vending machines, [and] any person who is engaged in the business of
selling taxed tobacco products [, as defined in section 12-330a,] at
retail, or (B) who holds an electronic nicotine delivery system
certificate of registration under chapter 420g;

(6) "Licensed dealer" means a dealer licensed under the provisions
of this chapter;

(7) "Stamp" means any stamp authorized to be used under this
chapter by the Commissioner of Revenue Services and includes heat-
applied decals;

(8) "Sale" or "sell" [includes or applies to gifts, exchanges and barter]
means an act done intentionally by any person, whether done as
principal, proprietor, agent, servant or employee, of transferring,
offering or attempting to transfer, for consideration, including
bartering or exchanging, or offering to barter and exchange; and

(9) "Buying pool" means and includes any combination, corporation,
association, affiliation or group of retail dealers operating jointly in the
purchase, sale, exchange or barter of cigarettes, the profits from which
accrue directly or indirectly to such retail dealers, provided any person
holding a distributor's license issued prior to June 29, 1951, shall be
deemed to be a distributor within the terms of this section.

(b) [For the purposes of] As used in part I and part II only of this
chapter and section 8 of this act:

(1) "Cigarette" means and includes any roll for smoking made
wholly or in part of tobacco, irrespective of size or shape and
irrespective of whether the tobacco is flavored, adulterated or mixed
with any other ingredient, where such roll has a wrapper or cover
made of paper or any other material, except where such wrapper is
wholly or in the greater part made of tobacco and such roll weighs
over three pounds per thousand, provided, if any roll for smoking has
a wrapper made of homogenized tobacco or natural leaf tobacco, and
the roll is a cigarette size so that it weighs three pounds or less per
thousand, such roll is a cigarette and subject to the tax imposed by part
I and part II of this chapter; [and]

(2) "Unstamped cigarette" means any package of cigarettes to which
the proper amount of Connecticut cigarette tax stamps have not been
affixed; [.] 

(3) "Flavored" means containing a constituent that imparts a
characterizing flavor;

(4) "Characterizing flavor" means a distinguishable taste or aroma,
other than the taste or aroma of tobacco, menthol, mint or wintergreen,
impacted prior to or during consumption of a tobacco product,
including, but not limited to, a taste or aroma relating to any fruit,
chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage,
herb or spice;

(5) "Tobacco product" (A) means any product, other than a cigarette,
that is made or derived from tobacco and intended for human
consumption, or likely to be consumed, whether smoked, heated,
chewed, absorbed, dissolved, inhaled or ingested by any other means,
including, but not limited to, a cigar, pipe tobacco, chewing tobacco,
snuff and snus, and any component or accessory thereof, including,
but not limited to, a filter, rolling paper or pipe, and (B) shall not
include any drug or device, as defined in the federal Food, Drug and
Cosmetic Act, 21 USC 321, as amended from time to time, or any
combination product, as described in said act, 21 USC 353(g), as
amended from time to time, authorized for sale by the United States
Food and Drug Administration;

(6) "Taxed tobacco product" means any tobacco product upon which
tax has been paid in accordance with the provisions of chapter 214a;

(7) "Electronic nicotine delivery system" means an electronic device
used in the delivery of nicotine or other substances 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

(8) "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 include nicotine, that is inhaled by the user of such product,
but shall not include a medicinal or therapeutic product used by (A) a
licensed health care provider to treat a patient in a health care setting,
or (B) a patient, as prescribed or directed by a licensed health care
provider in any setting.

Sec. 2. Subsection (a) of section 12-286a of the general statutes is
repealed and the following is substituted in lieu thereof (Effective
October 1, 2019):

(a) Each distributor and each dealer, as defined in section 12-285, as
amended by this act, shall place and maintain in legible condition at
each point of sale of cigarettes, tobacco products, electronic nicotine
delivery systems and vapor products to consumers, including the front
of each cigarette vending machine, and each restricted cigarette
vending machine a notice which states (1) that the sale, giving or
delivering of tobacco products, including cigarettes, electronic nicotine
delivery systems and vapor products to any person under [eighteen]
twenty-one years of age is prohibited by [section] sections 53-344, as
amended by this act, and 53-344b, as amended by this act, (2) the
[purchase or] misrepresentation of age through the use of false
identification by a person under [eighteen] twenty-one years of age to
purchase cigarettes, [or] tobacco products, electronic nicotine delivery
systems and vapor products is prohibited by [said section] sections 53-
344, as amended by this act, and 53-344b, as amended by this act, and
(3) the penalties and fines for violating [said section] sections 53-344, as
amended by this act, 53-344b, as amended by this act, and [section] 12-
295a, as amended by this act.
Sec. 3. Section 12-287 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) Each person engaging in, or intending to engage in, the business of selling cigarettes in this state as a dealer, and each person engaging in or intending to engage in, the business of selling taxed tobacco products at retail, shall secure a dealer's license from the Commissioner of Revenue Services before engaging in such business or continuing to engage therein. Subject to the provisions of section 12-286, such license shall be renewable annually. The annual fee for a dealer's license shall be two hundred fifty dollars. Such license shall be valid for a period beginning with the date of license to the thirtieth day of September next succeeding the date of license unless sooner revoked as provided in section 12-295, as amended by this act, or unless the person to whom it was issued discontinues business, in either of which cases the holder of the license shall immediately return it to the commissioner. In the event of mutilation or destruction of such license, a duplicate copy, marked as such, shall be issued by said commissioner upon application accompanied by a fee of fifteen dollars.

(b) There is established an account to be known as the "tobacco control enforcement account" which shall be a separate, nonlapsing account within the General Fund. Eighty per cent of each dealer's license fee collected under subsection (a) of this section shall be deposited into the account. The Commissioner of Revenue Services may expend moneys from the account as is necessary to administer the licensing of dealers under subsection (a) of this section and for the education and training of such dealers, inspections of such dealers' retail establishments and unannounced compliance checks of such retail establishments to enforce the provisions of chapters 214 and 214a and sections 53-344 to 53-344b, inclusive, as amended by this act.

Sec. 4. Subsections (a) and (b) of section 12-289a of the general statutes are repealed and the following is substituted in lieu thereof (Effective October 1, 2019):
(a) No cigarette vending machine or restricted cigarette vending machine may be placed in an area, facility or business which [is frequented primarily by minors] may be accessed by persons under the age of twenty-one. No cigarettes may be dispensed from any machine other than a cigarette vending machine or a restricted cigarette vending machine. No tobacco products, electronic nicotine delivery systems or vapor products may be dispensed from a cigarette vending machine or a restricted cigarette vending machine.

(b) A cigarette vending machine may be placed only in (1) an area, facility or business which is accessible only to [adults] persons twenty-one years of age or older, or (2) an area, facility or business permitted under chapter 545 if the area, facility or business has a separate area accessible only to [adults] persons twenty-one years of age or older and the machine is placed in such area.

Sec. 5. Section 12-291a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

Any person who fails to secure or renew a license as provided in section 12-287, as amended by this act, or 12-288 shall forfeit as a penalty for each day of operation without such license the sum of [five] fifty dollars. The commissioner is authorized to waive all or any part of the penalties provided in this section when it is proven to his satisfaction that the failure to secure or renew such license was due to reasonable cause.

Sec. 6. Section 12-295 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) The commissioner may suspend or revoke [the] any license or certificate of any dealer or distributor issued under this chapter, chapter 214a or chapter 420g for failure to comply with any provision of this chapter, or chapter 214a or chapter 420g or regulations related thereto or for the sale or delivery of [tobacco in any form] cigarettes, tobacco products, electronic nicotine delivery systems or vapor products to a [minor under eighteen] person under twenty-one years
of age, following a hearing with respect to which notice in writing, specifying the time and place of such hearing and requiring such dealer or distributor to show cause why such license or certificate should not be revoked, is mailed or delivered to such dealer or distributor not less than ten days preceding the date of such hearing. Such notice may be served personally or by registered or certified mail.

(b) If the commissioner finds, after a hearing as provided in subsection (a) of this section, that a dealer has violated any provision of sections 12-326a to 12-326h, inclusive, the commissioner shall, for a first violation, suspend such dealer's license or certificate for not less than seven days and assess a civil penalty of not more than one thousand dollars and, for a second or subsequent violation [within a five-year period] on or before five years after the date of the first violation, suspend such dealer's license or certificate for not less than thirty days and assess a civil penalty of not less than five thousand dollars. The commissioner shall order such dealer to conspicuously post a notice in a public place stating that cigarettes, tobacco products, electronic nicotine delivery systems and vapor products cannot be sold during the period of such suspension and the reason therefor. Any sale of cigarettes, tobacco products, electronic nicotine delivery systems or vapor products by such dealer during the period of such suspension shall be deemed an additional violation of said sections.

(c) If the commissioner finds, after a hearing as provided in subsection (a) of this section, that a distributor has violated any provision of sections 12-326a to 12-326h, inclusive, the commissioner shall (1) for a first violation, suspend such distributor's license or certificate for not less than seven days and assess a civil penalty of not more than ten thousand dollars, (2) for a second violation [within a five-year period] on or before five years after the date of the first violation, suspend such distributor's license or certificate for not less than thirty days and assess a civil penalty of not more than twenty-five thousand dollars, and (3) for a subsequent violation [within a five-year period] on or before five years after the date of the first violation, revoke such distributor's license or certificate and assess a civil penalty
of not more than fifty thousand dollars, except that if the violation is of subsection (b) of section 12-326b, the commissioner shall assess an additional civil penalty of one thousand dollars for each carton of cigarettes sold or bought in violation of said subsection. The commissioner shall order such distributor to conspicuously post a notice in a public place stating that cigarettes, tobacco products, electronic nicotine delivery systems and vapor products cannot be sold during the period of such suspension and the reason therefor. Any sale of cigarettes, tobacco products, electronic nicotine delivery systems or vapor products by such distributor during the period of such suspension shall be deemed an additional violation of said sections.

(d) The commissioner shall not issue a new license or certificate to a former licensee or certificate holder whose license or certificate holder was revoked unless the commissioner is satisfied that such former licensee or certificate holder will comply with the provisions of this chapter or regulations related thereto.

Sec. 7. Section 12-295a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

[(a) If the Commissioner of Revenue Services finds, after a hearing, that a minor has purchased cigarettes or tobacco products, said commissioner shall assess such minor a civil penalty of not more than one hundred dollars for the first violation and not more than one hundred fifty dollars for any second or subsequent offense within twenty-four months after the first violation.]

[(b)] (a) If [said commissioner] the Commissioner of Revenue Services finds, after a hearing, that any person employed by a dealer or distributor, as defined in section 12-285, as amended by this act, has sold, given or delivered cigarettes, [or] tobacco products, electronic nicotine delivery systems or vapor products to a [minor] person under twenty-one years of age other than a [minor] person under twenty-one years of age who is delivering or accepting delivery in [his] such person's capacity as an employee, said commissioner shall, for the first
violations, require such person to successfully complete an online tobacco prevention education program administered by the Department of Mental Health and Addiction Services not later than thirty days after said commissioner's finding. Said commissioner shall assess any person who fails to complete such program a civil penalty of two hundred dollars. Said commissioner shall assess any person employed by a dealer or distributor a civil penalty of two hundred fifty dollars for a second or subsequent violation [within twenty-four months] on or before thirty-six months after the date of the first violation.

[(c) (b) If [said commissioner] the Commissioner of Revenue Services finds, after a hearing, that any dealer or distributor, or any person employed by a dealer or distributor, has sold, given or delivered cigarettes, [or] tobacco products, electronic nicotine delivery systems or vapor products to a [minor] person under twenty-one years of age other than a [minor] person under twenty-one years of age who is delivering or accepting delivery in [his] such person's capacity as an employee, or such dealer or distributor's employee has sold, given or delivered cigarettes or tobacco products to such [minor] person, said commissioner shall require such dealer or distributor, for the first violation, to successfully complete an online tobacco prevention education program administered by the Department of Mental Health and Addiction Services not later than thirty days after said commissioner's finding. Said commissioner shall assess any dealer or distributor who fails to complete such program a civil penalty of three hundred dollars. Said commissioner shall assess any dealer or distributor a civil penalty of seven hundred fifty dollars for a second violation [within twenty-four months of] on or before thirty-six months after the date of the first violation. For a third violation [within twenty-four months of] on or before thirty-six months after the date of the first violation, said commissioner shall assess such dealer or distributor [shall be assessed] a civil penalty of [seven hundred fifty] one thousand dollars and suspend any license or certificate held by such dealer or distributor under this chapter [shall be suspended] for
not less than thirty days. For a fourth violation on or before thirty-six months after the date of the first violation, said commissioner shall assess such dealer or distributor a civil penalty of one thousand dollars and revoke any license or certificate issued to such dealer or distributor under this chapter, chapter 214A or chapter 420g. Said commissioner shall order such distributor or dealer to conspicuously post a notice in a public place within such distributor's or dealer's establishment stating that cigarettes, tobacco products, electronic nicotine delivery systems and vapor products cannot be sold during the period of such suspension or revocation and the reasons for such suspension or revocation. Any sale of cigarettes, tobacco products, electronic nicotine delivery systems or vapor products by such dealer or distributor during such suspension or revocation shall be deemed an additional violation of this subsection.

[(d)] (c) If [said commissioner] the Commissioner of Revenue Services finds, after a hearing, that any owner of an establishment in which a cigarette vending machine or restricted cigarette vending machine is located has sold, given or delivered cigarettes, tobacco products, electronic nicotine delivery systems or vapor products from any such machine to a [minor] person under twenty-one years of age other than a [minor] person under twenty-one years of age who is delivering or accepting delivery in [his] such person's capacity as an employee, or has allowed cigarettes, tobacco products, electronic nicotine delivery systems or vapor products to be sold, given or delivered to such [minor] person from any such machine, said commissioner shall require such owner, for the first violation, to successfully complete an online tobacco prevention education program administered by the Department of Mental Health and Addiction Services not later than thirty days after said commissioner's finding. Said commissioner shall assess any owner who fails to complete such program a civil penalty of five hundred dollars. Said commissioner shall assess any owner a civil penalty of seven hundred fifty dollars for a second violation [within twenty-four months] on or before thirty-six months after the date of the first violation. For a third violation [within
twenty-four months] on or before thirty-six months after the date of
the first violation, said commissioner shall assess such owner [shall be
assessed] a civil penalty of [seven hundred fifty] one thousand dollars
and immediately remove any such machine [shall be immediately
removed] from such establishment and no such machine may be
placed in such establishment for a period of one year following such
removal.

[(e)] (d) Any person aggrieved by any action of the commissioner
pursuant to this section may take any appeal of such action as
provided in sections 12-311 and 12-312.

(e) Not less than annually, the Commissioner of Revenue Services,
or the commissioner's designee, shall conduct unannounced
compliance checks on each dealer and distributor by engaging persons
between the ages of eighteen and twenty to enter the establishment of
each dealer and distributor to attempt to purchase cigarettes, a tobacco
product, an electronic nicotine delivery system or a vapor product. The
commissioner shall conduct an unannounced follow-up compliance
check of all noncompliant dealers and distributors not later than three
months after the date of noncompliance. The commissioner shall
annually publish the names of all noncompliant dealers and
distributors on the Department of Revenue Services' Internet web site.

Sec. 8. (NEW) (Effective October 1, 2019) (a) No distributor or dealer
shall sell, offer for sale, display for sale or possess with intent to sell
any flavored cigarette or flavored tobacco product. No cigarette or
tobacco product shall be determined to be flavored solely because of
the use of additives or flavoring or the inclusion of ingredient
information. A public statement, claim or indicia made or
disseminated by the manufacturer of the cigarette or tobacco product,
or any person authorized by the manufacturer to make or disseminate
public statements concerning such cigarette or tobacco product, that
such cigarette or tobacco product has or produces a characterizing
flavor shall constitute prima facie evidence that such cigarette or
tobacco product is a flavored cigarette or tobacco product.
(b) If the Commissioner of Revenue Services finds, after a hearing, that a distributor or dealer knowingly violated any provision of subsection (a) of this section, the commissioner shall find that such dealer or distributor committed an infraction and shall assess such dealer or distributor a civil penalty of three hundred dollars for the first infraction or seven hundred fifty dollars for a second infraction on or before thirty-six months after the date of the first infraction. For a third infraction on or before thirty-six months after the date of the first infraction, the commissioner shall assess such dealer or distributor a civil penalty of one thousand dollars and suspend for not less than thirty days or revoke any license held by such distributor or dealer. For a fourth infraction on or before thirty-six months after the date of the first infraction, the commissioner shall revoke any license held by such distributor or dealer.

Sec. 9. Section 53-344 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) As used in this section:

(1) "Cardholder" means any person who presents a driver's license or an identity card to a seller or seller's agent or employee, to purchase or receive tobacco from such seller or seller's agent or employee;

(2) "Cigarette" has the same meaning as provided in section 12-285, as amended by this act;

[(2)] (3) "Identity card" means an identification card issued in accordance with the provisions of section 1-1h;

(4) "Sale" has the same meaning as provided in section 53-344b, as amended by this act;

(5) "Give" or "giving" has the same meaning as provided in section 53-344b, as amended by this act;

(6) "Deliver" or "delivering" has the same meaning as provided in section 53-344b, as amended by this act;
(7) "Seller" means any person engaged in the sale, giving or delivering of cigarettes or tobacco products;

(8) "Tobacco product" has the same meaning as provided in section 12-285, as amended by this act;

[(3)] (9) "Transaction scan" means the process by which a seller or seller's agent or employee checks, by means of a transaction scan device, the validity of a driver's license or an identity card; and

[(4)] (10) "Transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or an identity card.

(b) Any person who sells, gives or delivers to any person under [eighteen] twenty-one years of age [tobacco] cigarettes or a tobacco product shall be fined not more than [two] three hundred dollars for the first offense, not more than [three] seven hundred fifty dollars for a second offense [within a twenty-four-month period] on or before thirty-six months after the date of the first offense and not more than [five hundred] one thousand dollars for each subsequent offense [within a twenty-four-month period] on or before thirty-six months after the date of the first offense. The provisions of this subsection shall not apply to a person under [eighteen years] twenty-one years of age who is delivering or accepting delivery of cigarettes or a tobacco product (1) in such person's capacity as an employee, or (2) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco product use prevention and cessation, provided such medical research has been approved by the organization's institutional review board, as defined in section 21a-408.

(c) Any person under [eighteen] twenty-one years of age who [purchases or] misrepresents such person's age to purchase cigarettes or a tobacco [in any form or possesses tobacco in any form] product in
any public place shall be fined not more than fifty dollars for the first
defense and not less than fifty dollars or more than one hundred
dollars for each subsequent offense. For purposes of this subsection,
"public place" means any area that is used or held out for use by the
public whether owned or operated by public or private interests.

(d) (1) A seller or seller's agent or employee may perform a
transaction scan to check the validity of a driver's license or identity
card presented by a cardholder as a condition for selling, giving away
or otherwise distributing cigarettes or a tobacco product to the
cardholder.

(2) If the information deciphered by the transaction scan performed
under subdivision (1) of this subsection fails to match the information
printed on the driver's license or identity card presented by the
 cardholder, or if the transaction scan indicates that the information so
printed is false or fraudulent, neither the seller nor any seller's agent or
employee shall sell, give away or otherwise distribute any cigarettes or
a tobacco product to the cardholder.

(3) Subdivision (1) of this subsection does not preclude a seller or
seller's agent or employee from using a transaction scan device to
check the validity of a document other than a driver's license or an
identity card, if the document includes a bar code or magnetic strip
that may be scanned by the device, as a condition for selling, giving
away or otherwise distributing cigarettes or a tobacco product to the
person presenting the document.

(e) (1) No seller or seller's agent or employee shall electronically or
mechanically record or maintain any information derived from a
transaction scan, except the following: (A) The name and date of birth
of the person listed on the driver's license or identity card presented by
a cardholder; (B) the expiration date and identification number of the
driver's license or identity card presented by a cardholder.

(2) No seller or seller's agent or employee shall use a transaction
scan device for a purpose other than the purposes specified in
subsection (e) of section 53-344b, as amended by this act, subsection (d) of this section or subsection (c) of section 30-86.

(3) No seller or seller's agent or employee shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or seller's agent or employee may release that information pursuant to a court order.

(4) Nothing in subsection (d) of this section or this subsection relieves a seller or seller's agent or employee of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away or other distribution of cigarettes or tobacco products.

(5) Any person who violates this subsection shall be subject to a civil penalty of not more than one thousand dollars.

(f) (1) In any prosecution of a seller or seller's agent or employee for a violation of subsection (b) of this section, it shall be an affirmative defense that all of the following occurred: (A) A cardholder attempting to purchase or receive cigarettes or a tobacco product presented a driver's license or an identity card; (B) a transaction scan of the driver's license or identity card that the cardholder presented indicated that the license or card was valid; and (C) the cigarettes or a tobacco product was sold, given away or otherwise distributed to the cardholder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or seller's agent or employee has proven the affirmative defense provided by subdivision (1) of this section, the trier of fact in such prosecution shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or seller's agent or employee to exercise reasonable diligence and that the use of a transaction scan device does not excuse a seller or seller's agent or
employee from exercising such reasonable diligence to determine the following: (A) Whether a person to whom the seller or seller's agent or employee sells, gives away or otherwise distributes cigarettes or a tobacco product is [eighteen] twenty-one years of age or older; and (B) whether the description and picture appearing on the driver's license or identity card presented by a cardholder is that of the cardholder.

Sec. 10. Section 53-344a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

Each retailer of cigarettes or tobacco products or agent, employee or representative of such retailer shall require a person who is purchasing or attempting to purchase cigarettes or tobacco products, [whose age is in question] who appears to be under the age of thirty, to exhibit proper proof of age. If a person fails to provide such proof of age, such retailer or agent, employee or representative shall not sell cigarettes or tobacco products to the person. As used in this section, "proper proof" means a motor vehicle operator's license, a valid passport or an identity card issued in accordance with the provisions of section 1-1h.

Sec. 11. Section 53-344b of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) As used in this section: [and sections 21a-415 and 21a-415a:]

(1) "Electronic nicotine delivery system" means an electronic device [that may be used to simulate smoking] used 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, electronic cigarette liquid or other component of such device;

(2) "Cardholder" means any person who presents a driver's license or an identity card to a seller or seller's agent or employee, to purchase or receive an electronic nicotine delivery system or vapor product from such seller or seller's agent or employee;
(3) "Identity card" means an identification card issued in accordance with the provisions of section 1-1h;

(4) "Transaction scan" means the process by which a seller or seller's agent or employee checks, by means of a transaction scan device, the validity of a driver's license or an identity card;

(5) "Transaction scan device" means any commercial device or combination of devices used at a point of sale that is capable of deciphering in an electronically readable format the information encoded on the magnetic strip or bar code of a driver's license or an identity card;

(6) "Sale" or "sell" means an act done intentionally by any person, whether done as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, for consideration, an electronic nicotine delivery system or vapor product, including bartering or exchanging, or offering to barter or exchange, an electronic nicotine delivery system or vapor product;

(7) "Give" or "giving" means an act done intentionally by any person, whether done as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, without consideration, an electronic nicotine delivery system or vapor product;

(8) "Deliver" or "delivering" means an act done intentionally by any person, whether as principal, proprietor, agent, servant or employee, of transferring, or offering or attempting to transfer, physical possession or control of an electronic nicotine delivery system or vapor product;

(9) "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; [and]
(10) "Electronic cigarette liquid" means a [liquid] substance that, when used in an electronic nicotine delivery system or vapor product, produces [a vapor] an aerosol that may [or may not] include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product; and

(11) "Seller" means any person who sells, gives or delivers an electronic nicotine delivery system or vapor product.

(b) Any person who sells, gives or delivers to any person under [eighteen] twenty-one years of age an electronic nicotine delivery system or vapor product in any form shall be fined not more than [two] three hundred dollars for the first offense, not more than [three] seven hundred fifty dollars for a second offense [within a twenty-four-month period] on or before thirty-six months after the date of the first offense and not more than [five hundred] one thousand dollars for each subsequent offense [within a twenty-four-month period] on or before thirty-six months after the date of the first offense. The provisions of this subsection shall not apply to a person under [eighteen] twenty-one years of age who is delivering or accepting delivery of an electronic nicotine delivery system or vapor product (1) in such person's capacity as an employee, or (2) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in tobacco use prevention and cessation, provided such medical research has been approved by the organization's institutional review board, as defined in section 21a-408.

c) Any person under [eighteen] twenty-one years of age who [purchases or] misrepresents such person's age to purchase an electronic nicotine delivery system or vapor product in any form [or possesses an electronic nicotine delivery system or vapor product in any form in any public place] shall be fined not more than fifty dollars for the first offense and not less than fifty dollars or more than one hundred dollars for each subsequent offense. [For purposes of this subsection "public place" means any area that is used or held out for use by the public whether owned or operated by public or private
(d) (1) A seller or seller's agent or employee may perform a transaction scan to check the validity of a driver's license or identity card presented by a cardholder as a condition for selling, giving or otherwise delivering an electronic nicotine delivery system or vapor product to the cardholder.

(2) If the information deciphered by the transaction scan performed under subdivision (1) of this subsection fails to match the information printed on the driver's license or identity card presented by the cardholder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the seller nor any seller's agent or employee shall sell, give or otherwise deliver any electronic nicotine delivery system or vapor product to the cardholder.

(3) Subdivision (1) of this subsection does not preclude a seller or seller's agent or employee from using a transaction scan device to check the validity of a document other than a driver's license or an identity card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition for selling, giving or otherwise delivering an electronic nicotine delivery system or vapor product to the person presenting the document.

(e) (1) No seller or seller's agent or employee shall electronically or mechanically record or maintain any information derived from a transaction scan, except the following: (A) The name and date of birth of the person listed on the driver's license or identity card presented by a cardholder; and (B) the expiration date and identification number of the driver's license or identity card presented by a cardholder.

(2) No seller or seller's agent or employee shall use a transaction scan device for a purpose other than the purposes specified in subsection (d) of this section, subsection (d) of section 53-344, as amended by this act, or subsection (c) of section 30-86.

(3) No seller or seller's agent or employee shall sell or otherwise
disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising or promotional activities, but a seller or seller's agent or employee may release that information pursuant to a court order.

(4) Nothing in subsection (d) of this section or this subsection relieves a seller or seller's agent or employee of any responsibility to comply with any other applicable state or federal laws or rules governing selling, giving or otherwise delivering electronic nicotine delivery systems or vapor products.

(5) Any person who violates this subsection shall be subject to a civil penalty of not more than one thousand dollars.

(f)(1) In any prosecution of a seller or seller's agent or employee for a violation of subsection (b) of this section, it shall be an affirmative defense that all of the following occurred: (A) A cardholder attempting to purchase or receive an electronic nicotine delivery system or vapor product presented a driver's license or an identity card; (B) a transaction scan of the driver's license or identity card that the cardholder presented indicated that the license or card was valid and indicated that the cardholder was at least twenty-one years of age; and (C) the electronic nicotine delivery system or vapor product was sold, given or otherwise delivered to the cardholder in reasonable reliance upon the identification presented and the completed transaction scan.

(2) In determining whether a seller or seller's agent or employee has proven the affirmative defense provided by subdivision (1) of this section, the trier of fact in such prosecution shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or seller's agent or employee to exercise reasonable diligence and that the use of a transaction scan device does not excuse a seller or seller's agent or employee from exercising such reasonable diligence to determine the following: (A) Whether a person to whom the seller or seller's agent or
employee sells, gives or otherwise delivers an electronic nicotine delivery system or vapor product is [eighteen] twenty-one years of age or older; and (B) whether the description and picture appearing on the driver's license or identity card presented by a cardholder is that of the cardholder.

(g) Each seller of electronic nicotine delivery systems or vapor products or such seller's agent or employee shall require a person who is purchasing or attempting to purchase an electronic nicotine delivery system or vapor product [, whose age is in question,] and appears to be under the age of thirty to exhibit proper proof of age. If a person fails to provide such proof of age, such seller or seller's agent or employee shall not sell an electronic nicotine delivery system or vapor product to the person. As used in this subsection, "proper proof" means a motor vehicle operator's license, a valid passport or an identity card issued in accordance with the provisions of section 1-1h.

Sec. 12. Section 21a-415 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) As used in this chapter and sections 13 and 14 of this act:

(1) "Electronic nicotine delivery system" means an electronic device used 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, electronic cigarette liquid or other component of such device;

(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 include nicotine, that is inhaled by the user of such product;

and

(3) "Sale" or "sell" means an act done intentionally by any person, whether done as principal, proprietor, agent, servant or employee, of
transferring, or offering or attempting to transfer, for consideration, an
electronic nicotine delivery system or vapor product, including
bartering or exchanging, or offering to barter or exchange, an
electronic nicotine delivery system or vapor product; and

(4) "Deliver" or "delivering" means an act done intentionally by any
person, whether as principal, proprietor, agent, servant or employee,
of transferring, or offering or attempting to transfer, physical
possession or control of an electronic nicotine delivery system or vapor
product.

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

[(b) (c) (1) [On or after January 1, 2016, any] Any person desiring an
electronic nicotine delivery system certificate of dealer registration or a
renewal of such a certificate of dealer registration shall make a sworn
application therefor to the Department of Consumer Protection upon
forms to be furnished by the department, showing the name, address
and electronic mail address of the applicant and the location of the
place of business which is to be operated under such certificate of
dealer registration. The department may require that an applicant
submit documents sufficient to establish that state and local building,
fire and zoning requirements will be met at the location of any sale.
The department may, in its discretion, conduct an investigation to
determine whether a certificate of dealer registration shall be issued to
an applicant.

(2) The commissioner shall issue an electronic nicotine delivery
system certificate of dealer registration to any such applicant not later
than thirty days after the date of application unless the commissioner
finds: (A) The applicant has willfully made a materially false statement
in such application or in any other application made to the
commissioner; [or] (B) the applicant has neglected to pay any taxes due
to this state; or (C) the applicant has violated any provision of this
chapter, chapter 214 or chapter 214a, as amended by this act, or
sections 53-344 to 53-344b, inclusive, as amended by this act.

(3) A certificate of dealer registration issued under this section shall
be renewed annually and may be suspended or revoked at the
discretion of the Department of Consumer Protection. Any person
aggrieved by a denial of an application, refusal to renew a dealer
registration or suspension or revocation of a dealer registration may
appeal in the manner prescribed for permits under section 30-55. An
electronic nicotine delivery system certificate of dealer registration
shall not constitute property, nor shall it be subject to attachment and
execution, nor shall it be alienable.

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

[(c)] (d) The annual fee for an electronic nicotine delivery system
certificate of dealer registration shall be [four hundred] one thousand
dollars.

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

[(e)] (f) (1) Any person in this state who knowingly sells, offers for sale or possesses with intent to sell an electronic nicotine delivery system or vapor product from a place of business that does not have a certificate of dealer registration as required under this section shall be fined not more than fifty dollars for each day of such violation, except that the commissioner may waive all or any part of such fine if it is proven to the commissioner's satisfaction that the failure to obtain or renew such certificate of dealer registration was due to reasonable cause.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, any person whose electronic nicotine delivery system certificate of dealer registration for the place of business where electronic nicotine delivery systems or vapor products are sold, offered for sale or possessed with the intent to sell has expired and who knowingly sells, offers for sale or possesses with intent to sell an electronic nicotine delivery system or vapor product, where such person's period of operation without such certificate of dealer registration is not more than ninety days from the date of expiration of such certificate of dealer registration, shall have committed an infraction and shall be fined ninety dollars for each day such person is in violation of this subdivision.

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

Sec. 13. (NEW) (Effective October 1, 2019) (a) If the Commissioner of 
Consumer Protection finds, after a hearing, that (1) any person issued 
an electronic nicotine delivery certificate of dealer registration under 
section 21a-415 of the general statutes, as amended by this act, has 
sold, given or delivered an electronic nicotine delivery system, as 
declared in section 12-285 of the general statutes, as amended by this 
act, or vapor product, as defined in section 12-285 of the general 
statutes, as amended by this act, to a person under twenty-one years of 
age, other than a person under twenty-one years of age who is 
delivering or accepting delivery in such person's capacity as an 
employee, or (2) such certificate holder's employee has sold, given or 
delivered an electronic nicotine delivery system or vapor product to a 
person under twenty-one years of age, the commissioner shall assess 
such certificate holder a civil penalty of three hundred dollars for the 
first violation. The commissioner shall assess such certificate holder a 
civil penalty for a second violation on or before thirty-six months after 
the date of the first violation. For a third violation by a certificate 
holder on or before thirty-six months after the date of the first 
violation, the commissioner shall assess the certificate holder a civil 
penalty of one thousand dollars and any license or certificate held by 
such certificate holder under chapter 214, 214a or 420g of the general 
statutes shall be revoked. The commissioner shall order such certificate 
holder to conspicuously post a notice in a public place stating that 
electronic nicotine delivery systems and vapor products cannot be sold
during the period of suspension or revocation and the reasons for such suspension or revocation. Any sale of an electronic nicotine delivery system or vapor product by such certificate holder during the period of such suspension or revocation shall be deemed an additional violation of this section.

(b) Each person with an electronic nicotine delivery system certificate of dealer registration shall place and maintain in legible condition at each point of sale of electronic nicotine delivery systems or vapor products a notice to consumers that states (1) the sale, giving or delivering of electronic nicotine delivery systems and vapor products to any person under twenty-one years of age is prohibited by section 53-344b of the general statutes, as amended by this act, and (2) the use of false identification by a person under twenty-one years of age to purchase an electronic nicotine delivery system or vapor product is prohibited.

(c) From time to time, but at least once annually, the Commissioner of Consumer Protection, or the commissioner’s designee, shall conduct an unannounced compliance check on each person holding an electronic nicotine delivery system certificate of dealer registration by engaging persons between the ages of eighteen and twenty to enter the establishment of each such certificate holders to attempt to purchase an electronic nicotine delivery system or a vapor product. The commissioner shall conduct an unannounced follow-up compliance check of all noncompliant certificate holders not later than three months after the date of noncompliance. The commissioner shall annually publish the names of all noncompliant certificate holders on the Department of Consumer Protection's Internet web site.

Sec. 14. (NEW) (Effective October 1, 2019) (a) For purposes of this section, (1) "flavored" means imparting a characterizing flavor, and (2) "characterizing flavor" means a distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during the use or consumption of an electronic nicotine delivery system or vapor product, including, but not limited to, tastes or aromas relating
to any fruit, chocolate, menthol, mint, wintergreen, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice.

(b) No person with an electronic nicotine delivery system certificate of dealer registration under section 21a-415 of the general statutes, as amended by this act, shall sell, offer for sale, display for sale or possess with intent to sell any flavored electronic nicotine delivery system or flavored vapor product. No electronic nicotine delivery system or vapor product shall be determined to be flavored solely because of the use of additives or flavoring or the inclusion of ingredient information. A public statement, claim or indicia made or disseminated by the manufacturer of the electronic nicotine delivery system, vapor product or a component part of such system or product that such system, product or component part thereof has or produces a characterizing flavor shall constitute prima facie that such system, product or component part thereof is a flavored electronic nicotine delivery system or flavored vapor product.

(c) If the Commissioner of Consumer Protection finds, after a hearing, that any such certificate holder knowingly violated any provision of subsection (b) of this section, the commissioner shall find that such certificate holder committed an infraction and assess such certificate holder a civil penalty of three hundred dollars for the first infraction or a civil penalty of seven hundred fifty dollars for any second infraction on or before thirty-six months after the date of the first infraction. For a third violation on or before thirty-six months after the date of the first violation, the commissioner shall assess such certificate holder a civil penalty of one thousand dollars and any license or certificate held by such certificate holder under chapter 214 or 420g of the general statutes shall be revoked.

Sec. 15. Section 21a-416 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

[(a) For the purposes of this section:

(1) "Electronic nicotine delivery system" has the same meaning as
provided in section 19a-342.

(2) "Vapor product" has the same meaning as provided in section 19a-342.

(3) "Retail establishment" has the same meaning as provided in section 19a-106a.]

[(b)] (a) (1) Except as provided in subdivision (3) of this subsection, no [retail establishment] person with an electronic nicotine delivery system certificate of dealer registration may sell or offer for sale an electronic nicotine delivery system or a vapor product by any means other than an employee-assisted sale where the customer has no direct access to the electronic nicotine delivery system or vapor product except through the assistance of such person or the employee of such [retail establishment] person.

(2) No [retail establishment] person with an electronic nicotine delivery system certificate of dealer registration may sell or offer for sale an electronic nicotine delivery system or a vapor product from a self-service display.

(3) The provisions of subdivisions (1) and (2) of this subsection shall not apply to a [retail establishment] person with an electronic nicotine delivery system certificate of dealer registration if [minors] persons under the age of twenty-one are prohibited from entering the retail establishment operated by such person for the sale of electronic nicotine delivery systems or vapor products and the prohibition on [minors] persons under the age of twenty-one entering the retail establishment is posted clearly on all entrances of the retail establishment.

Sec. 16. Subdivision (2) of subsection (a) of section 19a-342a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(2) "Electronic nicotine delivery system" means an electronic device
[that may be used to simulate smoking] used in the delivery of nicotine or other substances 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;

Sec. 17. Subdivision (2) of section 12-330a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(2) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff tobacco products, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and all other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise or for both chewing and smoking, but shall not include any cigarette, as defined in section 12-285] "Tobacco product" means (A) any product, other than a cigarette, that is made or derived from tobacco and intended for human consumption, or likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigar, pipe tobacco, chewing tobacco, snuff and snus, and any component or accessory thereof, including, but not limited to, a filter, rolling paper or pipe, and (B) shall not include any drug or device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, or any combination product, as described in said act, 21 USC 353(g), as amended from time to time, authorized for sale by the United States Food and Drug Administration;

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

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<th>Section</th>
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<tr>
<td>1</td>
<td>October 1, 2019</td>
<td>12-285</td>
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<tr>
<td>2</td>
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<td>12-286a(a)</td>
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<tr>
<td>3</td>
<td>October 1, 2019</td>
<td>12-287</td>
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<td>Sec. 4</td>
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<tr>
<td>Sec. 9</td>
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<td>Sec. 12</td>
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<td>Sec. 13</td>
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<td>Sec. 16</td>
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<td>19a-342a(a)(2)</td>
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<tr>
<td>Sec. 17</td>
<td>October 1, 2019</td>
<td>12-330a(2)</td>
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**Statement of Purpose:**
To prohibit the sale of cigarettes, tobacco products, electronic nicotine delivery systems and vapor products to persons under age twenty-one.

[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.]