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## **OLR Bill Analysis**

### **sSB 985**

#### ***AN ACT CONCERNING THE SALE OF FLAVORED ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS AND CHILDREN'S HEALTH.***

#### **SUMMARY**

Starting October 1, 2021, this bill generally prohibits e-cigarette dealers from selling, offering or displaying for sale, or possessing with intent to sell any flavored e-cigarette system or flavored vapor product. Under the bill, e-cigarette dealers are exempt from this ban if they prohibit anyone under age 21 from entering the establishment and post notice of the prohibition clearly at all the establishment's entrances.

The bill establishes civil penalties for dealers that violate the bill's ban on flavorings. It also requires the Department of Revenue Services (DRS) to revoke an e-cigarette dealer's license if the dealer commits three violations within a specified time period.

EFFECTIVE DATE: Upon passage

#### **FLAVORINGS PROHIBITED**

The bill defines flavored e-cigarettes or vapor products as those imparted with a distinguishable taste or aroma (i.e., characterizing flavor) other than tobacco, including fruit, chocolate, menthol, mint, wintergreen, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice. It specifies that these products cannot be determined to be flavored solely because they use additives or flavorings or include ingredient information.

Under the bill, a public statement or claim made or disseminated by an e-cigarette product manufacturer that such products have or produce a characterizing flavor is prima facie evidence that the product is flavored.

### ***Civil Penalties and License or Certificate Revocation***

If the DRS commissioner finds, after a hearing, that an e-cigarette dealer knowingly violated the bill's ban on flavorings, the commissioner must assess a civil penalty of (1) \$300 for the first violation and (2) \$750 and \$1,000, respectively, for a second and third violation that occurs within 36 months after the first violation.

Under the bill, if an e-cigarette dealer commits a third violation within 36 months after the first violation, the DRS commissioner must revoke the dealer's license in addition to assessing the \$1,000 penalty. (While the bill grants this revocation authority to DRS, the Department of Consumer Protection issues the e-cigarette dealer registration.)

### **BACKGROUND**

#### ***Related Bills***

sSB 326 (File 98), favorably reported by the Public Health Committee, prohibits e-cigarette dealers and cigarette dealers and distributors from selling, offering or displaying for sale, or possessing with the intent to sell, flavored cigarettes, tobacco products, e-cigarettes, and vapor products.

HB 6450 (§§ 1-6), favorably reported by the Public Health Committee, makes various changes to e-cigarette and smoking laws, such as prohibiting e-cigarette dealers from selling, giving, or possessing with the intent to sell, e-cigarettes and vapor products with a flavoring agent, other than tobacco, or more than a specified amount of nicotine.

### **COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 10 Nay 4 (03/15/2021)