



General Assembly

January Session, 2019

**Raised Bill No. 7200**

LCO No. 4616



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

**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:

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 Section 12-285 of the general statutes is repealed and the  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

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

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

8 (2) "Distributor" means (A) any person in this state engaged in the  
9 business of manufacturing cigarettes; (B) any person, other than a  
10 buying pool, [as defined herein,] who purchases cigarettes at  
11 wholesale from manufacturers or other distributors for sale to licensed  
12 dealers, and who maintains an established place of business, including  
13 a location used exclusively for such business, which has facilities in

14 which a substantial stock of cigarettes and related merchandise for  
15 resale can be kept at all times, and who sells at least seventy-five per  
16 cent of such cigarettes to retailers who, at no time, shall own any  
17 interest in the business of the distributor as a partner, stockholder or  
18 trustee; (C) any person operating five or more retail stores in this state  
19 for the sale of cigarettes, or franchising five or more retail stores in this  
20 state for the sale of cigarettes who shares in the gross profits generated  
21 by such stores and who purchases cigarettes at wholesale for sale to  
22 dealers but sells such cigarettes exclusively to retail stores such person  
23 is operating or franchising; (D) any person operating and servicing  
24 twenty-five or more cigarette vending machines in this state who buys  
25 such cigarettes at wholesale and sells them exclusively in such vending  
26 machines. If a person qualified as a distributor in accordance with this  
27 subparagraph, in addition sells cigarettes other than in vending  
28 machines, such person shall be required to be qualified as a distributor  
29 in accordance with subparagraph (B) of this subdivision and have an  
30 additional distributor's license for purposes of such other sales; (E) any  
31 person who imports into this state unstamped cigarettes, at least  
32 seventy-five per cent of which are to be sold to others for resale; and  
33 (F) any person operating storage facilities for unstamped cigarettes in  
34 this state;

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

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

46 (5) "Dealer" means any person (A) other than a distributor who is

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

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

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

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

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

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

71 (1) "Cigarette" means and includes any roll for smoking made  
72 wholly or in part of tobacco, irrespective of size or shape, and  
73 irrespective of whether the tobacco [is flavored,] adulterated or mixed  
74 with any other ingredient, where such roll has a wrapper or cover  
75 made of paper or any other material, except where such wrapper is  
76 wholly or in the greater part made of tobacco and such roll weighs  
77 over three pounds per thousand, provided, if any roll for smoking has

78 a wrapper made of homogenized tobacco or natural leaf tobacco, and  
79 the roll is a cigarette size so that it weighs three pounds or less per  
80 thousand, such roll is a cigarette and subject to the tax imposed by part  
81 I and part II of this chapter; [and]

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

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

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

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

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

107 (7) "Electronic nicotine delivery system" means an electronic device  
108 used in the delivery of nicotine or other substances to a person

109 inhaling from the device, and includes, but is not limited to, an  
110 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe  
111 or electronic hookah and any related device and any cartridge or other  
112 component of such device; and

113 (8) "Vapor product" means any product that employs a heating  
114 element, power source, electronic circuit or other electronic, chemical  
115 or mechanical means, regardless of shape or size, to produce a vapor  
116 that may include nicotine, that is inhaled by the user of such product,  
117 but shall not include a medicinal or therapeutic product used by (A) a  
118 licensed health care provider to treat a patient in a health care setting,  
119 or (B) a patient, as prescribed or directed by a licensed health care  
120 provider in any setting.

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

124 (a) Each distributor and each dealer, as defined in section 12-285, as  
125 amended by this act, shall place and maintain in legible condition at  
126 each point of sale of cigarettes, tobacco products, electronic nicotine  
127 delivery systems and vapor products to consumers, including the front  
128 of each cigarette vending machine, and each restricted cigarette  
129 vending machine a notice which states (1) that the sale, giving or  
130 delivering of tobacco products, including cigarettes, electronic nicotine  
131 delivery systems and vapor products to any person under [eighteen]  
132 twenty-one years of age is prohibited by [section] sections 53-344, as  
133 amended by this act, and 53-344b, as amended by this act, (2) the  
134 [purchase or] misrepresentation of age through the use of false  
135 identification by a person under [eighteen] twenty-one years of age to  
136 purchase cigarettes, [or] tobacco products, electronic nicotine delivery  
137 systems and vapor products is prohibited by [said section] sections 53-  
138 344, as amended by this act, and 53-344b, as amended by this act, and  
139 (3) the penalties and fines for violating [said section] sections 53-344, as  
140 amended by this act, 53-344b, as amended by this act, and [section] 12-  
141 295a, as amended by this act.

142 Sec. 3. Section 12-287 of the general statutes is repealed and the  
143 following is substituted in lieu thereof (*Effective October 1, 2019*):

144 (a) Each person engaging in, or intending to engage in, the business  
145 of selling cigarettes in this state as a dealer, and each person engaging  
146 in or intending to engage in, the business of selling taxed tobacco  
147 products at retail, shall secure a dealer's license from the  
148 Commissioner of Revenue Services before engaging in such business  
149 or continuing to engage therein. Subject to the provisions of section 12-  
150 286, such license shall be renewable annually. The annual fee for a  
151 dealer's license shall be two hundred fifty dollars. Such license shall be  
152 valid for a period beginning with the date of license to the thirtieth day  
153 of September next succeeding the date of license unless sooner revoked  
154 as provided in section 12-295, as amended by this act, or unless the  
155 person to whom it was issued discontinues business, in either of which  
156 cases the holder of the license shall immediately return it to the  
157 commissioner. In the event of mutilation or destruction of such license,  
158 a duplicate copy, marked as such, shall be issued by said  
159 commissioner upon application accompanied by a fee of fifteen  
160 dollars.

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

172 Sec. 4. Subsections (a) and (b) of section 12-289a of the general  
173 statutes are repealed and the following is substituted in lieu thereof  
174 (*Effective October 1, 2019*):

175 (a) No cigarette vending machine or restricted cigarette vending  
176 machine may be placed in an area, facility or business which [is  
177 frequented primarily by minors] may be accessed by persons under  
178 the age of twenty-one. No cigarettes may be dispensed from any  
179 machine other than a cigarette vending machine or a restricted  
180 cigarette vending machine. No tobacco products, electronic nicotine  
181 delivery systems or vapor products may be dispensed from a cigarette  
182 vending machine or a restricted cigarette vending machine.

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

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

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

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

200 (a) The commissioner may suspend or revoke [the] any license or  
201 certificate of any dealer or distributor issued under this chapter,  
202 chapter 214a or chapter 420g for failure to comply with any provision  
203 of this chapter, or chapter 214a or chapter 420g or regulations related  
204 thereto or for the sale or delivery of [tobacco in any form] cigarettes,  
205 tobacco products, electronic nicotine delivery systems or vapor  
206 products to a [minor under eighteen] person under twenty-one years

207 of age, following a hearing with respect to which notice in writing,  
208 specifying the time and place of such hearing and requiring such  
209 dealer or distributor to show cause why such license or certificate  
210 should not be revoked, is mailed or delivered to such dealer or  
211 distributor not less than ten days preceding the date of such hearing.  
212 Such notice may be served personally or by registered or certified mail.

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

229 (c) If the commissioner finds, after a hearing as provided in  
230 subsection (a) of this section, that a distributor has violated any  
231 provision of sections 12-326a to 12-326h, inclusive, the commissioner  
232 shall (1) for a first violation, suspend such distributor's license or  
233 certificate for not less than seven days and assess a civil penalty of not  
234 more than ten thousand dollars, (2) for a second violation [within a  
235 five-year period] on or before five years after the date of the first  
236 violation, suspend such distributor's license or certificate for not less  
237 than thirty days and assess a civil penalty of not more than twenty-five  
238 thousand dollars, and (3) for a subsequent violation [within a five-year  
239 period] on or before five years after the date of the first violation,  
240 revoke such distributor's license or certificate and assess a civil penalty



241 of not more than fifty thousand dollars, except that if the violation is of  
242 subsection (b) of section 12-326b, the commissioner shall assess an  
243 additional civil penalty of one thousand dollars for each carton of  
244 cigarettes sold or bought in violation of said subsection. The  
245 commissioner shall order such distributor to conspicuously post a  
246 notice in a public place stating that cigarettes, tobacco products,  
247 electronic nicotine delivery systems and vapor products cannot be sold  
248 during the period of such suspension and the reason therefor. Any sale  
249 of cigarettes, tobacco products, electronic nicotine delivery systems or  
250 vapor products by such distributor during the period of such  
251 suspension shall be deemed an additional violation of said sections.

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

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

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

265 [(b)] (a) If [said commissioner] the Commissioner of Revenue  
266 Services finds, after a hearing, that any person employed by a dealer or  
267 distributor, as defined in section 12-285, as amended by this act, has  
268 sold, given or delivered cigarettes, [or] tobacco products, electronic  
269 nicotine delivery systems or vapor products to a [minor] person under  
270 twenty-one years of age other than a [minor] person under twenty-one  
271 years of age who is delivering or accepting delivery in [his] such  
272 person's capacity as an employee, said commissioner shall, for the first

273 violation, require such person to successfully complete an online  
274 tobacco prevention education program administered by the  
275 Department of Mental Health and Addiction Services not later than  
276 thirty days after said commissioner's finding. Said commissioner shall  
277 assess any person who fails to complete such program a civil penalty  
278 of two hundred dollars. Said commissioner shall assess any person  
279 employed by a dealer or distributor a civil penalty of two hundred  
280 fifty dollars for a second or subsequent violation [within twenty-four  
281 months] on or before thirty-six months after the date of the first  
282 violation.

283 [(c)] (b) If [said commissioner] the Commissioner of Revenue  
284 Services finds, after a hearing, that any dealer or distributor, or any  
285 person employed by a dealer or distributor, has sold, given or  
286 delivered cigarettes, [or] tobacco products, electronic nicotine delivery  
287 systems or vapor products to a [minor] person under twenty-one years  
288 of age other than a [minor] person under twenty-one years of age who  
289 is delivering or accepting delivery in [his] such person's capacity as an  
290 employee, or such dealer or distributor's employee has sold, given or  
291 delivered cigarettes or tobacco products to such [minor] person, said  
292 commissioner shall require such dealer or distributor, for the first  
293 violation, to successfully complete an online tobacco prevention  
294 education program administered by the Department of Mental Health  
295 and Addiction Services not later than thirty days after said  
296 commissioner's finding. Said commissioner shall assess any dealer or  
297 distributor who fails to complete such program a civil penalty of three  
298 hundred dollars. Said commissioner shall assess any dealer or  
299 distributor a civil penalty of seven hundred fifty dollars for a second  
300 violation [within twenty-four months of] on or before thirty-six  
301 months after the date of the first violation. For a third violation [within  
302 twenty-four months of] on or before thirty-six months after the date of  
303 the first violation, said commissioner shall assess such dealer or  
304 distributor [shall be assessed] a civil penalty of [seven hundred fifty]  
305 one thousand dollars and suspend any license or certificate held by  
306 such dealer or distributor under this chapter [shall be suspended] for

307 not less than thirty days. For a fourth violation on or before thirty-six  
308 months after the date of the first violation, said commissioner shall  
309 assess such dealer or distributor a civil penalty of one thousand dollars  
310 and revoke any license or certificate issued to such dealer or  
311 distributor under this chapter, chapter 214a or chapter 420g. Said  
312 commissioner shall order such distributor or dealer to conspicuously  
313 post a notice in a public place within such distributor's or dealer's  
314 establishment stating that cigarettes, tobacco products, electronic  
315 nicotine delivery systems and vapor products cannot be sold during  
316 the period of such suspension or revocation and the reasons for such  
317 suspension or revocation. Any sale of cigarettes, tobacco products,  
318 electronic nicotine delivery systems or vapor products by such dealer  
319 or distributor during such suspension or revocation shall be deemed  
320 an additional violation of this subsection.

321 [(d)] (c) If [said commissioner] the Commissioner of Revenue  
322 Services finds, after a hearing, that any owner of an establishment in  
323 which a cigarette vending machine or restricted cigarette vending  
324 machine is located has sold, given or delivered cigarettes, [or] tobacco  
325 products, electronic nicotine delivery systems or vapor products from  
326 any such machine to a [minor] person under twenty-one years of age  
327 other than a [minor] person under twenty-one years of age who is  
328 delivering or accepting delivery in [his] such person's capacity as an  
329 employee, or has allowed cigarettes, [or] tobacco products, electronic  
330 nicotine delivery systems or vapor products to be sold, given or  
331 delivered to such [minor] person from any such machine, said  
332 commissioner shall require such owner, for the first violation, to  
333 successfully complete an online tobacco prevention education program  
334 administered by the Department of Mental Health and Addiction  
335 Services not later than thirty days after said commissioner's finding.  
336 Said commissioner shall assess any owner who fails to complete such  
337 program a civil penalty of five hundred dollars. Said commissioner  
338 shall assess any owner a civil penalty of seven hundred fifty dollars for  
339 a second violation [within twenty-four months] on or before thirty-six  
340 months after the date of the first violation. For a third violation [within

341 twenty-four months] on or before thirty-six months after the date of  
342 the first violation, said commissioner shall assess such owner [shall be  
343 assessed] a civil penalty of [seven hundred fifty] one thousand dollars  
344 and immediately remove any such machine [shall be immediately  
345 removed] from such establishment and no such machine may be  
346 placed in such establishment for a period of one year following such  
347 removal.

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

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

362 Sec. 8. (NEW) *(Effective October 1, 2019)* (a) No distributor or dealer  
363 shall sell, offer for sale, display for sale or possess with intent to sell  
364 any flavored cigarette or flavored tobacco product. No cigarette or  
365 tobacco product shall be determined to be flavored solely because of  
366 the use of additives or flavoring or the inclusion of ingredient  
367 information. A public statement, claim or indicia made or  
368 disseminated by the manufacturer of the cigarette or tobacco product,  
369 or any person authorized by the manufacturer to make or disseminate  
370 public statements concerning such cigarette or tobacco product, that  
371 such cigarette or tobacco product has or produces a characterizing  
372 flavor shall constitute prima facie evidence that such cigarette or  
373 tobacco product is a flavored cigarette or tobacco product.

374 (b) If the Commissioner of Revenue Services finds, after a hearing,  
375 that a distributor or dealer knowingly violated any provision of  
376 subsection (a) of this section, the commissioner shall find that such  
377 dealer or distributor committed an infraction and shall assess such  
378 dealer or distributor a civil penalty of three hundred dollars for the  
379 first infraction or seven hundred fifty dollars for a second infraction on  
380 or before thirty-six months after the date of the first infraction. For a  
381 third infraction on or before thirty-six months after the date of the first  
382 infraction, the commissioner shall assess such dealer or distributor a  
383 civil penalty of one thousand dollars and suspend for not less than  
384 thirty days or revoke any license held by such distributor or dealer. For  
385 a fourth infraction on or before thirty-six months after the date of the  
386 first infraction, the commissioner shall revoke any license held by such  
387 distributor or dealer.

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

390 (a) As used in this section:

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

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

396 ~~[(2)]~~ (3) "Identity card" means an identification card issued in  
397 accordance with the provisions of section 1-1h;

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

400 (5) "Give" or "giving" has the same meaning as provided in section  
401 53-344b, as amended by this act;

402 (6) "Deliver" or "delivering" has the same meaning as provided in  
403 section 53-344b, as amended by this act;

404 (7) "Seller" means any person engaged in the sale, giving or  
405 delivering of cigarettes or tobacco products;

406 (8) "Tobacco product" has the same meaning as provided in section  
407 12-285, as amended by this act;

408 [(3)] (9) "Transaction scan" means the process by which a seller or  
409 seller's agent or employee checks, by means of a transaction scan  
410 device, the validity of a driver's license or an identity card; and

411 [(4)] (10) "Transaction scan device" means any commercial device or  
412 combination of devices used at a point of sale that is capable of  
413 deciphering in an electronically readable format the information  
414 encoded on the magnetic strip or bar code of a driver's license or an  
415 identity card.

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

433 (c) Any person under [eighteen] twenty-one years of age who  
434 [purchases or] misrepresents such person's age to purchase cigarettes  
435 or a tobacco [in any form or possesses tobacco in any form] product in

436 any public place shall be fined not more than fifty dollars for the first  
437 offense and not less than fifty dollars or more than one hundred  
438 dollars for each subsequent offense. For purposes of this subsection,  
439 "public place" means any area that is used or held out for use by the  
440 public whether owned or operated by public or private interests.

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

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

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

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

466 (2) No seller or seller's agent or employee shall use a transaction  
467 scan device for a purpose other than the purposes specified in

468 subsection (e) of section 53-344b, as amended by this act, subsection (d)  
469 of this section or subsection (c) of section 30-86.

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

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

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

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

493 (2) In determining whether a seller or seller's agent or employee has  
494 proven the affirmative defense provided by subdivision (1) of this  
495 section, the trier of fact in such prosecution shall consider that  
496 reasonable reliance upon the identification presented and the  
497 completed transaction scan may require a seller or seller's agent or  
498 employee to exercise reasonable diligence and that the use of a  
499 transaction scan device does not excuse a seller or seller's agent or



500 employee from exercising such reasonable diligence to determine the  
501 following: (A) Whether a person to whom the seller or seller's agent or  
502 employee sells, gives away or otherwise distributes cigarettes or a  
503 tobacco product is [eighteen] twenty-one years of age or older; and (B)  
504 whether the description and picture appearing on the driver's license  
505 or identity card presented by a cardholder is that of the cardholder.

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

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

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

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

520 (1) "Electronic nicotine delivery system" means an electronic device  
521 [that may be used to simulate smoking] used in the delivery of nicotine  
522 or other substance to a person inhaling from the device, and includes,  
523 but is not limited to, an electronic cigarette, electronic cigar, electronic  
524 cigarillo, electronic pipe or electronic hookah and any related device  
525 and any cartridge, electronic cigarette liquid or other component of  
526 such device;

527 (2) "Cardholder" means any person who presents a driver's license  
528 or an identity card to a seller or seller's agent or employee, to purchase  
529 or receive an electronic nicotine delivery system or vapor product from  
530 such seller or seller's agent or employee;

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

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

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

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

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

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

557 (9) "Vapor product" means any product that employs a heating  
558 element, power source, electronic circuit or other electronic, chemical  
559 or mechanical means, regardless of shape or size, to produce a vapor  
560 that may [or may not] include nicotine, that is inhaled by the user of  
561 such product; [and]

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

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

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

586 (c) Any person under [eighteen] twenty-one years of age who  
587 [purchases or] misrepresents such person's age to purchase an  
588 electronic nicotine delivery system or vapor product in any form [or  
589 possesses an electronic nicotine delivery system or vapor product in  
590 any form in any public place] shall be fined not more than fifty dollars  
591 for the first offense and not less than fifty dollars or more than one  
592 hundred dollars for each subsequent offense. [For purposes of this  
593 subsection "public place" means any area that is used or held out for  
594 use by the public whether owned or operated by public or private

595 interests.]

596 (d) (1) A seller or seller's agent or employee may perform a  
597 transaction scan to check the validity of a driver's license or identity  
598 card presented by a cardholder as a condition for selling, giving or  
599 otherwise delivering an electronic nicotine delivery system or vapor  
600 product to the cardholder.

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

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

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

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

625 (3) No seller or seller's agent or employee shall sell or otherwise

626 disseminate the information derived from a transaction scan to any  
627 third party, including, but not limited to, selling or otherwise  
628 disseminating that information for any marketing, advertising or  
629 promotional activities, but a seller or seller's agent or employee may  
630 release that information pursuant to a court order.

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

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

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

649 (2) In determining whether a seller or seller's agent or employee has  
650 proven the affirmative defense provided by subdivision (1) of this  
651 section, the trier of fact in such prosecution shall consider that  
652 reasonable reliance upon the identification presented and the  
653 completed transaction scan may require a seller or seller's agent or  
654 employee to exercise reasonable diligence and that the use of a  
655 transaction scan device does not excuse a seller or seller's agent or  
656 employee from exercising such reasonable diligence to determine the  
657 following: (A) Whether a person to whom the seller or seller's agent or

658 employee sells, gives or otherwise delivers an electronic nicotine  
659 delivery system or vapor product is [eighteen] twenty-one years of age  
660 or older; and (B) whether the description and picture appearing on the  
661 driver's license or identity card presented by a cardholder is that of the  
662 cardholder.

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

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

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

676 (1) "Electronic nicotine delivery system" means an electronic device  
677 used in the delivery of nicotine or other substance to a person inhaling  
678 from the device, and includes, but is not limited to, an electronic  
679 cigarette, electronic cigar, electronic cigarillo, electronic pipe or  
680 electronic hookah and any related device and any cartridge, electronic  
681 cigarette liquid or other component of such device;

682 (2) "Vapor product" means any product that employs a heating  
683 element, power source, electronic circuit or other electronic, chemical  
684 or mechanical means, regardless of shape or size, to produce a vapor  
685 that may include nicotine, that is inhaled by the user of such product;  
686 and

687 (3) "Sale" or "sell" means an act done intentionally by any person,  
688 whether done as principal, proprietor, agent, servant or employee, of

689 transferring, or offering or attempting to transfer, for consideration, an  
690 electronic nicotine delivery system or vapor product, including  
691 bartering or exchanging, or offering to barter or exchange, an  
692 electronic nicotine delivery system or vapor product; and

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

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

716 [(b)] (c) (1) [On or after January 1, 2016, any] Any person desiring an  
717 electronic nicotine delivery system certificate of dealer registration or a  
718 renewal of such a certificate of dealer registration shall make a sworn  
719 application therefor to the Department of Consumer Protection upon  
720 forms to be furnished by the department, showing the name, address  
721 and electronic mail address of the applicant and the location of the

722 place of business which is to be operated under such certificate of  
723 dealer registration. The department may require that an applicant  
724 submit documents sufficient to establish that state and local building,  
725 fire and zoning requirements will be met at the location of any sale.  
726 The department may, in its discretion, conduct an investigation to  
727 determine whether a certificate of dealer registration shall be issued to  
728 an applicant.

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

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

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

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



754 dollars.

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

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

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

784 (3) Notwithstanding the provisions of subdivisions (1) and (2) of  
785 this subsection, no penalty shall be imposed under this subsection

786 unless the commissioner sends written notice of any violation to the  
787 person who is subject to a penalty under subdivision (1) or (2) of this  
788 subsection and allows such person sixty days from the date such notice  
789 was sent to cease such violation and comply with the requirements of  
790 this section. Such written notice shall be sent by mail evidenced by a  
791 certificate of mailing or other similar United States Postal Service form  
792 from which the date of deposit can be verified or by electronic mail to  
793 the electronic mail address designated by such person on its  
794 application or renewal application for nicotine delivery system  
795 certificate of dealer registration.

796 Sec. 13. (NEW) (*Effective October 1, 2019*) (a) If the Commissioner of  
797 Consumer Protection finds, after a hearing, that (1) any person issued  
798 an electronic nicotine delivery certificate of dealer registration under  
799 section 21a-415 of the general statutes, as amended by this act, has  
800 sold, given or delivered an electronic nicotine delivery system, as  
801 defined in section 12-285 of the general statutes, as amended by this  
802 act, or vapor product, as defined in section 12-285 of the general  
803 statutes, as amended by this act, to a person under twenty-one years of  
804 age, other than a person under twenty-one years of age who is  
805 delivering or accepting delivery in such person's capacity as an  
806 employee, or (2) such certificate holder's employee has sold, given or  
807 delivered an electronic nicotine delivery system or vapor product to a  
808 person under twenty-one years of age, the commissioner shall assess  
809 such certificate holder a civil penalty of three hundred dollars for the  
810 first violation. The commissioner shall assess such certificate holder a  
811 civil penalty for a second violation on or before thirty-six months after  
812 the date of the first violation. For a third violation by a certificate  
813 holder on or before thirty-six months after the date of the first  
814 violation, the commissioner shall assess the certificate holder a civil  
815 penalty of one thousand dollars and any license or certificate held by  
816 such certificate holder under chapter 214, 214a or 420g of the general  
817 statutes shall be revoked. The commissioner shall order such certificate  
818 holder to conspicuously post a notice in a public place stating that  
819 electronic nicotine delivery systems and vapor products cannot be sold

820 during the period of suspension or revocation and the reasons for such  
821 suspension or revocation. Any sale of an electronic nicotine delivery  
822 system or vapor product by such certificate holder during the period  
823 of such suspension or revocation shall be deemed an additional  
824 violation of this section.

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

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

847 Sec. 14. (NEW) (*Effective October 1, 2019*) (a) For purposes of this  
848 section, (1) "flavored" means imparting a characterizing flavor, and (2)  
849 "characterizing flavor" means a distinguishable taste or aroma, other  
850 than the taste or aroma of tobacco, imparted either prior to or during  
851 the use or consumption of an electronic nicotine delivery system or  
852 vapor product, including, but not limited to, tastes or aromas relating

853 to any fruit, chocolate, menthol, mint, wintergreen, vanilla, honey,  
854 candy, cocoa, dessert, alcoholic beverage, herb or spice.

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

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

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

883 [(a) For the purposes of this section:

884 (1) "Electronic nicotine delivery system" has the same meaning as

885 provided in section 19a-342.

886 (2) "Vapor product" has the same meaning as provided in section  
887 19a-342.

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

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

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

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

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

914 (2) "Electronic nicotine delivery system" means an electronic device

915 [that may be used to simulate smoking] used in the delivery of nicotine  
 916 or other substances to a person inhaling from the device, and includes,  
 917 but is not limited to, an electronic cigarette, electronic cigar, electronic  
 918 cigarillo, electronic pipe or electronic hookah and any related device  
 919 and any cartridge or other component of such device;

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

923 (2) ["Tobacco products" means cigars, cheroots, stogies, periques,  
 924 granulated, plug cut, crimp cut, ready rubbed and other smoking  
 925 tobacco, snuff tobacco products, cavendish, plug and twist tobacco,  
 926 fine cut and other chewing tobaccos, shorts, refuse scraps, clippings,  
 927 cuttings and sweepings of tobacco and all other kinds and forms of  
 928 tobacco, prepared in such manner as to be suitable for chewing or  
 929 smoking in a pipe or otherwise or for both chewing and smoking, but  
 930 shall not include any cigarette, as defined in section 12-285] "Tobacco  
 931 product" means (A) any product, other than a cigarette, that is made or  
 932 derived from tobacco and intended for human consumption, or likely  
 933 to be consumed, whether smoked, heated, chewed, absorbed,  
 934 dissolved, inhaled or ingested by any other means, including, but not  
 935 limited to, a cigar, pipe tobacco, chewing tobacco, snuff and snus, and  
 936 any component or accessory thereof, including, but not limited to, a  
 937 filter, rolling paper or pipe, and (B) shall not include any drug or  
 938 device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC  
 939 321, as amended from time to time, or any combination product, as  
 940 described in said act, 21 USC 353(g), as amended from time to time,  
 941 authorized for sale by the United States Food and Drug  
 942 Administration;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	12-285
Sec. 2	<i>October 1, 2019</i>	12-286a(a)
Sec. 3	<i>October 1, 2019</i>	12-287

Sec. 4	<i>October 1, 2019</i>	12-289a(a) and (b)
Sec. 5	<i>October 1, 2019</i>	12-291a
Sec. 6	<i>October 1, 2019</i>	12-295
Sec. 7	<i>October 1, 2019</i>	12-295a
Sec. 8	<i>October 1, 2019</i>	New section
Sec. 9	<i>October 1, 2019</i>	53-344
Sec. 10	<i>October 1, 2019</i>	53-344a
Sec. 11	<i>October 1, 2019</i>	53-344b
Sec. 12	<i>October 1, 2019</i>	21a-415
Sec. 13	<i>October 1, 2019</i>	New section
Sec. 14	<i>October 1, 2019</i>	New section
Sec. 15	<i>October 1, 2019</i>	21a-416
Sec. 16	<i>October 1, 2019</i>	19a-342a(a)(2)
Sec. 17	<i>October 1, 2019</i>	12-330a(2)

***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.]*