



General Assembly

January Session, 2019

Amendment

LCO No. 8683



Offered by:

REP. RITTER M., 1 st Dist.	REP. KLARIDES-DITRIA, 105 th Dist.
SEN. LOONEY, 11 th Dist.	REP. KOKORUDA, 101 st Dist.
SEN. DUFF, 25 th Dist.	SEN. KUSHNER, 24 th Dist.
REP. STEINBERG, 136 th Dist.	REP. LAVIELLE, 143 rd Dist.
SEN. DAUGHERTY ABRAMS, 13 th Dist.	SEN. LESSER, 9 th Dist.
SEN. ANWAR, 3 rd Dist.	REP. LINEHAN, 103 rd Dist.
REP. BARRY, 31 st Dist.	REP. MCCARTHY VAHEY, 133 rd Dist.
REP. BLUMENTHAL, 147 th Dist.	REP. O'DEA, 125 th Dist.
REP. BORER, 115 th Dist.	REP. PALM, 36 th Dist.
REP. CONCEPCION, 4 th Dist.	REP. PERONE, 137 th Dist.
REP. CURREY, 11 th Dist.	REP. PETIT, 22 nd Dist.
REP. DATHAN, 142 nd Dist.	REP. ROSE, 118 th Dist.
REP. DOUCETTE, 13 th Dist.	REP. ROTELLA, 43 rd Dist.
REP. ELLIOTT, 88 th Dist.	REP. RYAN, 139 th Dist.
SEN. FASANO, 34 th Dist.	REP. SCANLON, 98 th Dist.
SEN. FLEXER, 29 th Dist.	REP. SIMMONS, 144 th Dist.
REP. GARIBAY, 60 th Dist.	SEN. SLAP, 5 th Dist.
REP. GENGA, 10 th Dist.	SEN. SOMERS, 18 th Dist.
REP. GIBSON, 15 th Dist.	REP. STAFSTROM, 129 th Dist.
REP. GILCHREST, 18 th Dist.	REP. TURCO, 27 th Dist.
REP. GRESKO, 121 st Dist.	REP. VARGAS, 6 th Dist.
REP. HORN, 64 th Dist.	REP. WINKLER, 56 th Dist.
REP. HUGHES, 135 th Dist.	REP. WOOD, 29 th Dist.

To: Subst. House Bill No. 7200

File No. 579

Cal. No. 352

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 12-285 of the general statutes is repealed and the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

5 (a) [When] As used in this chapter, unless the context otherwise
6 requires:

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

10 (2) "Distributor" means (A) any person in this state engaged in the
11 business of manufacturing cigarettes; (B) any person, other than a
12 buying pool, [as defined herein,] who purchases cigarettes at
13 wholesale from manufacturers or other distributors for sale to licensed
14 dealers, and who maintains an established place of business, including
15 a location used exclusively for such business, which has facilities in
16 which a substantial stock of cigarettes and related merchandise for
17 resale can be kept at all times, and who sells at least seventy-five per
18 cent of such cigarettes to retailers who, at no time, shall own any
19 interest in the business of the distributor as a partner, stockholder or
20 trustee; (C) any person operating five or more retail stores in this state
21 for the sale of cigarettes, or franchising five or more retail stores in this
22 state for the sale of cigarettes who shares in the gross profits generated
23 by such stores and who purchases cigarettes at wholesale for sale to
24 dealers but sells such cigarettes exclusively to retail stores such person
25 is operating or franchising; (D) any person operating and servicing
26 twenty-five or more cigarette vending machines in this state who buys
27 such cigarettes at wholesale and sells them exclusively in such vending
28 machines. If a person qualified as a distributor in accordance with this

29 subparagraph, in addition sells cigarettes other than in vending
30 machines, such person shall be required to be qualified as a distributor
31 in accordance with subparagraph (B) of this subdivision and have an
32 additional distributor's license for purposes of such other sales; (E) any
33 person who imports into this state unstamped cigarettes, at least
34 seventy-five per cent of which are to be sold to others for resale; and
35 (F) any person operating storage facilities for unstamped cigarettes in
36 this state;

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

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

48 (5) "Dealer" means any person other than a distributor who is
49 engaged in this state in the business of selling cigarettes, including any
50 person operating and servicing fewer than twenty-five cigarette
51 vending machines, and any person who is engaged in the business of
52 selling taxed tobacco products, as defined in section 12-330a, at retail;

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 and] 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;

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

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

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

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

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

89 Sec. 2. Subsection (a) of section 12-286a of the general statutes is

90 repealed and the following is substituted in lieu thereof (*Effective*
91 *October 1, 2019*):

92 (a) Each distributor and each dealer [, as defined in section 12-285,]
93 shall place and maintain in legible condition at each point of sale of
94 cigarettes to consumers, including the front of each cigarette vending
95 machine, and each restricted cigarette vending machine a notice which
96 states (1) that the sale, giving or delivering of tobacco products,
97 including cigarettes, to any person under [eighteen] twenty-one years
98 of age is prohibited by section 53-344, as amended by this act, (2) the
99 [purchase or] misrepresentation of age through the use of false
100 identification by a person under [eighteen] twenty-one years of age to
101 purchase cigarettes or tobacco products is prohibited by said section,
102 [53-344,] and (3) the penalties and fines for violating said section [53-
103 344] and section 12-295a, as amended by this act.

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

106 (a) Each person engaging in, or intending to engage in, the business
107 of selling cigarettes in this state as a dealer, and each person engaging
108 in or intending to engage in, the business of selling taxed tobacco
109 products at retail, shall secure a dealer's license from the
110 Commissioner of Revenue Services before engaging in such business
111 or continuing to engage therein. Subject to the provisions of section 12-
112 286, such license shall be renewable annually. The annual fee for a
113 dealer's license shall be [fifty] two hundred dollars. Such license shall
114 be valid for a period beginning with the date of license to the thirtieth
115 day of September next succeeding the date of license unless sooner
116 revoked as provided in section 12-295, as amended by this act, or
117 unless the person to whom it was issued discontinues business, in
118 either of which cases the holder of the license shall immediately return
119 it to the commissioner. In the event of mutilation or destruction of such
120 license, a duplicate copy, marked as such, shall be issued by said
121 commissioner upon application accompanied by a fee of fifteen
122 dollars.

123 **(b) There is established an account to be known as the "tobacco**
124 **control enforcement account" which shall be a separate, nonlapsing**
125 **account within the General Fund. Each dealer's license fee collected**
126 **under subsection (a) of this section shall be deposited into the account.**
127 **Moneys in the account shall be expended by the Commissioner of**
128 **Revenue Services for the purposes of administering the licensing of**
129 **dealers under subsection (a) of this section and enforcing the**
130 **provisions of this chapter, chapter 214a and sections 53-344, as**
131 **amended by this act, and 53-344a, as amended by this act. The**
132 **Commissioner of Revenue Services may make payments from the**
133 **moneys of such account to the Department of Mental Health and**
134 **Addiction Services for its assistance in the enforcement of and**
135 **compliance with the provisions of this chapter, chapter 214a and**
136 **sections 53-344, as amended by this act, and 53-344a, as amended by**
137 **this act.**

138 Sec. 4. Section 12-289a of the general statutes are repealed and the
139 following is substituted in lieu thereof (*Effective October 1, 2019*):

140 (a) No cigarette vending machine or restricted cigarette vending
141 machine may be placed in an area, facility or business which [is
142 frequented primarily by minors] may be accessed by persons under
143 the age of twenty-one unless it is placed in an area, facility or business
144 permitted under chapter 545 that has a separate area accessible only to
145 persons twenty-one years of age or older and the machine is placed in
146 such separate area. No cigarettes may be dispensed from any machine
147 other than a cigarette vending machine or a restricted cigarette
148 vending machine.

149 [(b) A cigarette vending machine may be placed only in (1) an area,
150 facility or business which is accessible only to adults or (2) an area,
151 facility or business permitted under chapter 545 if the area, facility or
152 business has a separate area accessible only to adults and the machine
153 is placed in such area.

154 (c) A cigarette vending machine, until July 1, 1998, may be placed in

155 an area, facility or business permitted under chapter 545 which does
156 not have a separate area accessible only to adults provided the
157 machine is not placed in a vestibule, lobby, entryway, exit or restroom
158 and the machine is under the direct supervision, and in the direct line
159 of sight of, an adult employee of the permittee.

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

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

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

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

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

185 Sec. 5. Section 12-291a of the general statutes is repealed and the

186 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

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

196 (a) The commissioner may suspend or revoke the license of any
197 dealer or distributor for (1) failure to comply with any provision of this
198 chapter or regulations related thereto, or (2) for the sale or delivery of
199 [tobacco in any form] cigarettes or tobacco products to a [minor under
200 eighteen] person under twenty-one years of age, following a hearing
201 with respect to which notice in writing, specifying the time and place
202 of such hearing and requiring such dealer or distributor to show cause
203 why such license should not be revoked, is mailed or delivered to such
204 dealer or distributor not less than ten days preceding the date of such
205 hearing. Such notice may be served personally or by registered or
206 certified mail.

207 (b) If the commissioner finds, after a hearing as provided in
208 subsection (a) of this section, that a dealer has violated any provision
209 of sections 12-326a to 12-326h, inclusive, the commissioner shall, for a
210 first violation, suspend such dealer's license for not less than seven
211 days and assess a civil penalty of not less than one thousand dollars
212 and, for a second or subsequent violation [within a five-year period]
213 on or before five years after the date of the first violation, suspend such
214 dealer's license for not less than thirty days and assess a civil penalty of
215 not less than five thousand dollars. The commissioner shall order such
216 dealer to conspicuously post a notice in a public place stating that
217 cigarettes and tobacco products cannot be sold during the period of

218 such suspension and the reason therefor. Any sale of cigarettes or
219 tobacco products by such dealer during the period of such suspension
220 shall be deemed an additional violation of said sections.

221 (c) If the commissioner finds, after a hearing as provided in
222 subsection (a) of this section, that a distributor has violated any
223 provision of sections 12-326a to 12-326h, inclusive, the commissioner
224 shall (1) for a first violation, suspend such distributor's license for not
225 less than seven days and assess a civil penalty of not more than ten
226 thousand dollars, (2) for a second violation [within a five-year period]
227 on or before five years after the date of the first violation, suspend such
228 distributor's license for not less than thirty days and assess a civil
229 penalty of not more than twenty-five thousand dollars, and (3) for a
230 subsequent violation [within a five-year period] on or before five years
231 after the date of the first violation, revoke such distributor's license and
232 assess a civil penalty of not more than fifty thousand dollars, except
233 that if the violation is of subsection (b) of section 12-326b, the
234 commissioner shall assess an additional civil penalty of one thousand
235 dollars for each carton of cigarettes sold or bought in violation of said
236 subsection. The commissioner shall order such distributor to
237 conspicuously post a notice in a public place stating that cigarettes or
238 tobacco products cannot be sold during the period of such suspension
239 and the reason therefor. Any sale of cigarettes or tobacco products by
240 such distributor during the period of such suspension shall be deemed
241 an additional violation of said sections.

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

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

248 [(a) If the Commissioner of Revenue Services finds, after a hearing,
249 that a minor has purchased cigarettes or tobacco products, said

250 commissioner shall assess such minor a civil penalty of not more than
251 one hundred dollars for the first violation and not more than one
252 hundred fifty dollars for any second or subsequent offense within
253 twenty-four months after the first violation.]

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

271 [(c)] (b) If [said commissioner] the Commissioner of Revenue
272 Services finds, after a hearing, that any dealer or distributor has sold,
273 given or delivered cigarettes or a tobacco [products] product to a
274 [minor] person under twenty-one years of age other than a [minor]
275 person under twenty-one years of age who is delivering or accepting
276 delivery in [his] such person's capacity as an employee, or such dealer
277 or distributor's employee has sold, given or delivered cigarettes or a
278 tobacco [products] product to such [minor] person, said commissioner
279 shall require such dealer or distributor, for the first violation, to
280 successfully complete an online tobacco prevention education program
281 administered by the Department of Mental Health and Addiction
282 Services not later than thirty days after said commissioner's finding.
283 Said commissioner shall assess any dealer or distributor who fails to

284 complete such program a civil penalty of three hundred dollars. Said
285 commissioner shall assess any dealer or distributor a civil penalty of
286 seven hundred fifty dollars for a second violation [within twenty-four
287 months of] on or before twenty-four months after the date of the first
288 violation. For a third violation [within twenty-four months of] on or
289 before twenty-four months after the date of the first violation, said
290 commissioner shall assess such dealer or distributor [shall be assessed]
291 a civil penalty of [seven hundred fifty] one thousand dollars and
292 suspend any license held by such dealer or distributor under this
293 chapter [shall be suspended] for not less than thirty days. For a fourth
294 violation on or before twenty-four months after the date of the first
295 violation, said commissioner shall assess such dealer or distributor a
296 civil penalty of one thousand dollars and revoke any license issued to
297 such dealer or distributor under this chapter. Said commissioner shall
298 order such distributor or dealer to conspicuously post a notice in a
299 public place within such distributor's or dealer's establishment stating
300 that cigarettes and tobacco products cannot be sold during the period
301 of such suspension or revocation and the reasons for such suspension
302 or revocation. Any sale of cigarettes or a tobacco product by such
303 dealer or distributor during such suspension or revocation shall be
304 deemed an additional violation of this subsection.

305 [(d)] (c) If [said commissioner] the Commissioner of Revenue
306 Services finds, after a hearing, that any owner of an establishment in
307 which a cigarette vending machine or restricted cigarette vending
308 machine is located has sold, given or delivered cigarettes or tobacco
309 products from any such machine to a [minor] person under twenty-
310 one years of age other than a [minor] person under twenty-one years
311 of age who is delivering or accepting delivery in [his] such person's
312 capacity as an employee, or has allowed cigarettes or tobacco products
313 to be sold, given or delivered to such [minor] person from any such
314 machine, said commissioner shall require such owner, for the first
315 violation, to successfully complete an online tobacco prevention
316 education program administered by the Department of Mental Health
317 and Addiction Services not later than thirty days after said

318 commissioner's finding. Said commissioner shall assess any owner
319 who fails to complete such program a civil penalty of five hundred
320 dollars. Said commissioner shall assess any owner a civil penalty of
321 seven hundred fifty dollars for a second violation [within twenty-four
322 months] on or before twenty-four months after the date of the first
323 violation. For a third violation [within twenty-four months] on or
324 before twenty-four months after the date of the first violation, said
325 commissioner shall assess such owner [shall be assessed] a civil
326 penalty of [seven hundred fifty] one thousand dollars and immediately
327 remove any such machine [shall be immediately removed] from such
328 establishment and no such machine may be placed in such
329 establishment for a period of one year following such removal.

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

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

335 The Commissioner of Revenue Services may authorize a dealer or
336 distributor to give or deliver [any] a cigarette, as defined in section 12-
337 285, as amended by this act, or tobacco product, as defined in section
338 12-330a, as amended by this act, in connection with the promotion or
339 advertisement of such cigarette or tobacco product without receiving
340 monetary consideration from the person receiving the cigarette or
341 tobacco product, provided (1) such [distribution] giving or delivery is
342 on the premises of a licensed dealer, as defined in said section, [12-285]
343 or at any event or establishment with an area the access to which is
344 limited to [adult] patrons twenty-one years of age or older, provided
345 such [distribution] giving or delivery is restricted to such area, (2) the
346 sample of cigarettes, if applicable, contains no less than two cigarettes,
347 [and] (3) the taxes on such cigarettes have been previously paid, and
348 (4) the giving or delivery of the sample is done in accordance with
349 federal laws and regulations governing the giving or delivery of
350 samples of cigarettes and tobacco products. The licensed dealer or

351 distributor shall be liable for any gift or delivery of cigarettes or
352 tobacco products to [minors] a person under twenty-one years of age
353 on [his] the premises by any person conducting a promotion or
354 advertisement of such cigarette or tobacco product in accordance with
355 this section. This section shall not apply to the gift or delivery of a
356 cigarette package in connection with a sale of similar package of
357 cigarettes.

358 Sec. 9. Section 21a-415 of the general statutes is repealed and the
359 following is substituted in lieu thereof (*Effective October 1, 2019*):

360 (a) As used in this chapter and sections 12 to 14, inclusive, of this
361 act:

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

365 (2) "Business entity" means any corporation, limited liability
366 company, association, partnership, sole proprietorship, government,
367 governmental subdivision or agency, business trust, estate, trust or any
368 other legal entity;

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

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

378 (5) "Electronic nicotine delivery system" means an electronic device
379 used in the delivery of nicotine or other substances to a person
380 inhaling from the device, and includes, but is not limited to, an

381 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe
382 or electronic hookah and any related device and any cartridge or other
383 component of such device, including, but not limited to, electronic
384 cigarette liquid;

385 (6) "Vapor product" means any product that employs a heating
386 element, power source, electronic circuit or other electronic, chemical
387 or mechanical means, regardless of shape or size, to produce a vapor
388 that may include nicotine, and is inhaled by the user of such product.
389 "Vapor product" does not include a medicinal or therapeutic product
390 that is (A) used by a licensed health care provider to treat a patient in a
391 health care setting, (B) used by a patient, as prescribed or directed by a
392 licensed health care provider in any setting, or (C) any drug or device,
393 as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as
394 amended from time to time, any combination product, as described in
395 said act, 21 USC 353(g), as amended from time to time, or any
396 biological product, as described in 42 USC 262, as amended from time
397 to time, and 21 CFR 600.3, as amended from time to time, authorized
398 for sale by the United States Food and Drug Administration;

399 (7) "Sale" or "sell" means an act done intentionally by any person,
400 whether done as principal, proprietor, agent, servant or employee, of
401 transferring, or offering or attempting to transfer, for consideration,
402 including bartering or exchanging, or offering to barter or exchange;
403 and

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

409 [(a) On and after March 1, 2016, no] (b) No person in this state may
410 sell, offer for sale or possess with intent to sell an electronic nicotine
411 delivery system or a vapor product unless such person [has obtained
412 an electronic nicotine delivery system certificate of] is employed by, an

413 agent of or directly affiliated with a business entity that maintains a
414 dealer registration [from] issued by the Commissioner of Consumer
415 Protection pursuant to this section. A separate dealer registration shall
416 be required for [the] each place of business where such system or
417 product is sold, offered for sale or possessed with the intent to sell. [An
418 electronic nicotine delivery system certificate of] A dealer registration
419 shall allow the sale of electronic nicotine delivery systems or vapor
420 products at such place of business. A holder of [an electronic nicotine
421 delivery system certificate of] a dealer registration shall post such
422 registration in a prominent location adjacent to electronic nicotine
423 delivery system products or vapor products offered for sale. [For the
424 purposes of this section, "person" means each owner of a business
425 organization, or such owner's authorized designee, provided each
426 affiliate of a business organization that is under common control or
427 ownership shall constitute a separate person and "person" includes,
428 but is not limited to, retailers, wholesalers and dealers.]

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

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

447 false statement in such application or in any other application made to
448 the commissioner; or (B) the applicant has neglected to pay any taxes
449 due to this state.

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

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

464 [(c)] (d) The annual fee for [an electronic nicotine delivery system
465 certificate of] a dealer registration shall be [four hundred] eight
466 hundred dollars, except that the annual fee shall be four hundred
467 dollars for any person holding a dealer registration who also holds any
468 additional dealer registrations issued by the department under this
469 chapter.

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

478 [(e)] (f) (1) Any [person in this] business entity in the state [who

479 knowingly] that sells, offers for sale or possesses with intent to sell an
480 electronic nicotine delivery system or vapor product [from a place of
481 business that does not have a certificate of] without a dealer
482 registration as required under this section shall be fined not more than
483 fifty dollars for each day of such violation, except that the
484 commissioner may waive all or any part of such fine if it is proven to
485 the commissioner's satisfaction that the failure to obtain or renew such
486 [certificate of] dealer registration was due to reasonable cause.

487 (2) Notwithstanding the provisions of subdivision (1) of this
488 subsection, any [person] business entity whose [electronic nicotine
489 delivery system certificate of] dealer registration [for the place of
490 business where electronic nicotine delivery systems or vapor products
491 are sold, offered for sale or possessed with the intent to sell] has
492 expired [and who knowingly] for a period of ninety calendar days or
493 less and that, during such ninety-day period, sells, offers for sale or
494 possesses with intent to sell an electronic nicotine delivery system or
495 vapor product [, where such person's period of operation without such
496 certificate of dealer registration is not more than ninety days from the
497 date of expiration of such certificate of dealer registration,] shall have
498 committed an infraction and shall be fined ninety dollars for each day
499 such business entity is in violation of the provisions of this
500 subdivision.

501 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
502 this subsection, no penalty shall be imposed under this subsection
503 unless the commissioner sends written notice of any violation to the
504 [person who] authorized owner of the business entity is subject to a
505 penalty under subdivision (1) or (2) of this subsection and allows such
506 [person] business entity sixty days from the date such notice was sent
507 to cease such violation and comply with the requirements of this
508 section. [Such written notice shall be sent by mail evidenced by a
509 certificate of mailing or other similar United States Postal Service form
510 from which the date of deposit can be verified or by electronic mail to
511 the electronic mail address designated by such person on its
512 application or renewal application for nicotine delivery system

513 certificate of dealer registration.]

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

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

531 (b) (1) [On or after January 1, 2016, any person desiring an electronic
532 nicotine delivery system certificate of manufacturer registration or a
533 renewal of such a certificate of] Any applicant for a manufacturer
534 registration or renewal of a manufacturer registration shall [make a
535 sworn application therefor] apply to the Department of Consumer
536 Protection upon forms to be furnished by the department, showing the
537 name, address and electronic mail address of the applicant and the
538 location of the place of business which is to be operated under such
539 [certificate of] manufacturer registration. The department may require
540 that an applicant submit documents sufficient to establish that state
541 and local building, fire and zoning requirements will be met at the
542 place of manufacture. The department may, in its discretion, conduct
543 an investigation to determine whether a [certificate of] manufacturer
544 registration shall be issued to an applicant.

545 (2) The commissioner shall issue [an electronic nicotine delivery
546 system certificate of] a manufacturer registration to any such applicant
547 not later than thirty days after the date of application unless the
548 commissioner finds: (A) The applicant has wilfully made a materially
549 false statement in such application or in any other application made to
550 the commissioner; or (B) the applicant has neglected to pay any taxes
551 due to this state.

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

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

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

573 (d) The department may renew a [certificate of] manufacturer
574 registration issued under this section that has expired for a period of
575 six months or less if the applicant pays to the department any fine
576 imposed by the commissioner pursuant to subsection (c) of section

577 21a-4, which fine shall be in addition to the fees prescribed in this
578 section for the certificate of manufacturer registration applied for. The
579 provisions of this subsection shall not apply to any [certificate of]
580 manufacturer registration which is the subject of administrative or
581 court proceedings.

582 (e) (1) Any person in this state who knowingly manufactures an
583 electronic nicotine delivery system or vapor product from a place of
584 business that does not have a [certificate of] manufacturer registration
585 as required under this section shall be fined not more than fifty dollars
586 for each day of such violation, except that the commissioner may
587 waive all or any part of such fine if it is proven to the commissioner's
588 satisfaction that the failure to obtain or renew such [certificate of]
589 manufacturer registration was due to reasonable cause.

590 (2) Notwithstanding the provisions of subdivision (1) of this
591 subsection, any person whose [electronic nicotine delivery system
592 certificate of] manufacturer registration for the place of business where
593 electronic nicotine delivery systems or vapor products are
594 manufactured has expired for a period of ninety calendar days or less
595 and who manufactures in [this] the state during such ninety-day
596 period an electronic nicotine delivery system or vapor product [,
597 where such person's period of operation without such certificate of
598 manufacturer registration is not more than ninety days from the date
599 of expiration of such certificate of manufacturer registration,] shall
600 have committed an infraction and shall be fined ninety dollars for each
601 day such person is in violation of the provisions of this subdivision.

602 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
603 this subsection, no penalty shall be imposed under this subsection
604 unless the commissioner sends written notice of any violation to the
605 person who is subject to a penalty under subdivision (1) or (2) of this
606 subsection and allows such person sixty days from the date such notice
607 was sent to cease such violation and comply with the requirements of
608 this section. [Such written notice shall be sent by mail evidenced by a
609 certificate of mailing or other similar United States Postal Service form

610 from which the date of deposit can be verified or by electronic mail to
611 the electronic mail address designated by such person on its
612 application or renewal application for nicotine delivery system
613 certificate of dealer registration.]

614 Sec. 11. Section 21a-416 of the general statutes is repealed and the
615 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

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

619 (2) "Vapor product" has the same meaning as provided in section
620 19a-342.

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

623 [(b) (1)] (a) Except as provided in [subdivision (3) of this] subsection
624 (b) of this section, no [retail establishment] business entity with a
625 dealer registration may sell or offer for sale at the place of business
626 identified in the business entity's application for dealer registration, an
627 electronic nicotine delivery system or a vapor product by any means
628 other than an employee-assisted sale where the customer has no direct
629 access to the electronic nicotine delivery system or vapor product
630 except through the assistance of the employee of such [retail
631 establishment] business entity.

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

635 [(3)] (b) The provisions of [subdivisions (1) and (2) of this]
636 subsection (a) of this section shall not apply to a [retail establishment]
637 business entity with a dealer registration if [minors] persons under the
638 age of twenty-one are prohibited from entering the [retail
639 establishment] place of business identified in the business entity's

640 application for dealer registration and the prohibition on [minors]
641 persons under the age of twenty-one entering [the retail establishment]
642 such place of business is posted clearly on all entrances of [the retail
643 establishment] such place of business.

644 Sec. 12. (NEW) (*Effective October 1, 2019*) There is established an
645 account to be known as the "electronic nicotine delivery system and
646 vapor product enforcement account" which shall be a separate,
647 nonlapsing account within the General Fund. Each dealer registration
648 fee and manufacturer registration fee collected under sections 21a-415
649 and 21a-415a of the general statutes, as amended by this act, shall be
650 deposited into the account. Moneys in the account shall be distributed
651 equally by the Commissioner of Revenue Services to the
652 Commissioner of Revenue Services and the Commissioner of Mental
653 Health and Addiction Services for enforcing the provisions of chapter
654 420g of the general statutes, section 13 of this act and section 53-344b of
655 the general statutes, as amended by this act.

656 Sec. 13. (NEW) (*Effective October 1, 2019*) (a) Each business entity
657 with a dealer registration shall place and maintain in legible condition
658 at each point of sale of electronic nicotine delivery systems or vapor
659 products a notice to consumers that states (1) the sale, giving or
660 delivering of electronic nicotine delivery systems and vapor products
661 to any person under twenty-one years of age is prohibited by section
662 53-344b of the general statutes, as amended by this act, (2) the use of
663 false identification by a person under twenty-one years of age to
664 purchase an electronic nicotine delivery system or a vapor product is
665 prohibited, and (3) the penalties and fines for violating the provisions
666 of this section and section 53-344b of the general statutes, as amended
667 by this act.

668 (b) The Commissioner of Mental Health and Addiction Services, or
669 the commissioner's designee, shall conduct unannounced compliance
670 checks on business entities holding a dealer registration by engaging
671 persons between the ages of sixteen and twenty to enter the place of
672 business of each such business entity to attempt to purchase an

673 electronic nicotine delivery system or a vapor product. The
674 commissioner shall conduct unannounced follow-up compliance
675 checks of all noncompliant business entities and shall refer all
676 noncompliant business entities to the Commissioner of Revenue
677 Services.

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

691 (d) If the Commissioner of Revenue Services finds, after a hearing
692 pursuant to subsection (c) of this section, that any person employed by
693 any business entity issued a dealer registration under section 21a-415
694 of the general statutes, as amended by this act, has sold, given or
695 delivered an electronic nicotine delivery system or vapor product to a
696 person under twenty-one years of age, other than a person under
697 twenty-one years of age who is delivering or accepting delivery in
698 such person's capacity as an employee, said commissioner shall, for the
699 first violation, require such employee to successfully complete an
700 online prevention education program administered by the Department
701 of Mental Health and Addiction Services not later than thirty days
702 after said commissioner's finding. Said commissioner shall assess any
703 employee who fails to complete such program a civil penalty of two
704 hundred dollars. Said commissioner shall assess any employee a civil
705 penalty of two hundred fifty dollars for a second or subsequent
706 violation on or before twenty-four months after the date of the first

707 violation.

708 (e) If the Commissioner of Revenue Services finds, after a hearing
709 pursuant to subsection (c) of this section, that (1) any business entity
710 issued a dealer registration under section 21a-415 of the general
711 statutes, as amended by this act, has sold, given or delivered an
712 electronic nicotine delivery system or vapor product to a person under
713 twenty-one years of age, other than a person under twenty-one years
714 of age who is delivering or accepting delivery in such person's capacity
715 as an employee, or (2) such person's employee has sold, given or
716 delivered an electronic nicotine delivery system or vapor product to a
717 person under twenty-one years of age the commissioner shall, for the
718 first violation, require the authorized owner of such business entity to
719 successfully complete an online prevention education program
720 administered by the Department of Mental Health and Addiction
721 Services not later than thirty days after said commissioner's finding.
722 Said commissioner shall assess any business entity issued a dealer
723 registration whose authorized owner fails to complete such program a
724 civil penalty of three hundred dollars for the first violation. Said
725 commissioner shall assess such business entity a civil penalty of seven
726 hundred fifty dollars for a second violation on or before twenty-four
727 months after the date of the first violation. For a third violation by such
728 business entity on or before twenty-four months after the date of the
729 first violation, said commissioner shall assess such business entity a
730 civil penalty of one thousand dollars and notify the Commissioner of
731 Consumer Protection that the dealer registration held by such business
732 entity under chapter 420g of the general statutes shall be suspended
733 for not less than thirty days. For a fourth violation on or before twenty-
734 four months after the date of the first violation, the Commissioner of
735 Revenue Services shall assess such business entity a civil penalty of
736 one thousand dollars and notify the Commissioner of Consumer
737 Protection that the dealer registration held by such business entity
738 under said chapter shall be revoked. The Commissioner of Revenue
739 Services shall order such business entity to conspicuously post a notice
740 in a public place stating that electronic nicotine delivery systems and

741 vapor products cannot be sold during the period of suspension or
742 revocation and the reasons for such suspension or revocation. Any sale
743 of an electronic nicotine delivery system or vapor product by such
744 business entity during the period of such suspension or revocation
745 shall be deemed an additional violation of this section.

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

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

761 Sec. 14. (NEW) (*Effective October 1, 2019*) Any business entity
762 holding a dealer registration under section 21a-415 of the general
763 statutes, as amended by this act, may give or deliver an electronic
764 nicotine delivery system or vapor product in connection with the
765 promotion or advertisement of such electronic nicotine delivery
766 system or vapor product without receiving monetary consideration
767 from the person receiving the electronic nicotine delivery system or
768 vapor product, provided (1) such giving or delivery is at the location
769 identified by the business entity in its application for the dealer
770 registration or at any event or establishment with an area the access to
771 which is limited to persons twenty-one years of age or older, provided
772 such giving or delivery is restricted to such area, (2) the sample of
773 electronic nicotine delivery systems or vapor products, if applicable,

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

788 Sec. 15. Section 53-344 of the general statutes is repealed and the
789 following is substituted in lieu thereof (*Effective October 1, 2019*):

790 (a) As used in this section:

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

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

796 ~~[(2)]~~ (3) "Identity card" means an identification card issued in
797 accordance with the provisions of section 1-1h;

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

800 (5) "Give" or "giving" has the same meaning as provided in section
801 53-344b, as amended by this act;

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

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

806 (8) "Tobacco products" has the same meaning as provided in section
807 12-330a;

808 [(3)] (9) "Transaction scan" means the process by which a seller or
809 seller's agent or employee checks, by means of a transaction scan
810 device, the validity of a driver's license or an identity card; and

811 [(4)] (10) "Transaction scan device" means any commercial device or
812 combination of devices used at a point of sale that is capable of
813 deciphering in an electronically readable format the information
814 encoded on the magnetic strip or bar code of a driver's license or an
815 identity card.

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

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

836 public place] product shall be fined not more than fifty dollars for the
837 first offense and not less than fifty dollars or more than one hundred
838 dollars for each subsequent offense. [For purposes of this subsection,
839 "public place" means any area that is used or held out for use by the
840 public whether owned or operated by public or private interests.]

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

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

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

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

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

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

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

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

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

883 (f) (1) In any prosecution of a seller or seller's agent or employee for
884 a violation of subsection (b) of this section, it shall be an affirmative
885 defense that all of the following occurred: (A) A cardholder attempting
886 to purchase or receive cigarettes or a tobacco product presented a
887 driver's license or an identity card; (B) a transaction scan of the driver's
888 license or identity card that the cardholder presented indicated that the
889 license or card was valid and indicated that the cardholder was at least
890 twenty-one years of age; and (C) the cigarettes or a tobacco product
891 was sold, given away or otherwise distributed to the cardholder in
892 reasonable reliance upon the identification presented and the
893 completed transaction scan.

894 (2) In determining whether a seller or seller's agent or employee has
895 proven the affirmative defense provided by subdivision (1) of this
896 section, the trier of fact in such prosecution shall consider that
897 reasonable reliance upon the identification presented and the
898 completed transaction scan may require a seller or seller's agent or
899 employee to exercise reasonable diligence and that the use of a

900 transaction scan device does not excuse a seller or seller's agent or
901 employee from exercising such reasonable diligence to determine the
902 following: (A) Whether a person to whom the seller or seller's agent or
903 employee sells, gives away or otherwise distributes cigarettes or a
904 tobacco product is [eighteen] twenty-one years of age or older; and (B)
905 whether the description and picture appearing on the driver's license
906 or identity card presented by a cardholder is that of the cardholder.

907 Sec. 16. Section 53-344a of the general statutes is repealed and the
908 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

918 Sec. 17. Section 53-344b of the general statutes is repealed and the
919 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

921 (1) "Electronic nicotine delivery system" [means an electronic device
922 that may be used to simulate smoking in the delivery of nicotine or
923 other substance to a person inhaling from the device, and includes, but
924 is not limited to, an electronic cigarette, electronic cigar, electronic
925 cigarillo, electronic pipe or electronic hookah and any related device
926 and any cartridge, electronic cigarette liquid or other component of
927 such device] has the same meaning as provided in section 21a-415, as
928 amended by this act;

929 (2) "Cardholder" means any person who presents a driver's license
930 or an identity card to a seller or seller's agent or employee, to purchase

931 or receive an electronic nicotine delivery system or vapor product from
932 such seller or seller's agent or employee;

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

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

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

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

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

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

959 (9) "Vapor product" [means any product that employs a heating
960 element, power source, electronic circuit or other electronic, chemical

961 or mechanical means, regardless of shape or size, to produce a vapor
962 that may or may not include nicotine, that is inhaled by the user of
963 such product] has the same meaning as provided in section 21a-415, as
964 amended by this act; and

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

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

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

988 (c) Any person under [eighteen] twenty-one years of age who
989 [purchases or] misrepresents such person's age to purchase an
990 electronic nicotine delivery system or vapor product in any form [or
991 possesses an electronic nicotine delivery system or vapor product in
992 any form in any public place] shall be fined not more than fifty dollars

993 for the first offense and not less than fifty dollars or more than one
994 hundred dollars for each subsequent offense. [For purposes of this
995 subsection "public place" means any area that is used or held out for
996 use by the public whether owned or operated by public or private
997 interests.]

998 (d) (1) A seller or seller's agent or employee may perform a
999 transaction scan to check the validity of a driver's license or identity
1000 card presented by a cardholder as a condition for selling, giving or
1001 otherwise delivering an electronic nicotine delivery system or vapor
1002 product to the cardholder.

1003 (2) If the information deciphered by the transaction scan performed
1004 under subdivision (1) of this subsection fails to match the information
1005 printed on the driver's license or identity card presented by the
1006 cardholder, or if the transaction scan indicates that the information so
1007 printed is false or fraudulent, neither the seller nor any seller's agent or
1008 employee shall sell, give or otherwise deliver any electronic nicotine
1009 delivery system or vapor product to the cardholder.

1010 (3) Subdivision (1) of this subsection does not preclude a seller or
1011 seller's agent or employee from using a transaction scan device to
1012 check the validity of a document other than a driver's license or an
1013 identity card, if the document includes a bar code or magnetic strip
1014 that may be scanned by the device, as a condition for selling, giving or
1015 otherwise delivering an electronic nicotine delivery system or vapor
1016 product to the person presenting the document.

1017 (e) (1) No seller or seller's agent or employee shall electronically or
1018 mechanically record or maintain any information derived from a
1019 transaction scan, except the following: (A) The name and date of birth
1020 of the person listed on the driver's license or identity card presented by
1021 a cardholder; and (B) the expiration date and identification number of
1022 the driver's license or identity card presented by a cardholder.

1023 (2) No seller or seller's agent or employee shall use a transaction
1024 scan device for a purpose other than the purposes specified in

1025 subsection (d) of this section, subsection (d) of section 53-344, as
1026 amended by this act, or subsection (c) of section 30-86.

1027 (3) No seller or seller's agent or employee shall sell or otherwise
1028 disseminate the information derived from a transaction scan to any
1029 third party, including, but not limited to, selling or otherwise
1030 disseminating that information for any marketing, advertising or
1031 promotional activities, but a seller or seller's agent or employee may
1032 release that information pursuant to a court order.

1033 (4) Nothing in subsection (d) of this section or this subsection
1034 relieves a seller or seller's agent or employee of any responsibility to
1035 comply with any other applicable state or federal laws or rules
1036 governing selling, giving or otherwise delivering electronic nicotine
1037 delivery systems or vapor products.

1038 (5) Any person who violates this subsection shall be subject to a civil
1039 penalty of not more than one thousand dollars.

1040 (f) (1) In any prosecution of a seller or seller's agent or employee for
1041 a violation of subsection (b) of this section, it shall be an affirmative
1042 defense that all of the following occurred: (A) A cardholder attempting
1043 to purchase or receive an electronic nicotine delivery system or vapor
1044 product presented a driver's license or an identity card; (B) a
1045 transaction scan of the driver's license or identity card that the
1046 cardholder presented indicated that the license or card was valid and
1047 indicated that the cardholder was at least twenty-one years of age; and
1048 (C) the electronic nicotine delivery system or vapor product was sold,
1049 given or otherwise delivered to the cardholder in reasonable reliance
1050 upon the identification presented and the completed transaction scan.

1051 (2) In determining whether a seller or seller's agent or employee has
1052 proven the affirmative defense provided by subdivision (1) of this
1053 section, the trier of fact in such prosecution shall consider that
1054 reasonable reliance upon the identification presented and the
1055 completed transaction scan may require a seller or seller's agent or
1056 employee to exercise reasonable diligence and that the use of a

1057 transaction scan device does not excuse a seller or seller's agent or
1058 employee from exercising such reasonable diligence to determine the
1059 following: (A) Whether a person to whom the seller or seller's agent or
1060 employee sells, gives or otherwise delivers an electronic nicotine
1061 delivery system or vapor product is [~~eighteen~~] twenty-one years of age
1062 or older; and (B) whether the description and picture appearing on the
1063 driver's license or identity card presented by a cardholder is that of the
1064 cardholder.

1065 (g) Each seller of electronic nicotine delivery systems or vapor
1066 products or such seller's agent or employee shall require a person who
1067 is purchasing or attempting to purchase an electronic nicotine delivery
1068 system or vapor product [, whose age is in question,] and appears to be
1069 under the age of thirty to exhibit proper proof of age. If a person fails
1070 to provide such proof of age, such seller or seller's agent or employee
1071 shall not sell an electronic nicotine delivery system or vapor product to
1072 the person. As used in this subsection, "proper proof" means a motor
1073 vehicle operator's license, a valid passport or an identity card issued in
1074 accordance with the provisions of section 1-1h.

1075 Sec. 18. Subdivision (1) of subsection (b) of section 19a-342 of the
1076 general statutes is repealed and the following is substituted in lieu
1077 thereof (*Effective October 1, 2019*):

1078 (b) (1) Notwithstanding the provisions of section 31-40q, no person
1079 shall smoke: (A) In any building or portion of a building, partially
1080 enclosed shelter on a rail platform or bus shelter owned and operated
1081 or leased and operated by the state or any political subdivision thereof;
1082 (B) in any area of a health care institution; (C) in any area of a retail
1083 food store; (D) in any restaurant; (E) in any area of an establishment
1084 with a permit issued for the sale of alcoholic liquor pursuant to section
1085 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-
1086 35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a
1087 permit for the sale of alcoholic liquor pursuant to section 30-23 issued
1088 after May 1, 2003, and, on and after April 1, 2004, in any area of an
1089 establishment with a permit issued for the sale of alcoholic liquor

1090 pursuant to section 30-22a or 30-26 or the bar area of a bowling
1091 establishment holding a permit pursuant to subsection (a) of section
1092 30-37c; (F) within a school building [while school is in session or
1093 student activities are being conducted] or on the grounds of such
1094 school; (G) within a child care facility or on the grounds of such child
1095 care facility, except, if the child care facility is a family child care home,
1096 as defined in section 19a-77, such smoking is prohibited only when a
1097 child enrolled in such home is present; (H) in any passenger elevator,
1098 provided no person shall be arrested for violating this subsection
1099 unless there is posted in such elevator a sign which indicates that
1100 smoking is prohibited by state law; [(H)] (I) in any dormitory in any
1101 public or private institution of higher education; or [(I)] (J) on and after
1102 April 1, 2004, in any area of a dog race track or a facility equipped with
1103 screens for the simulcasting of off-track betting race programs or jai
1104 alai games. For purposes of this subsection, "restaurant" means space,
1105 in a suitable and permanent building, kept, used, maintained,
1106 advertised and held out to the public to be a place where meals are
1107 regularly served to the public, "school" has the same meaning as
1108 provided in section 10-154a and "child care facility" has the same
1109 meaning as provided in section 19a-342a, as amended by this act.

1110 Sec. 19. Subdivision (1) of subsection (b) of section 19a-342a of the
1111 general statutes is repealed and the following is substituted in lieu
1112 thereof (*Effective October 1, 2019*):

1113 (b) (1) No person shall use an electronic nicotine delivery system or
1114 vapor product: (A) In any building or portion of a building owned and
1115 operated or leased and operated by the state or any political
1116 subdivision thereof; (B) in any area of a health care institution; (C) in
1117 any area of a retail food store; (D) in any restaurant; (E) in any area of
1118 an establishment with a permit issued for the sale of alcoholic liquor
1119 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26,
1120 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any
1121 area of establishment with a permit issued for the sale of alcoholic
1122 liquor pursuant to section 30-23 issued after May 1, 2003, or the bar
1123 area of a bowling establishment holding a permit pursuant to

1124 subsection (a) of section 30-37c; (F) within a school building [while
1125 school is in session or student activities are being conducted] or on the
1126 grounds of such school; (G) within a child care facility or on the
1127 grounds of such child care facility, except, if the child care facility is a
1128 family child care home as defined in section 19a-77, such use is
1129 prohibited only when a child enrolled in such home is present; (H) in
1130 any passenger elevator, provided no person shall be arrested for
1131 violating this subsection unless there is posted in such elevator a sign
1132 which indicates that such use is prohibited by state law; (I) in any
1133 dormitory in any public or private institution of higher education; or
1134 (J) in any area of a dog race track or a facility equipped with screens for
1135 the simulcasting of off-track betting race programs or jai alai games.
1136 For purposes of this subsection, "restaurant" means space, in a suitable
1137 and permanent building, kept, used, maintained, advertised and held
1138 out to the public to be a place where meals are regularly served to the
1139 public, and "school" has the same meaning as provided in section 10-
1140 154a.

1141 Sec. 20. (NEW) (*Effective October 1, 2019*) (a) As used in this section:

1142 (1) "Person" means any individual, firm, fiduciary, partnership,
1143 corporation, limited liability company, trust or association, however
1144 formed;

1145 (2) "Electronic nicotine delivery system" has the same meaning as
1146 provided in section 21a-415, as amended by this act; and

1147 (3) "Vapor product" has the same meaning as provided in section
1148 21a-415, as amended by this act.

1149 (b) A person with an electronic nicotine delivery system certificate
1150 of dealer registration, when selling and shipping an electronic nicotine
1151 delivery system or a vapor product directly to a consumer in the state,
1152 shall: (1) Ensure that the shipping labels on all containers of an
1153 electronic nicotine delivery system or vapor product shipped directly
1154 to a consumer in the state conspicuously states the following:
1155 "CONTAINS AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR

1156 VAPOR PRODUCT—SIGNATURE OF A PERSON AGE 21 OR
1157 OLDER REQUIRED FOR DELIVERY"; and (2) obtain the signature of a
1158 person age twenty-one or older at the shipping address prior to
1159 delivery, after requiring the signer to demonstrate that he or she is age
1160 twenty-one or older by providing a valid motor vehicle operator's
1161 license or a valid identity card described in section 1-1h of the general
1162 statutes.

1163 Sec. 21. Section 12-285a of the general statutes is repealed and the
1164 following is substituted in lieu thereof (*Effective October 1, 2019*):

1165 For purposes of sections 12-286a, as amended by this act, 12-295a, as
1166 amended by this act, and 12-314a, as amended by this act: [and
1167 subsection (a) of section 53-344:] (1) "Distributor" includes a
1168 manufacturer of tobacco products; (2) "sale" or "sell" means an act done
1169 intentionally by any person, whether done as principal, proprietor,
1170 agent, servant or employee, of transferring, or offering or attempting to
1171 transfer, for consideration, cigarettes or tobacco products, including
1172 bartering or exchanging, or offering to barter or exchange, cigarettes or
1173 tobacco products; (3) "give" or "giving" means an act done intentionally
1174 by any person, whether done as principal, proprietor, agent, servant or
1175 employee, of transferring, or offering or attempting to transfer,
1176 without consideration, cigarettes or tobacco products; (4) "deliver" or
1177 "delivering" means an act done intentionally by any person, whether as
1178 principal, proprietor, agent, servant or employee, of transferring, or
1179 offering or attempting to transfer, physical possession or control of
1180 cigarettes or tobacco products.

1181 Sec. 22. Subdivision (2) of section 12-330a of the general statutes is
1182 repealed and the following is substituted in lieu thereof (*Effective*
1183 *October 1, 2019*):

1184 (2) "Tobacco products" means [cigars, cheroots, stogies, periques,
1185 granulated, plug cut, crimp cut, ready rubbed and other smoking
1186 tobacco, snuff tobacco products, cavendish, plug and twist tobacco,
1187 fine cut and other chewing tobaccos, shorts, refuse scraps, clippings,

1188 cuttings and sweepings of tobacco and all other kinds and forms of
1189 tobacco, prepared in such manner as to be suitable for chewing or
1190 smoking in a pipe or otherwise or for both chewing and smoking] any
1191 product, regardless of form, that is made from or otherwise contains
1192 tobacco, but shall not include any cigarette, as defined in section 12-
1193 285, any electronic nicotine delivery system, as defined in section 21a-
1194 415, as amended by this act, or any vapor product, as defined in
1195 section 21a-415, as amended by this act;

1196 Sec. 23. Subsection (a) of section 19a-342a of the general statutes is
1197 repealed and the following is substituted in lieu thereof (*Effective*
1198 *October 1, 2019*):

1199 (a) As used in this section and section 2 of public act 15-206:

1200 (1) "Child care facility" means a provider of child care services as
1201 defined in section 19a-77, or a person or entity required to be licensed
1202 under section 17a-145;

1203 (2) "Electronic nicotine delivery system" [means an electronic device
1204 that may be used to simulate smoking in the delivery of nicotine or
1205 other substances to a person inhaling from the device, and includes,
1206 but is not limited to, an electronic cigarette, electronic cigar, electronic
1207 cigarillo, electronic pipe or electronic hookah and any related device
1208 and any cartridge or other component of such device] has the same
1209 meaning as provided in section 21a-415, as amended by this act;

1210 (3) "Liquid nicotine container" means a container that holds a liquid
1211 substance containing nicotine that is sold, marketed or intended for
1212 use in an electronic nicotine delivery system or vapor product, except
1213 "liquid nicotine container" does not include such a container that is
1214 prefilled and sealed by the manufacturer and not intended to be
1215 opened by the consumer; and

1216 (4) "Vapor product" [means any product that employs a heating
1217 element, power source, electronic circuit or other electronic, chemical
1218 or mechanical means, regardless of shape or size, to produce a vapor

1219 that may or may not include nicotine, that is inhaled by the user of
 1220 such product, but shall not include a medicinal or therapeutic product
 1221 used by a (A) licensed health care provider to treat a patient in a health
 1222 care setting, or (B) a patient, as prescribed or directed by a licensed
 1223 health care provider in any setting] has the same meaning as provided
 1224 in section 21a-415, as amended by this act."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	12-285
Sec. 2	October 1, 2019	12-286a(a)
Sec. 3	October 1, 2019	12-287
Sec. 4	October 1, 2019	12-289a
Sec. 5	October 1, 2019	12-291a
Sec. 6	October 1, 2019	12-295
Sec. 7	October 1, 2019	12-295a
Sec. 8	October 1, 2019	12-314a
Sec. 9	October 1, 2019	21a-415
Sec. 10	October 1, 2019	21a-415a
Sec. 11	October 1, 2019	21a-416
Sec. 12	October 1, 2019	New section
Sec. 13	October 1, 2019	New section
Sec. 14	October 1, 2019	New section
Sec. 15	October 1, 2019	53-344
Sec. 16	October 1, 2019	53-344a
Sec. 17	October 1, 2019	53-344b
Sec. 18	October 1, 2019	19a-342(b)(1)
Sec. 19	October 1, 2019	19a-342a(b)(1)
Sec. 20	October 1, 2019	New section
Sec. 21	October 1, 2019	12-285a
Sec. 22	October 1, 2019	12-330a(2)
Sec. 23	October 1, 2019	19a-342a(a)