



General Assembly

Amendment

January Session, 2021

LCO No. 8316



Offered by:

SEN. MINER, 30th Dist.
SEN. CICARELLA, 34th Dist.
SEN. SOMERS, 18th Dist.

To: Subst. Senate Bill No. 115

File No. 482

Cal. No. 296

"AN ACT PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS BY HEALTH CARE FACILITIES, PHARMACIES AND PLACES OF BUSINESS WITH A PHARMACY LOCATED THEREIN."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 53-344 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2021*):

5 (a) As used in this section:

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

9 (2) "Cigarette" has the same meaning as provided in subsection (b) of

10 section 12-285;

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

13 (4) "Sale" has the same meaning as provided in section 53-344b;

14 (5) "Give" or "giving" has the same meaning as provided in section
15 53-344b;

16 (6) "Deliver" or "delivering" has the same meaning as provided in
17 section 53-344b;

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

20 (8) "Tobacco products" has the same meaning as provided in section
21 12-330a;

22 (9) "Transaction scan" means the process by which a seller or seller's
23 agent or employee checks, by means of a transaction scan device, the
24 validity of a driver's license or an identity card; and

25 (10) "Transaction scan device" means any commercial device or
26 combination of devices used at a point of sale that is capable of
27 deciphering in an electronically readable format the information
28 encoded on the magnetic strip or bar code of a driver's license or an
29 identity card.

30 (b) Any person who sells, gives or delivers to any person under
31 twenty-one years of age cigarettes or a tobacco product shall be fined
32 not more than three hundred dollars for the first offense, not more than
33 seven hundred fifty dollars for a second offense on or before twenty-
34 four months after the date of the first offense and not more than one
35 thousand dollars for each subsequent offense on or before twenty-four
36 months after the date of the first offense. The provisions of this
37 subsection shall not apply to a person under twenty-one years of age
38 who is delivering or accepting delivery of cigarettes or a tobacco

39 product (1) in such person's capacity as an employee, or (2) as part of a
40 scientific study being conducted by an organization for the purpose of
41 medical research to further efforts in cigarette and tobacco product use
42 prevention and cessation, provided such medical research has been
43 approved by the organization's institutional review board, as defined in
44 section 21a-408.

45 (c) Any person under twenty-one years of age who misrepresents
46 such person's age to purchase cigarettes or a tobacco product shall be
47 fined not more than fifty dollars for the first offense and not less than
48 fifty dollars or more than one hundred dollars for each subsequent
49 offense.

50 (d) (1) A seller or seller's agent or employee (A) shall require proof of
51 age in the form of a driver's license or identity card, and (B) may perform
52 a transaction scan to check the validity of a driver's license or identity
53 card presented by a cardholder, as a condition for selling, giving away
54 or otherwise distributing cigarettes or a tobacco product to the
55 cardholder.

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

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

70 (e) (1) No seller or seller's agent or employee shall electronically or

71 mechanically record or maintain any information derived from a
72 transaction scan, except the following: (A) The name and date of birth
73 of the person listed on the driver's license or identity card presented by
74 a cardholder; (B) the expiration date and identification number of the
75 driver's license or identity card presented by a cardholder.

76 (2) No seller or seller's agent or employee shall use a transaction scan
77 device for a purpose other than the purposes specified in subsection (e)
78 of section 53-344b, subsection (d) of this section or subsection (c) of
79 section 30-86.

80 (3) No seller or seller's agent or employee shall sell or otherwise
81 disseminate the information derived from a transaction scan to any third
82 party, including, but not limited to, selling or otherwise disseminating
83 that information for any marketing, advertising or promotional
84 activities, but a seller or seller's agent or employee may release that
85 information pursuant to a court order.

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

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

92 (f) (1) In any prosecution of a seller or seller's agent or employee for
93 a violation of subsection (b) of this section, it shall be an affirmative
94 defense that all of the following occurred: (A) A cardholder attempting
95 to purchase or receive cigarettes or a tobacco product presented a
96 driver's license or an identity card; (B) a transaction scan of the driver's
97 license or identity card that the cardholder presented indicated that the
98 license or card was valid and indicated that the cardholder was at least
99 twenty-one years of age; and (C) the cigarettes or a tobacco product was
100 sold, given away or otherwise distributed to the cardholder in
101 reasonable reliance upon the identification presented and the completed
102 transaction scan.

103 (2) In determining whether a seller or seller's agent or employee has
 104 proven the affirmative defense provided by subdivision (1) of this
 105 section, the trier of fact in such prosecution shall consider that
 106 reasonable reliance upon the identification presented and the completed
 107 transaction scan may require a seller or seller's agent or employee to
 108 exercise reasonable diligence and that the use of a transaction scan
 109 device does not excuse a seller or seller's agent or employee from
 110 exercising such reasonable diligence to determine the following: (A)
 111 Whether a person to whom the seller or seller's agent or employee sells,
 112 gives away or otherwise distributes cigarettes or a tobacco product is
 113 twenty-one years of age or older; and (B) whether the description and
 114 picture appearing on the driver's license or identity card presented by a
 115 cardholder is that of the cardholder. "

This act shall take effect as follows and shall amend the following sections:		
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Sec. 501	<i>July 1, 2021</i>	53-344
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