

**Proposed Substitute
Bill No. 7200**

LCO No. 6467

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

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

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 Section 12-285 of the general statutes is repealed and the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

3 (a) [When] As used in this chapter and section 21 of this act, unless
4 the context otherwise requires:

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

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

22 dealers but sells such cigarettes exclusively to retail stores such person
23 is operating or franchising; (D) any person operating and servicing
24 twenty-five or more cigarette vending machines in this state who buys
25 such cigarettes at wholesale and sells them exclusively in such vending
26 machines. If a person qualified as a distributor in accordance with this
27 subparagraph, in addition sells cigarettes other than in vending
28 machines, such person shall be required to be qualified as a distributor
29 in accordance with subparagraph (B) of this subdivision and have an
30 additional distributor's license for purposes of such other sales; (E) any
31 person who imports into this state unstamped cigarettes, at least
32 seventy-five per cent of which are to be sold to others for resale; and
33 (F) any person operating storage facilities for unstamped cigarettes in
34 this state;

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

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

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

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

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

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

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

68 (10) "Tobacco product" (A) means any product, other than a
69 cigarette, electronic nicotine delivery system or vapor product, that is
70 made or derived from tobacco and intended for human consumption,
71 or likely to be consumed, whether smoked, heated, chewed, absorbed,
72 dissolved, inhaled or ingested by any other means, including, but not
73 limited to, a cigar, pipe tobacco, chewing tobacco, snuff and snus, and
74 any component or accessory thereof, including, but not limited to, a
75 filter, rolling paper or pipe, and (B) shall not include any drug or
76 device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC
77 321, as amended from time to time, or any combination product, as
78 described in said act, 21 USC 353(g), as amended from time to time,
79 authorized for sale by the United States Food and Drug
80 Administration; and

81 (11) "Taxed tobacco product" means any tobacco product upon
82 which a tax has been paid in accordance with the provisions of chapter
83 214a.

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

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

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

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

103 (a) Each distributor and each dealer [, as defined in section 12-285,]
104 shall place and maintain in legible condition at each point of sale of
105 cigarettes to consumers, including the front of each cigarette vending
106 machine, and each restricted cigarette vending machine a notice which
107 states (1) that the sale, giving or delivering of tobacco products,
108 including cigarettes, to any person under [eighteen] twenty-one years
109 of age is prohibited by section 53-344, as amended by this act, (2) the
110 [purchase or] misrepresentation of age through the use of false
111 identification by a person under [eighteen] twenty-one years of age to
112 purchase cigarettes or tobacco products is prohibited by said section,
113 [53-344,] and (3) the penalties and fines for violating said section [53-
114 344] and section 12-295a, as amended by this act.

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

117 (a) Each person engaging in, or intending to engage in, the business

118 of selling cigarettes in this state as a dealer, and each person engaging
119 in or intending to engage in, the business of selling taxed tobacco
120 products at retail, shall secure a dealer's license from the
121 Commissioner of Revenue Services before engaging in such business
122 or continuing to engage therein. Subject to the provisions of section 12-
123 286, as amended by this act, such license shall be renewable annually.
124 The annual fee for a dealer's license shall be two hundred fifty dollars.
125 Such license shall be valid for a period beginning with the date of
126 license to the thirtieth day of September next succeeding the date of
127 license unless sooner revoked as provided in section 12-295, as
128 amended by this act, or unless the person to whom it was issued
129 discontinues business, in either of which cases the holder of the license
130 shall immediately return it to the commissioner. In the event of
131 mutilation or destruction of such license, a duplicate copy, marked as
132 such, shall be issued by said commissioner upon application
133 accompanied by a fee of fifteen dollars.

134 (b) There is established an account to be known as the "tobacco
135 control enforcement account" which shall be a separate, nonlapsing
136 account within the General Fund. One hundred sixty dollars of each
137 dealer's license fee collected under subsection (a) of this section shall
138 be deposited into the account. The Commissioner of Revenue Services
139 may expend moneys from the account as is necessary to administer the
140 licensing of dealers under subsection (a) of this section, for the
141 education and training of such dealers and for inspections of such
142 dealers' retail establishments and unannounced compliance checks of
143 such retail establishments to enforce the provisions of this chapter and
144 chapter 214a and sections 53-344, as amended by this act, and 53-344a,
145 as amended by this act.

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

149 [(a)] No cigarette vending machine or restricted cigarette vending
150 machine may be placed in an area, facility or business which [is

151 frequented primarily by minors] may be accessed by persons under
152 the age of twenty-one unless it is placed in an area, facility or business
153 permitted under chapter 545 that has a separate area accessible only to
154 persons twenty-one years of age or older and the machine is placed in
155 such separate area. No cigarettes may be dispensed from any machine
156 other than a cigarette vending machine or a restricted cigarette
157 vending machine. No tobacco products, electronic nicotine delivery
158 systems or vapor products may be dispensed from a cigarette vending
159 machine or a restricted cigarette vending machine.

160 [(b) A cigarette vending machine may be placed only in (1) an area,
161 facility or business which is accessible only to adults, or (2) an area,
162 facility or business permitted under chapter 545 if the area, facility or
163 business has a separate area accessible only to adults and the machine
164 is placed in such area.]

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

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

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

176 (a) The commissioner may suspend or revoke the license of any
177 dealer or distributor for (1) failure to comply with any provision of this
178 chapter or regulations related thereto, or (2) for the sale or delivery of
179 [tobacco in any form] cigarettes or tobacco products to a [minor under
180 eighteen] person under twenty-one years of age, following a hearing
181 with respect to which notice in writing, specifying the time and place
182 of such hearing and requiring such dealer or distributor to show cause

183 why such license should not be revoked, is mailed or delivered to such
184 dealer or distributor not less than ten days preceding the date of such
185 hearing. Such notice may be served personally or by registered or
186 certified mail.

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

201 (c) If the commissioner finds, after a hearing as provided in
202 subsection (a) of this section, that a distributor has violated any
203 provision of sections 12-326a to 12-326h, inclusive, the commissioner
204 shall (1) for a first violation, suspend such distributor's license or
205 certificate for not less than seven days and assess a civil penalty of not
206 more than ten thousand dollars, (2) for a second violation [within a
207 five-year period] on or before five years after the date of the first
208 violation, suspend such distributor's license or certificate for not less
209 than thirty days and assess a civil penalty of not more than twenty-five
210 thousand dollars, and (3) for a subsequent violation [within a five-year
211 period] on or before five years after the date of the first violation,
212 revoke such distributor's license and assess a civil penalty of not more
213 than fifty thousand dollars, except that if the violation is of subsection
214 (b) of section 12-326b, the commissioner shall assess an additional civil
215 penalty of one thousand dollars for each carton of cigarettes sold or
216 bought in violation of said subsection. The commissioner shall order

217 such distributor to conspicuously post a notice in a public place stating
218 that cigarettes or tobacco products cannot be sold during the period of
219 such suspension and the reason therefor. Any sale of cigarettes or
220 tobacco products by such distributor during the period of such
221 suspension shall be deemed an additional violation of said sections.

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

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

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

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

250 after the date of the first violation.

251 [(c)] (b) If [said commissioner] the Commissioner of Revenue
252 Services finds, after a hearing, that any dealer or distributor has sold,
253 given or delivered cigarettes or a tobacco [products] product to a
254 [minor] person under twenty-one years of age other than a [minor]
255 person under twenty-one years of age who is delivering or accepting
256 delivery in [his] such person's capacity as an employee, or such dealer
257 or distributor's employee has sold, given or delivered cigarettes or a
258 tobacco [products] product to such [minor] person, said commissioner
259 shall require such dealer or distributor, for the first violation, to
260 successfully complete an online tobacco prevention education program
261 administered by the Department of Mental Health and Addiction
262 Services not later than thirty days after said commissioner's finding.
263 Said commissioner shall assess any dealer or distributor who fails to
264 complete such program a civil penalty of three hundred dollars. Said
265 commissioner shall assess any dealer or distributor a civil penalty of
266 seven hundred fifty dollars for a second violation [within twenty-four
267 months of] on or before thirty-six months after the date of the first
268 violation. For a third violation [within twenty-four months of] on or
269 before thirty-six months after the date of the first violation, said
270 commissioner shall assess such dealer or distributor [shall be assessed]
271 a civil penalty of [seven hundred fifty] one thousand dollars and
272 suspend any license or certificate held by such dealer or distributor
273 under this chapter [shall be suspended] for not less than thirty days.
274 For a fourth violation on or before thirty-six months after the date of
275 the first violation, said commissioner shall assess such dealer or
276 distributor a civil penalty of one thousand dollars and revoke any
277 license or certificate issued to such dealer or distributor under this
278 chapter. Said commissioner shall order such distributor or dealer to
279 conspicuously post a notice in a public place within such distributor's
280 or dealer's establishment stating that cigarettes and tobacco products
281 cannot be sold during the period of such suspension or revocation and
282 the reasons for such suspension or revocation. Any sale of cigarettes or
283 a tobacco product by such dealer or distributor during such
284 suspension or revocation shall be deemed an additional violation of

285 this subsection.

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

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

314 (e) Not less than annually, the Commissioner of Revenue Services,
315 or the commissioner's designee, shall conduct unannounced
316 compliance checks on each dealer and distributor by engaging persons
317 between the ages of eighteen and twenty to enter the establishment of

318 each dealer and distributor to attempt to purchase cigarettes or a
319 tobacco product. The commissioner shall conduct an unannounced
320 follow-up compliance check of all noncompliant dealers and
321 distributors not later than three months after the date of
322 noncompliance. The commissioner shall annually publish the names of
323 all noncompliant dealers and distributors on the Department of
324 Revenue Services' Internet web site.

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

327 The Commissioner of Revenue Services may authorize a dealer or
328 distributor to give or deliver [any] a cigarette, as defined in section 12-
329 285, as amended by this act, or tobacco product, as defined in section
330 12-330a, as amended by this act, in connection with the promotion or
331 advertisement of such cigarette or tobacco product without receiving
332 monetary consideration from the person receiving the cigarette or
333 tobacco product, provided (1) such [distribution] giving or delivery is
334 on the premises of a licensed dealer, as defined in said section, [12-285]
335 or at any event or establishment with an area the access to which is
336 limited to [adult] patrons twenty-one years of age or older, provided
337 such [distribution] giving or delivery is restricted to such area, (2) the
338 sample of cigarettes, if applicable, contains no less than two cigarettes,
339 [and] (3) the taxes on such cigarettes have been previously paid, and
340 (4) the giving or delivery of the sample is done in accordance with
341 federal laws and regulations governing the giving or delivery of
342 samples of cigarettes and tobacco products. The licensed dealer or
343 distributor shall be liable for any gift or delivery of cigarettes or
344 tobacco products to [minors] a person under twenty-one years of age
345 on his premises by any person conducting a promotion or
346 advertisement of such cigarette or tobacco product in accordance with
347 this section. This section shall not apply to the gift or delivery of a
348 cigarette package in connection with a sale of similar package of
349 cigarettes.

350 Sec. 9. Section 21a-415 of the general statutes is repealed and the

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

352 (a) As used in this chapter, sections 11 to 14, inclusive, and section
353 22 of this act:

354 (1) "Electronic nicotine delivery system" means an electronic device
355 used in the delivery of nicotine or other substances to a person
356 inhaling from the device, and includes, but is not limited to, an
357 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe
358 or electronic hookah and any related device and any cartridge or other
359 component of such device;

360 (2) "Vapor product" means any product that employs a heating
361 element, power source, electronic circuit or other electronic, chemical
362 or mechanical means, regardless of shape or size, to produce a vapor
363 that may include nicotine, that is inhaled by the user of such product,
364 but shall not include a medicinal or therapeutic product that is (A)
365 used by a licensed health care provider to treat a patient in a health
366 care setting, (B) used by a patient, as prescribed or directed by a
367 licensed health care provider in any setting, or (C) any drug or device,
368 as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as
369 amended from time to time, or any combination product, as described
370 in said act, 21 USC 353(g), as amended from time to time, authorized
371 for sale by the United States Food and Drug Administration.

372 (3) "Sale" or "sell" means an act done intentionally by any person,
373 whether done as principal, proprietor, agent, servant or employee, of
374 transferring, or offering or attempting to transfer, for consideration,
375 including bartering or exchanging, or offering to barter or exchange;
376 and

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

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

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

413 (2) The commissioner shall issue an electronic nicotine delivery
414 system certificate of dealer registration to any such applicant not later
415 than thirty days after the date of application unless the commissioner

416 finds: (A) The applicant has wilfully made a materially false statement
417 in such application or in any other application made to the
418 commissioner; or (B) the applicant has neglected to pay any taxes due
419 to this state.

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

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

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

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

445 [(e)] (f) (1) Any person in this state who knowingly sells, offers for
446 sale or possesses with intent to sell an electronic nicotine delivery
447 system or vapor product from a place of business that does not have a

448 certificate of dealer registration as required under this section shall be
449 fined not more than fifty dollars for each day of such violation, except
450 that the commissioner may waive all or any part of such fine if it is
451 proven to the commissioner's satisfaction that the failure to obtain or
452 renew such certificate of dealer registration was due to reasonable
453 cause.

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

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

478 Sec. 10. Section 21a-416 of the general statutes is repealed and the
479 following is substituted in lieu thereof (*Effective October 1, 2019*):

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

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

483 (2) "Vapor product" has the same meaning as provided in section
484 19a-342.

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

487 [(b) (1)] (a) Except as provided in [subdivision (3) of this] subsection
488 (b) of this section, no [retail establishment] person with an electronic
489 nicotine delivery system certificate of dealer registration may sell or
490 offer for sale at a retail establishment, as defined in section 19a-106a, an
491 electronic nicotine delivery system or a vapor product by any means
492 other than an employee-assisted sale where the customer has no direct
493 access to the electronic nicotine delivery system or vapor product
494 except through the assistance of such person or the employee of such
495 [retail establishment] person.

496 [(2) No retail establishment may sell or offer for sale an electronic
497 nicotine delivery system or a vapor product from a self-service
498 display.]

499 [(3)] (b) The provisions of [subdivisions (1) and (2)] of this
500 subsection shall not apply to a [retail establishment] person with an
501 electronic nicotine delivery system certificate of dealer registration if
502 [minors] persons under the age of twenty-one are prohibited from
503 entering the retail establishment operated by such person and the
504 prohibition on [minors] persons under the age of twenty-one entering
505 the retail establishment is posted clearly on all entrances of the retail
506 establishment.

507 Sec. 11. (NEW) (*Effective October 1, 2019*) There is established an
508 account to be known as the "electronic nicotine delivery system and
509 vapor product enforcement account" which shall be a separate,
510 nonlapsing account within the General Fund. Four hundred eighty
511 dollars of each dealer registration fee collected under section 21a-415 of

512 the general statutes, as amended by this act, shall be deposited into the
513 account. The Commissioner of Consumer Protection may expend
514 moneys from the account as is necessary to administer the registration
515 of dealers under said section, for the education and training of such
516 dealers and for inspections of such dealers' retail establishments and
517 unannounced compliance checks of such retail establishments to
518 enforce the provisions of chapter 420g of the general statutes and
519 section 53-344b of the general statutes, as amended by this act.

520 Sec. 12. (NEW) (*Effective October 1, 2019*) (a) The Commissioner of
521 Consumer Protection may suspend or revoke the electronic nicotine
522 delivery system certificate of registration of any dealer for (1) failure to
523 comply with any provision of chapter 420g of the general statutes or
524 regulations related thereto, or the provisions of section 13 of this act, or
525 (2) the sale or delivery of an electronic nicotine delivery system or a
526 vapor products to a person under twenty-one years of age, following a
527 hearing with respect to which notice in writing, specifying the time
528 and place of such hearing and requiring such dealer to show cause
529 why such dealer registration should not be revoked, is mailed or
530 delivered to such dealer not less than ten days preceding the date of
531 such hearing. Such notice may be served personally or by registered or
532 certified mail.

533 (b) The commissioner shall not issue a new dealer registration to a
534 former dealer whose dealer registration was revoked unless the
535 commissioner is satisfied that such dealer will comply with the
536 provisions of chapter 420g of the general statutes and any regulations
537 related thereto, and section 53-344b of the general statutes, as amended
538 by this act.

539 Sec. 13. (NEW) (*Effective October 1, 2019*) (a) If the Commissioner of
540 Consumer Protection finds, after a hearing, that (1) any person issued
541 an electronic nicotine delivery system certificate of dealer registration
542 under section 21a-415 of the general statutes, as amended by this act,
543 has sold, given or delivered an electronic nicotine delivery system or
544 vapor product to a person under twenty-one years of age, other than a

545 person under twenty-one years of age who is delivering or accepting
546 delivery in such person's capacity as an employee, or (2) such dealer's
547 employee has sold, given or delivered an electronic nicotine delivery
548 system or vapor product to a person under twenty-one years of age,
549 the commissioner shall assess such dealer a civil penalty of three
550 hundred dollars for the first violation. The commissioner shall assess
551 such dealer a civil penalty of seven hundred fifty dollars for a second
552 violation on or before thirty-six months after the date of the first
553 violation. For a third violation by a dealer on or before thirty-six
554 months after the date of the first violation, the commissioner shall
555 assess the dealer a civil penalty of one thousand dollars and suspend
556 any registration held by such dealer under chapter 420g of the general
557 statutes. For a fourth violation on or before thirty-six months after the
558 date of the first violation, the commissioner shall assess the dealer a
559 civil penalty of one thousand dollars and revoke any registration held
560 by such dealer under said chapter. The commissioner shall order such
561 dealer to conspicuously post a notice in a public place stating that
562 electronic nicotine delivery systems and vapor products cannot be sold
563 during the period of suspension or revocation and the reasons for such
564 suspension or revocation. Any sale of an electronic nicotine delivery
565 system or vapor product by such dealer during the period of such
566 suspension or revocation shall be deemed an additional violation of
567 this section.

568 (b) Each person with an electronic nicotine delivery system
569 certificate of dealer registration shall place and maintain in legible
570 condition at each point of sale of electronic nicotine delivery systems
571 or vapor products a notice to consumers that states (1) the sale, giving
572 or delivering of electronic nicotine delivery systems and vapor
573 products to any person under twenty-one years of age is prohibited by
574 section 53-344b of the general statutes, as amended by this act, (2) the
575 use of false identification by a person under twenty-one years of age to
576 purchase an electronic nicotine delivery system or a vapor product is
577 prohibited, and (3) the penalties and fines for violating the provisions
578 of this section and section 53-344b of the general statutes, as amended
579 by this act.

580 (c) Not less than annually, the Commissioner of Consumer
581 Protection, or the commissioner's designee, shall conduct an
582 unannounced compliance check on each person holding an electronic
583 nicotine delivery system certificate of dealer registration by engaging
584 persons between the ages of eighteen and twenty to enter the
585 establishment of each such dealer to attempt to purchase an electronic
586 nicotine delivery system or a vapor product. The commissioner shall
587 conduct an unannounced follow-up compliance check of all
588 noncompliant dealers not later than three months after the date of
589 noncompliance. The commissioner shall annually publish the names of
590 all noncompliant dealers on the Department of Consumer Protection's
591 Internet web site.

592 Sec. 14. (NEW) (*Effective October 1, 2019*) The Commissioner of
593 Consumer Protection may authorize any person holding an electronic
594 nicotine delivery system certificate of dealer registration under section
595 21a-415 of the general statutes, as amended by this act, to give or
596 deliver an electronic nicotine delivery system or vapor product in
597 connection with the promotion or advertisement of such electronic
598 nicotine delivery system or vapor product without receiving monetary
599 consideration from the person receiving the electronic nicotine
600 delivery system or vapor product, provided (1) such giving or delivery
601 is at the retail establishment, as defined in section 19a-106a of the
602 general statutes, of a registered dealer or at any event or establishment
603 with an area the access to which is limited to persons twenty-one years
604 of age or older, provided such giving or delivery is restricted to such
605 area, (2) the sample of electronic nicotine delivery systems or vapor
606 products, if applicable, contains no less than two such systems or
607 products, (3) the taxes on such electronic nicotine delivery system or
608 vapor product have been previously paid, and (4) the giving or
609 delivery of the sample is done in accordance with federal laws and
610 regulations governing the giving or delivery of electronic nicotine
611 delivery systems and vapor products. The registered dealer shall be
612 liable for any gift or delivery of an electronic nicotine delivery system
613 or vapor product to a person under twenty-one years of age on his
614 premises by any person conducting a promotion or advertisement of

615 such electronic nicotine delivery system or vapor product in
616 accordance with this section. This section shall not apply to the gift or
617 delivery of an electronic nicotine delivery system or vapor product in
618 connection with a sale of a similar electronic nicotine delivery system
619 or vapor product.

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

622 (a) As used in this section:

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

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

628 ~~[(2)]~~ (3) "Identity card" means an identification card issued in
629 accordance with the provisions of section 1-1h;

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

632 (5) "Give" or "giving" has the same meaning as provided in section
633 53-344b, as amended by this act;

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

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

638 (8) "Tobacco product" has the same meaning as provided in section
639 12-285, as amended by this act;

640 ~~[(3)]~~ (9) "Transaction scan" means the process by which a seller or
641 seller's agent or employee checks, by means of a transaction scan
642 device, the validity of a driver's license or an identity card; and

643 [(4)] (10) "Transaction scan device" means any commercial device or
644 combination of devices used at a point of sale that is capable of
645 deciphering in an electronically readable format the information
646 encoded on the magnetic strip or bar code of a driver's license or an
647 identity card.

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

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

673 (d) (1) A seller or seller's agent or employee may perform a
674 transaction scan to check the validity of a driver's license or identity
675 card presented by a cardholder as a condition for selling, giving away

676 or otherwise distributing cigarettes or a tobacco product to the
677 cardholder.

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

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

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

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

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

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

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

715 (f) (1) In any prosecution of a seller or seller's agent or employee for
716 a violation of subsection (b) of this section, it shall be an affirmative
717 defense that all of the following occurred: (A) A cardholder attempting
718 to purchase or receive cigarettes or a tobacco product presented a
719 driver's license or an identity card; (B) a transaction scan of the driver's
720 license or identity card that the cardholder presented indicated that the
721 license or card was valid and indicated that the cardholder was at least
722 twenty-one years of age; and (C) the cigarettes or a tobacco product
723 was sold, given away or otherwise distributed to the cardholder in
724 reasonable reliance upon the identification presented and the
725 completed transaction scan.

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

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

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

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

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

753 (1) "Electronic nicotine delivery system" means an electronic device
754 [that may be used to simulate smoking] used in the delivery of nicotine
755 or other [substance] substances to a person inhaling from the device,
756 and includes, but is not limited to, an electronic cigarette, electronic
757 cigar, electronic cigarillo, electronic pipe or electronic hookah and any
758 related device and any cartridge [, electronic cigarette liquid] or other
759 component of such device;

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

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

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

769 (5) "Transaction scan device" means any commercial device or
770 combination of devices used at a point of sale that is capable of
771 deciphering in an electronically readable format the information

772 encoded on the magnetic strip or bar code of a driver's license or an
773 identity card;

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

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

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

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

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

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

802 (b) Any person who sells, gives or delivers to any person under

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

819 (c) Any person under [eighteen] twenty-one years of age who
820 [purchases or] misrepresents such person's age to purchase an
821 electronic nicotine delivery system or vapor product in any form [or
822 possesses an electronic nicotine delivery system or vapor product in
823 any form in any public place] shall be fined not more than fifty dollars
824 for the first offense and not less than fifty dollars or more than one
825 hundred dollars for each subsequent offense. [For purposes of this
826 subsection "public place" means any area that is used or held out for
827 use by the public whether owned or operated by public or private
828 interests.]

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

834 (2) If the information deciphered by the transaction scan performed
835 under subdivision (1) of this subsection fails to match the information

836 printed on the driver's license or identity card presented by the
837 cardholder, or if the transaction scan indicates that the information so
838 printed is false or fraudulent, neither the seller nor any seller's agent or
839 employee shall sell, give or otherwise deliver any electronic nicotine
840 delivery system or vapor product to the cardholder.

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

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

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

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

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

868 delivery systems or vapor products.

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

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

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

896 (g) Each seller of electronic nicotine delivery systems or vapor
897 products or such seller's agent or employee shall require a person who
898 is purchasing or attempting to purchase an electronic nicotine delivery
899 system or vapor product [~~, whose age is in question,~~] and appears to be
900 under the age of thirty to exhibit proper proof of age. If a person fails

901 to provide such proof of age, such seller or seller's agent or employee
902 shall not sell an electronic nicotine delivery system or vapor product to
903 the person. As used in this subsection, "proper proof" means a motor
904 vehicle operator's license, a valid passport or an identity card issued in
905 accordance with the provisions of section 1-1h.

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

909 (b) (1) Notwithstanding the provisions of section 31-40q, no person
910 shall smoke: (A) In any building or portion of a building, partially
911 enclosed shelter on a rail platform or bus shelter owned and operated
912 or leased and operated by the state or any political subdivision thereof;
913 (B) in any area of a health care institution; (C) in any area of a retail
914 food store; (D) in any restaurant; (E) in any area of an establishment
915 with a permit issued for the sale of alcoholic liquor pursuant to section
916 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-
917 35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a
918 permit for the sale of alcoholic liquor pursuant to section 30-23 issued
919 after May 1, 2003, and, on and after April 1, 2004, in any area of an
920 establishment with a permit issued for the sale of alcoholic liquor
921 pursuant to section 30-22a or 30-26 or the bar area of a bowling
922 establishment holding a permit pursuant to subsection (a) of section
923 30-37c; (F) within a school building [while school is in session or
924 student activities are being conducted] or a child care center or on the
925 grounds of such school or child care center; (G) in any passenger
926 elevator, provided no person shall be arrested for violating this
927 subsection unless there is posted in such elevator a sign which
928 indicates that smoking is prohibited by state law; (H) in any dormitory
929 in any public or private institution of higher education; or (I) on and
930 after April 1, 2004, in any area of a dog race track or a facility equipped
931 with screens for the simulcasting of off-track betting race programs or
932 jai alai games. For purposes of this subsection, "restaurant" means
933 space, in a suitable and permanent building, kept, used, maintained,
934 advertised and held out to the public to be a place where meals are

935 regularly served to the public, "school" has the same meaning as
936 provided in section 10-154a and "child care center" has the same
937 meaning as provided in section 19a-77.

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

941 (b) (1) No person shall use an electronic nicotine delivery system or
942 vapor product: (A) In any building or portion of a building owned and
943 operated or leased and operated by the state or any political
944 subdivision thereof; (B) in any area of a health care institution; (C) in
945 any area of a retail food store; (D) in any restaurant; (E) in any area of
946 an establishment with a permit issued for the sale of alcoholic liquor
947 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26,
948 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any
949 area of establishment with a permit issued for the sale of alcoholic
950 liquor pursuant to section 30-23 issued after May 1, 2003, or the bar
951 area of a bowling establishment holding a permit pursuant to
952 subsection (a) of section 30-37c; (F) within a school building [while
953 school is in session or student activities are being conducted] or a child
954 care center or on the grounds of such school or child care center; (G)
955 within a child care facility, except, if the child care facility is a family
956 child care home as defined in section 19a-77, such use is prohibited
957 only when a child enrolled in such home is present; (H) in any
958 passenger elevator, provided no person shall be arrested for violating
959 this subsection unless there is posted in such elevator a sign which
960 indicates that such use is prohibited by state law; (I) in any dormitory
961 in any public or private institution of higher education; or (J) in any
962 area of a dog race track or a facility equipped with screens for the
963 simulcasting of off-track betting race programs or jai alai games. For
964 purposes of this subsection, "restaurant" means space, in a suitable and
965 permanent building, kept, used, maintained, advertised and held out
966 to the public to be a place where meals are regularly served to the
967 public, "school" has the same meaning as provided in section 10-154a
968 and "child care center" has the same meaning as provided in section

969 19a-77.

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

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

974 (2) "Electronic nicotine delivery system" means an electronic device
975 used in the delivery of nicotine or other substances to a person
976 inhaling from the device, and includes, but is not limited to, an
977 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe
978 or electronic hookah and any related device and any cartridge or other
979 component of such device; and

980 (3) "Vapor product" means any product that employs a heating
981 element, power source, electronic circuit or other electronic, chemical
982 or mechanical means, regardless of shape or size, to produce a vapor
983 that may include nicotine, that is inhaled by the user of such product,
984 but shall not include a medicinal or therapeutic product that is (A)
985 used by a licensed health care provider to treat a patient in a health
986 care setting, (B) a patient, as prescribed or directed by a licensed health
987 care provider in any setting, or (C) any drug or device, as defined in
988 the federal Food, Drug and Cosmetic Act, 21 USC 32, as amended from
989 time to time, or any combination product, as described in said act, 21
990 USC 353(g), as amended from time to time, authorized for sale by the
991 United States Food and Drug Administration.

992 (b) A person with an electronic nicotine delivery system certificate
993 of dealer registration, when selling and shipping an electronic nicotine
994 delivery system or a vapor product directly to a consumer in the state,
995 shall: (1) Ensure that the shipping labels on all containers of a cigarette
996 or tobacco product shipped directly to a consumer in the state
997 conspicuously states the following: "CONTAINS AN ELECTRONIC
998 NICOTINE DELIVERY SYSTEM OR VAPOR PRODUCT –
999 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
1000 DELIVERY"; and (2) obtain the signature of a person age twenty-one or

1001 older at the shipping address prior to delivery, after requiring the
1002 signer to demonstrate that he or she is age twenty-one or older by
1003 providing a valid motor vehicle operator's license or a valid identity
1004 card described in section 1-1h of the general statutes.

1005 Sec. 21. (NEW) (*Effective October 1, 2019*) (a) For purposes of this
1006 section, (1) "flavored" means imparting a characterizing flavor, and (2)
1007 "characterizing flavor" means a distinguishable taste or aroma, other
1008 than the taste or aroma of tobacco, including, but not limited to, tastes
1009 or aromas relating to any fruit, chocolate, menthol, mint, wintergreen,
1010 vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice.

1011 (b) No distributor or dealer shall sell, offer for sale, display for sale
1012 or possess with intent to sell any flavored cigarette or flavored tobacco
1013 product. No cigarette or tobacco product shall be determined to be
1014 flavored solely because of the use of additives or flavoring or the
1015 inclusion of ingredient information. A public statement, claim or
1016 indicia made or disseminated by the manufacturer of the cigarette or
1017 tobacco product, or any person authorized by the manufacturer to
1018 make or disseminate public statements concerning such cigarette or
1019 tobacco product, that such cigarette or tobacco product has or
1020 produces a characterizing flavor shall constitute prima facie evidence
1021 that such cigarette or tobacco product is a flavored cigarette or tobacco
1022 product.

1023 (c) If the Commissioner of Revenue Services finds, after a hearing,
1024 that a distributor or dealer knowingly violated any provision of
1025 subsection (a) of this section, the commissioner shall find that such
1026 dealer or distributor committed an infraction and shall assess such
1027 dealer or distributor a civil penalty of three hundred dollars for the
1028 first infraction or seven hundred fifty dollars for a second infraction on
1029 or before thirty-six months after the date of the first infraction. For a
1030 third infraction on or before thirty-six months after the date of the first
1031 infraction, the commissioner shall assess such dealer or distributor a
1032 civil penalty of one thousand dollars and suspend for not less than
1033 thirty days or revoke any license held by such distributor or dealer. For

1034 a fourth infraction on or before thirty-six months after the date of the
1035 first infraction, the commissioner shall revoke any license held by such
1036 distributor or dealer.

1037 Sec. 22. (NEW) (*Effective October 1, 2019*) (a) For purposes of this
1038 section, (1) "flavored" means imparting a characterizing flavor, and (2)
1039 "characterizing flavor" means a distinguishable taste or aroma, other
1040 than the taste or aroma of tobacco, imparted either prior to or during
1041 the use or consumption of an electronic nicotine delivery system or
1042 vapor product, including, but not limited to, tastes or aromas relating
1043 to any fruit, chocolate, menthol, mint, wintergreen, vanilla, honey,
1044 candy, cocoa, dessert, alcoholic beverage, herb or spice.

1045 (b) No person with an electronic nicotine delivery system certificate
1046 of dealer registration under section 21a-415 of the general statutes, as
1047 amended by this act, shall sell, offer for sale, display for sale or possess
1048 with intent to sell any flavored electronic nicotine delivery system or
1049 flavored vapor product. No electronic nicotine delivery system or
1050 vapor product shall be determined to be flavored solely because of the
1051 use of additives or flavoring or the inclusion of ingredient information.
1052 A public statement, claim or indicia made or disseminated by the
1053 manufacturer of the electronic nicotine delivery system, vapor product
1054 or a component part of such system or product that such system,
1055 product or component part thereof has or produces a characterizing
1056 flavor shall constitute prima facie that such system, product or
1057 component part thereof is a flavored electronic nicotine delivery
1058 system or flavored vapor product.

1059 (c) If the Commissioner of Consumer Protection finds, after a
1060 hearing, that any such certificate holder knowingly violated any
1061 provision of subsection (b) of this section, the commissioner shall find
1062 that such certificate holder committed an infraction and assess such
1063 certificate holder a civil penalty of three hundred dollars for the first
1064 infraction or a civil penalty of seven hundred fifty dollars for any
1065 second infraction on or before thirty-six months after the date of the
1066 first infraction. For a third violation on or before thirty-six months after

1067 the date of the first violation, the commissioner shall assess such
1068 certificate holder a civil penalty of one thousand dollars and any
1069 license or certificate held by such certificate holder under chapter 214
1070 or 420g of the general statutes shall be revoked.

1071 Sec. 23. Section 12-285a of the general statutes is repealed and the
1072 following is substituted in lieu thereof (*Effective October 1, 2019*):

1073 For purposes of sections 12-286a, as amended by this act, 12-295a, as
1074 amended by this act, and 12-314a, as amended by this act: [and
1075 subsection (a) of section 53-344:] (1) "Distributor" includes a
1076 manufacturer of tobacco products; (2) "sale" or "sell" means an act done
1077 intentionally by any person, whether done as principal, proprietor,
1078 agent, servant or employee, of transferring, or offering or attempting to
1079 transfer, for consideration, cigarettes or tobacco products, including
1080 bartering or exchanging, or offering to barter or exchange, cigarettes or
1081 tobacco products; (3) "give" or "giving" means an act done intentionally
1082 by any person, whether done as principal, proprietor, agent, servant or
1083 employee, of transferring, or offering or attempting to transfer,
1084 without consideration, cigarettes or tobacco products; (4) "deliver" or
1085 "delivering" means an act done intentionally by any person, whether as
1086 principal, proprietor, agent, servant or employee, of transferring, or
1087 offering or attempting to transfer, physical possession or control of
1088 cigarettes or tobacco products.

1089 Sec. 24. Subdivision (2) of subsection (e) of section 12-286 of the
1090 general statutes is repealed and the following is substituted in lieu
1091 thereof (*Effective October 1, 2019*):

1092 (2) Any person who knowingly sells at retail, offers for sale at retail
1093 or possesses with intent to sell at retail any taxed tobacco products [, as
1094 defined in section 12-330a,] without a dealer's license as provided in
1095 this chapter, shall be fined not more than one thousand dollars or
1096 imprisoned for not more than six months, or both, for each offense.
1097 Each day of such unauthorized operation may be deemed a separate
1098 offense. The provisions of this subdivision shall not apply to any
1099 person whose dealer's license has expired, provided the period of

1100 operation without such license is not more than ninety days from the
1101 date of expiration.

1102 Sec. 25. Subdivision (2) of section 12-330a of the general statutes is
1103 repealed and the following is substituted in lieu thereof (*Effective*
1104 *October 1, 2019*):

1105 (2) ["Tobacco products" means cigars, cheroots, stogies, periques,
1106 granulated, plug cut, crimp cut, ready rubbed and other smoking
1107 tobacco, snuff tobacco products, cavendish, plug and twist tobacco,
1108 fine cut and other chewing tobaccos, shorts, refuse scraps, clippings,
1109 cuttings and sweepings of tobacco and all other kinds and forms of
1110 tobacco, prepared in such manner as to be suitable for chewing or
1111 smoking in a pipe or otherwise or for both chewing and smoking, but
1112 shall not include any cigarette, as defined in section 12-285] "Tobacco
1113 product" means (A) any product, other than a cigarette, that is made or
1114 derived from tobacco and intended for human consumption, or likely
1115 to be consumed, whether smoked, heated, chewed, absorbed,
1116 dissolved, inhaled or ingested by any other means, including, but not
1117 limited to, a cigar, pipe tobacco, chewing tobacco, snuff and snus, and
1118 any component or accessory thereof, including, but not limited to, a
1119 filter, rolling paper or pipe, and (B) shall not include any drug or
1120 device, as defined in the federal Food, Drug and Cosmetic Act, 21 USC
1121 321, as amended from time to time, or any combination product, as
1122 described in said act, 21 USC 353(g), as amended from time to time,
1123 authorized for sale by the United States Food and Drug
1124 Administration;

1125 Sec. 26. Subdivision (2) of subsection (a) of section 19a-342a of the
1126 general statutes is repealed and the following is substituted in lieu
1127 thereof (*Effective October 1, 2019*):

1128 (2) "Electronic nicotine delivery system" means an electronic device
1129 [that may be used to simulate smoking] used in the delivery of nicotine
1130 or other substances to a person inhaling from the device, and includes,
1131 but is not limited to, an electronic cigarette, electronic cigar, electronic
1132 cigarillo, electronic pipe or electronic hookah and any related device

1133 and any cartridge or other component of such device;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	12-285
Sec. 2	<i>October 1, 2019</i>	12-286a(a)
Sec. 3	<i>October 1, 2019</i>	12-287
Sec. 4	<i>October 1, 2019</i>	12-289a(a) and (b)
Sec. 5	<i>October 1, 2019</i>	12-291a
Sec. 6	<i>October 1, 2019</i>	12-295
Sec. 7	<i>October 1, 2019</i>	12-295a
Sec. 8	<i>October 1, 2019</i>	12-314a
Sec. 9	<i>October 1, 2019</i>	21a-415
Sec. 10	<i>October 1, 2019</i>	21a-416
Sec. 11	<i>October 1, 2019</i>	New section
Sec. 12	<i>October 1, 2019</i>	New section
Sec. 13	<i>October 1, 2019</i>	New section
Sec. 14	<i>October 1, 2019</i>	New section
Sec. 15	<i>October 1, 2019</i>	53-344
Sec. 16	<i>October 1, 2019</i>	53-344a
Sec. 17	<i>October 1, 2019</i>	53-344b
Sec. 18	<i>October 1, 2019</i>	19a-342(b)(1)
Sec. 19	<i>October 1, 2019</i>	19a-342a(b)(1)
Sec. 20	<i>October 1, 2019</i>	New section
Sec. 21	<i>October 1, 2019</i>	New section
Sec. 22	<i>October 1, 2019</i>	New section
Sec. 23	<i>October 1, 2019</i>	12-285a
Sec. 24	<i>October 1, 2019</i>	12-286(e)(2)
Sec. 25	<i>October 1, 2019</i>	12-330a(2)
Sec. 26	<i>October 1, 2019</i>	19a-342a(a)(2)