



Substitute House Bill No. 7200

Public Act No. 19-13

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 Section 12-285 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):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

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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 other than a distributor who is engaged in this state in the business of selling cigarettes, including any

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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, as amended by this act, at retail;

(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; and] 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;

(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; [.]

(10) "Tobacco products" has the same meaning as provided in section 12-330a, as amended by this act; and

(11) "Taxed tobacco products" has the same meaning as provided in section 12-330a, as amended by this act.

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

(1) "Cigarette" means and includes any roll for smoking made

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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.

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,] shall place and maintain in legible condition at each point of sale of cigarettes 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, to any person under [~~eighteen~~] twenty-one years of age is prohibited by section 53-344, 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 is prohibited by said section, [~~53-344,~~] and (3) the penalties and fines for violating said section [~~53-344~~] 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*):

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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 [fifty] two hundred 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.

Sec. 4. 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 unless it is placed in an area, facility or business permitted under chapter 545 that has a separate area accessible only to persons twenty-one years of age or older and the machine is placed in such separate area. No cigarettes may be dispensed from any machine other than 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 or (2) an area, facility or business permitted under chapter 545 if the area, facility or

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business has a separate area accessible only to adults and the machine is placed in such area.

(c) A cigarette vending machine, until July 1, 1998, may be placed in an area, facility or business permitted under chapter 545 which does not have a separate area accessible only to adults provided the machine is not placed in a vestibule, lobby, entryway, exit or restroom and the machine is under the direct supervision, and in the direct line of sight of, an adult employee of the permittee.

(d) A cigarette vending machine, until May 1, 1997, may be placed in an area, facility or business not provided for under subsections (b) and (c) of this section provided the machine is not placed in a vestibule, lobby, entryway, exit or restroom and the machine is under the direct supervision, and in the direct line of sight of, an adult employee.

(e) After May 1, 1997, no cigarette vending machine may be placed in any area, facility or business other than as provided in subsections (b) and (c) of this section.

(f) After July 1, 1998, no cigarette vending machine may be placed in any area, facility or business other than as provided in subsection (b) of this section.]

[(g)] (b) The Commissioner of Revenue Services shall assess any person, dealer or distributor who violates the provisions of this section a civil penalty of two hundred fifty dollars for a first violation and five hundred dollars for a second violation within eighteen months. For a third violation within eighteen months, such penalty shall be five hundred dollars and any such machine shall be immediately removed from such area, facility or business and no such machine may be placed in such area, facility or business for a period of one year following such removal.

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[(h)] (c) Nothing in this section shall be construed as limiting a town or municipality from imposing more restrictive conditions on the use of vending machines for the sale of cigarettes. A municipality shall be responsible for the enforcement of such conditions.

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 license of any dealer or distributor for (1) failure to comply with any provision of this chapter or regulations related thereto, or (2) for the sale or delivery of [tobacco in any form] cigarettes or tobacco 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 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

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first violation, suspend such dealer's license for not less than seven days and assess a civil penalty of not less 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 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 and tobacco products cannot be sold during the period of such suspension and the reason therefor. Any sale of cigarettes or tobacco 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 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 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 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 or tobacco products cannot be sold during the period of such suspension and the reason therefor. Any sale of cigarettes or tobacco products by such distributor during the period of such suspension shall be deemed an additional violation of said sections.

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(d) The commissioner shall not issue a new license to a former licensee whose license was revoked unless the commissioner is satisfied that such former licensee 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 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 violation, 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 twenty-four months after the date of the first violation.

[(c)] (b) If [said commissioner] the Commissioner of Revenue

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Services finds, after a hearing, that any dealer or distributor has sold, given or delivered cigarettes or a tobacco [products] product 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 a tobacco [products] product 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 twenty-four months after the date of the first violation. For a third violation [within twenty-four months of] on or before twenty-four 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 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 twenty-four 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 issued to such dealer or distributor under this chapter. 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 and tobacco products cannot be sold during the period of such suspension or revocation and the reasons for such suspension or revocation. Any sale of cigarettes or a tobacco product by such dealer or distributor during such suspension or revocation shall be deemed an additional violation of this subsection.

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[(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 or tobacco 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 or tobacco 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 twenty-four months after the date of the first violation. For a third violation [within twenty-four months] on or before twenty-four 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.

Sec. 8. Section 12-314a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

The Commissioner of Revenue Services may authorize a dealer or

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distributor to give or deliver [any] a cigarette, as defined in section 12-285, as amended by this act, or tobacco product, as defined in section 12-330a, as amended by this act, in connection with the promotion or advertisement of such cigarette or tobacco product without receiving monetary consideration from the person receiving the cigarette or tobacco product, provided (1) such [distribution] giving or delivery is on the premises of a licensed dealer, as defined in said section, [12-285] or at any event or establishment with an area the access to which is limited to [adult] patrons twenty-one years of age or older, provided such [distribution] giving or delivery is restricted to such area, (2) the sample of cigarettes, if applicable, contains no less than two cigarettes, [and] (3) the taxes on such cigarettes have been previously paid, and (4) the giving or delivery of the sample is done in accordance with federal laws and regulations governing the giving or delivery of samples of cigarettes and tobacco products. The licensed dealer or distributor shall be liable for any gift or delivery of cigarettes or tobacco products to [minors] a person under twenty-one years of age on [his] the premises by any person conducting a promotion or advertisement of such cigarette or tobacco product in accordance with this section. This section shall not apply to the gift or delivery of a cigarette package in connection with a sale of similar package of cigarettes.

Sec. 9. 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, section 53-344, as amended by this act, and sections 12 and 13 of this act:

(1) "Authorized owner" means the owner or authorized designee of a business entity that is applying for a registration or is registered with the Department of Consumer Protection pursuant to this chapter;

(2) "Business entity" means any corporation, limited liability

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company, association, partnership, sole proprietorship, government, governmental subdivision or agency, business trust, estate, trust or any other legal entity;

(3) "Dealer registration" means an electronic nicotine delivery system certificate of dealer registration issued by the Commissioner of Consumer Protection pursuant to this section;

(4) "Manufacturer registration" means an electronic nicotine delivery system certificate of manufacturer registration issued by the Commissioner of Consumer Protection pursuant to section 21a-415a, as amended by this act, to any person who mixes, compounds, repackages or resizes any nicotine-containing electronic nicotine delivery system or vapor product;

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

(6) "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, including, but not limited to, electronic cigarette liquid;

(7) "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 and is inhaled by the user of such product. "Vapor product" does not include a medicinal or therapeutic product that is (A) used by a licensed health care provider to treat a patient in a

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health care setting, (B) used by a patient, as prescribed or directed by a licensed health care provider in any setting, or (C) any drug or device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to time, any combination product, as described in said act, 21 USC 353(g), as amended from time to time, or any biological product, as described in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as amended from time to time, authorized for sale by the United States Food and Drug Administration;

(8) "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, including bartering or exchanging, or offering to barter or exchange; and

(9) "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.

[(a) On and after March 1, 2016, no] (b) No person in this state may sell, offer for sale or possess with intent to sell an electronic nicotine delivery system or a vapor product unless such person [has obtained an electronic nicotine delivery system certificate of] is employed by, an agent of or directly affiliated with a business entity that maintains a dealer registration [from] issued by the Commissioner of Consumer Protection pursuant to this section. A separate dealer registration shall be required for [the] each 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] A 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] a dealer registration shall post such

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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 person desiring an electronic nicotine delivery system certificate of] Any applicant for a dealer registration or a renewal of [such a certificate of] a dealer registration shall [make a sworn application therefor] apply 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] business entity that 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] a dealer registration to any such applicant not later than thirty days after the date of application unless the commissioner finds: (A) The applicant has wilfully 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.

(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]

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applicant or business entity 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] A 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)] (d) 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] a dealer registration shall be [four hundred dollars] eight hundred dollars, except that the annual fee shall be four hundred dollars for any person holding a dealer registration who also holds any additional dealer registrations issued by the department under this chapter.

[(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] business entity in the state [who knowingly] that 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] without a dealer registration as required under this section shall be fined not more than

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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] business entity with a 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] that has expired [and who knowingly] for a period of ninety calendar days or less and that, during such ninety-day period, 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 business entity is in violation of the provisions 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] authorized owner of the business entity is subject to a penalty under subdivision (1) or (2) of this subsection and allows such [person] business entity 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.]

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Sec. 10. Section 21a-415a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(a) [On and after March 1, 2016, no] No person in this state may manufacture an electronic nicotine delivery system or vapor product unless such person has obtained [an electronic nicotine delivery system certificate of] a manufacturer registration from the Commissioner of Consumer Protection pursuant to this section for the place of business where such system or product is manufactured. [An electronic nicotine delivery system certificate of] A manufacturer registration shall allow the manufacture of electronic nicotine delivery systems or vapor products in this state at such place of business. [For the purposes of this section, "manufacturer" means any person who mixes, compounds, repackages or resizes any nicotine-containing electronic nicotine delivery system or vapor product, and "person" means each owner of a business organization, provided each affiliate of a business organization that is under common control or ownership shall constitute a separate person.]

(b) (1) [On or after January 1, 2016, any person desiring an electronic nicotine delivery system certificate of manufacturer registration or a renewal of such a certificate of] Any applicant for a manufacturer registration or renewal of a manufacturer registration shall [make a sworn application therefor] apply 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] manufacturer 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 place of manufacture. The department may, in its discretion, conduct an investigation to determine whether a [certificate of] manufacturer registration shall be issued to an applicant.

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(2) The commissioner shall issue [an electronic nicotine delivery system certificate of] a manufacturer registration to any such applicant not later than thirty days after the date of application unless the commissioner finds: (A) The applicant has wilfully 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.

(3) A [certificate of] manufacturer 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 [certificate of] manufacturer registration or suspension or revocation of a [certificate of] manufacturer registration may appeal in the manner prescribed for permits under section 30-55. [An electronic nicotine delivery system certificate of] A manufacturer 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] manufacturer registration.

(c) The annual fee for [an electronic nicotine delivery system certificate of] a manufacturer registration shall be four hundred dollars, except that the annual fee shall be two hundred dollars for any person holding a manufacturer registration who also holds any additional manufacturer registrations or dealer registrations issued by the department under this chapter.

(d) The department may renew a [certificate of] manufacturer registration issued under this section that has expired for a period of

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six months or less 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 manufacturer registration applied for. The provisions of this subsection shall not apply to any [certificate of] manufacturer registration which is the subject of administrative or court proceedings.

(e) (1) Any person in this state who knowingly manufactures an electronic nicotine delivery system or vapor product from a place of business that does not have a [certificate of] manufacturer 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] manufacturer 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] manufacturer registration for the place of business where electronic nicotine delivery systems or vapor products are manufactured has expired for a period of ninety calendar days or less and who manufactures in [this] the state during such ninety-day period an electronic nicotine delivery system or vapor product [, where such person's period of operation without such certificate of manufacturer registration is not more than ninety days from the date of expiration of such certificate of manufacturer registration,] shall have committed an infraction and shall be fined ninety dollars for each day such person is in violation of the provisions 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

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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. 11. 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) (1)] (a) Except as provided in [subdivision (3) of this] subsection (b) of this section, no [retail establishment] business entity with a dealer registration may sell or offer for sale at the place of business identified in the business entity's application for dealer registration, 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 the employee of such [retail establishment] business entity.

(2) No [retail establishment] business entity may sell or offer for sale an electronic nicotine delivery system or a vapor product from a self-

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service display.

[(3)] (b) The provisions of [subdivisions (1) and (2) of this] subsection (a) of this section shall not apply to a [retail establishment if minors] business entity with a dealer registration if persons under the age of twenty-one are prohibited from entering the [retail establishment] place of business identified in the business entity's application for dealer registration and the prohibition on [minors] persons under the age of twenty-one entering [the retail establishment] such place of business is posted clearly on all entrances of [the retail establishment] such place of business.

Sec. 12. (NEW) (*Effective October 1, 2019*) (a) Each business entity with a 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, (2) the use of false identification by a person under twenty-one years of age to purchase an electronic nicotine delivery system or a vapor product is prohibited, and (3) the penalties and fines for violating the provisions of this section and section 53-344b of the general statutes, as amended by this act.

(b) The Commissioner of Mental Health and Addiction Services, or the commissioner's designee, shall conduct unannounced compliance checks on business entities holding a dealer registration by engaging persons between the ages of sixteen and twenty to enter the place of business of each such business entity to attempt to purchase an electronic nicotine delivery system or a vapor product. The commissioner shall conduct unannounced follow-up compliance checks of all noncompliant business entities and shall refer all noncompliant business entities to the Commissioner of Revenue

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Services.

(c) Upon receipt of a referral made pursuant to subsection (b) of this section, the Commissioner of Revenue Services may, following a hearing, impose a civil penalty and direct the Commissioner of Consumer Protection to suspend or revoke the dealer registration of the business entity that is the subject of such referral. The Commissioner of Revenue Services shall provide such business entity with written notice of the hearing, specifying the time and place of such hearing and requiring such business entity to show cause why such dealer registration should not be suspended or revoked. The written notice of the hearing shall be mailed or delivered to such business entity not less than ten days preceding the date of the hearing. Such notice may be served personally or by registered or certified mail.

(d) If the Commissioner of Revenue Services finds, after a hearing pursuant to subsection (c) of this section, that any person employed by any business entity issued a 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 or vapor product 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, said commissioner shall, for the first violation, require such employee to successfully complete an online 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 employee who fails to complete such program a civil penalty of two hundred dollars. Said commissioner shall assess any employee a civil penalty of two hundred fifty dollars for a second or subsequent violation on or before twenty-four months after the date of the first violation.

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(e) If the Commissioner of Revenue Services finds, after a hearing pursuant to subsection (c) of this section, that (1) any business entity issued a 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 or vapor product 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 person'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, for the first violation, require the authorized owner of such business entity to successfully complete an online 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 business entity issued a dealer registration, whose authorized owner fails to complete such program, a civil penalty of three hundred dollars for the first violation. Said commissioner shall assess such business entity a civil penalty of seven hundred fifty dollars for a second violation on or before twenty-four months after the date of the first violation. For a third violation by such business entity on or before twenty-four months after the date of the first violation, said commissioner shall assess such business entity a civil penalty of one thousand dollars and notify the Commissioner of Consumer Protection that the dealer registration held by such business entity under chapter 420g of the general statutes shall be suspended for not less than thirty days. For a fourth violation on or before twenty-four months after the date of the first violation, the Commissioner of Revenue Services shall assess such business entity a civil penalty of one thousand dollars and notify the Commissioner of Consumer Protection that the dealer registration held by such business entity under said chapter shall be revoked. The Commissioner of Revenue Services shall order such business entity to conspicuously post a notice in a public place stating that electronic nicotine delivery systems and

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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 business entity during the period of such suspension or revocation shall be deemed an additional violation of this section.

(f) Upon receipt of notice of determination from the Commissioner of Revenue Services made under subsection (e) of this section, the Commissioner of Consumer Protection shall suspend or revoke the dealer registration of the business entity that is the subject of said determination. The Commissioner of Consumer Protection shall not be required to hold a hearing in connection with any notice of determination received from the Commissioner of Revenue Services under this section.

(g) The Commissioner of Consumer Protection shall not issue a new dealer registration to a former registrant whose dealer registration was revoked unless the commissioner is satisfied that such business entity that holds a dealer registration will comply with the provisions of chapter 420g of the general statutes and any regulations related thereto, and section 53-344b of the general statutes, as amended by this act.

Sec. 13. (NEW) (*Effective October 1, 2019*) Any business entity holding a dealer registration under section 21a-415 of the general statutes, as amended by this act, may give or deliver an electronic nicotine delivery system or vapor product in connection with the promotion or advertisement of such electronic nicotine delivery system or vapor product without receiving monetary consideration from the person receiving the electronic nicotine delivery system or vapor product, provided (1) such giving or delivery is at the location identified by the business entity in its application for the dealer registration or at any event or establishment with an area the access to which is limited to persons twenty-one years of age or older, provided

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such giving or delivery is restricted to such area, (2) the sample of electronic nicotine delivery systems or vapor products, if applicable, contains no less than two such systems or products, (3) the taxes on such electronic nicotine delivery system or vapor product have been previously paid, and (4) the giving or delivery of the sample is done in accordance with federal laws and regulations governing the giving or delivery of electronic nicotine delivery systems and vapor products. The business entity that holds a dealer registration shall be liable for any gift or delivery of an electronic nicotine delivery system or vapor product to a person under twenty-one years of age on the premises by any person conducting a promotion or advertisement of such electronic nicotine delivery system or vapor product in accordance with this section. This section shall not apply to the gift or delivery of an electronic nicotine delivery system or vapor product in connection with a sale of a similar electronic nicotine delivery system or vapor product.

Sec. 14. 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 subsection (b) of 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;

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(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 products" has the same meaning as provided in section 12-330a, 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 twenty-four 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 twenty-four 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 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

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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 in any public place~~] product 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 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

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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

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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 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. 15. 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.

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Sec. 16. 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 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] has the same meaning as provided in section 21a-415, as amended by this act;

(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

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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] has the same meaning as provided in section 21a-415, as amended by this act; and

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

(10) "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]

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seven hundred fifty dollars for a second offense [within a twenty-four-month period] on or before twenty-four 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 twenty-four 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 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 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

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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

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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.

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

(b) (1) Notwithstanding the provisions of section 31-40q, no person shall smoke: (A) In any building or portion of a building, partially enclosed shelter on a rail platform or bus shelter owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution; (C) in any area of a retail food store; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a permit for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, and, on and after April 1, 2004, in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-22a or 30-26 or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) within a school building [while school is in session or student activities are being conducted] or on the grounds of such school; (G) within a child care facility or on the grounds of such child care facility, except, if the child care facility is a family child care home,

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as defined in section 19a-77, such smoking is prohibited only when a child enrolled in such home is present; (H) in any passenger elevator, provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that smoking is prohibited by state law; [(H)] (I) in any dormitory in any public or private institution of higher education; or [(I)] (J) on and after April 1, 2004, in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, "school" has the same meaning as provided in section 10-154a and "child care facility" has the same meaning as provided in section 19a-342a, as amended by this act.

Sec. 18. Subdivision (1) of subsection (b) of section 19a-342a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

(b) (1) No person shall use an electronic nicotine delivery system or vapor product: (A) In any building or portion of a building owned and operated or leased and operated by the state or any political subdivision thereof; (B) in any area of a health care institution; (C) in any area of a retail food store; (D) in any restaurant; (E) in any area of an establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26, 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any area of establishment with a permit issued for the sale of alcoholic liquor pursuant to section 30-23 issued after May 1, 2003, or the bar area of a bowling establishment holding a permit pursuant to subsection (a) of section 30-37c; (F) within a school building [while school is in session or student activities are being conducted] or on the grounds of such school; (G) within a child care facility or on the

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grounds of such child care facility, except, if the child care facility is a family child care home as defined in section 19a-77, such use is prohibited only when a child enrolled in such home is present; (H) in any passenger elevator, provided no person shall be arrested for violating this subsection unless there is posted in such elevator a sign which indicates that such use is prohibited by state law; (I) in any dormitory in any public or private institution of higher education; or (J) in any area of a dog race track or a facility equipped with screens for the simulcasting of off-track betting race programs or jai alai games. For purposes of this subsection, "restaurant" means space, in a suitable and permanent building, kept, used, maintained, advertised and held out to the public to be a place where meals are regularly served to the public, and "school" has the same meaning as provided in section 10-154a.

Sec. 19. (NEW) (*Effective October 1, 2019*) (a) As used in this section:

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

(2) "Electronic nicotine delivery system" has the same meaning as provided in section 21a-415 of the general statutes, as amended by this act; and

(3) "Vapor product" has the same meaning as provided in section 21a-415 of the general statutes, as amended by this act.

(b) A person with an electronic nicotine delivery system certificate of dealer registration, when selling and shipping an electronic nicotine delivery system or a vapor product directly to a consumer in the state, shall: (1) Ensure that the shipping labels on all containers of an electronic nicotine delivery system or vapor product shipped directly to a consumer in the state conspicuously states the following:

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"CONTAINS AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR VAPOR PRODUCT—SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY"; and (2) obtain the signature of a person age twenty-one or older at the shipping address prior to delivery, after requiring the signer to demonstrate that he or she is age twenty-one or older by providing a valid motor vehicle operator's license or a valid identity card described in section 1-1h of the general statutes.

Sec. 20. Section 12-285a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

For purposes of sections 12-286a, as amended by this act, 12-295a, as amended by this act, and 12-314a, as amended by this act: [and subsection (a) of section 53-344:] (1) "Distributor" includes a manufacturer of tobacco products; (2) "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, cigarettes or tobacco products, including bartering or exchanging, or offering to barter or exchange, cigarettes or tobacco products; (3) "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, cigarettes or tobacco products; (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 cigarettes or tobacco products.

Sec. 21. 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,

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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] any product, regardless of form, that is made from or otherwise contains tobacco, but shall not include any cigarette, as defined in section 12-285, as amended by this act, any electronic nicotine delivery system, as defined in section 21a-415, as amended by this act, or any vapor product, as defined in section 21a-415, as amended by this act;

Sec. 22. Subsection (a) of section 19a-342a 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 section 2 of public act 15-206:

(1) "Child care facility" means a provider of child care services as defined in section 19a-77, or a person or entity required to be licensed under section 17a-145;

(2) "Electronic nicotine delivery system" [means an electronic device that may be used to simulate smoking 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] has the same meaning as provided in section 21a-415, as amended by this act;

(3) "Liquid nicotine container" means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is

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prefilled and sealed by the manufacturer and not intended to be opened by the consumer; and

(4) "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, 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] has the same meaning as provided in section 21a-415, as amended by this act.

Approved June 18, 2019