



**AN ACT REGULATING ELECTRONIC NICOTINE DELIVERY SYSTEMS
AND VAPOR PRODUCTS.**

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

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this section
2 and sections 2 and 3 of this act:

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

7 (2) "Electronic nicotine delivery system" means an electronic device
8 that may be used to simulate smoking in the delivery of nicotine or
9 other substances to a person inhaling from the device, and includes,
10 but is not limited to, an electronic cigarette, electronic cigar, electronic
11 cigarillo, electronic pipe or electronic hookah and any related device
12 and any cartridge or other component of such device;

13 (3) "Liquid nicotine container" means a container that holds a liquid
14 substance containing nicotine that is sold, marketed or intended for
15 use in an electronic nicotine delivery system or vapor product, except
16 "liquid nicotine container" does not include such a container that is
17 prefilled and sealed by the manufacturer and not intended to be
18 opened by the consumer; and

19 (4) "Vapor product" means any product that employs a heating
20 element, power source, electronic circuit or other electronic, chemical
21 or mechanical means, regardless of shape or size, to produce a vapor
22 that may or may not include nicotine, that is inhaled by the user of
23 such product.

24 (b) (1) No person shall use an electronic nicotine delivery system or
25 vapor product: (A) In any building or portion of a building owned and
26 operated or leased and operated by the state or any political
27 subdivision thereof; (B) in any area of a health care institution; (C) in
28 any area of a retail food store; (D) in any restaurant; (E) in any area of
29 an establishment with a permit issued for the sale of alcoholic liquor
30 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26,
31 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f of the
32 general statutes, in any area of establishment with a permit issued for
33 the sale of alcoholic liquor pursuant to section 30-23 of the general
34 statutes issued after May 1, 2003, or the bar area of a bowling
35 establishment holding a permit pursuant to subsection (a) of section
36 30-37c of the general statutes; (F) within a school building while school
37 is in session or student activities are being conducted; (G) within a
38 child care facility, except, if the child care facility is a family day care
39 home as defined in section 19a-77 of the general statutes, such use is
40 prohibited only when a child enrolled in such home is present; (H) in
41 any passenger elevator, provided no person shall be arrested for
42 violating this subsection unless there is posted in such elevator a sign
43 which indicates that such use is prohibited by state law; (I) in any
44 dormitory in any public or private institution of higher education; or
45 (J) in any area of a dog race track or a facility equipped with screens for
46 the simulcasting of off-track betting race programs or jai alai games.
47 For purposes of this subsection, "restaurant" means space, in a suitable
48 and permanent building, kept, used, maintained, advertised and held
49 out to the public to be a place where meals are regularly served to the
50 public.

51 (2) This section shall not apply to (A) correctional facilities; (B)

52 designated smoking areas in psychiatric facilities; (C) public housing
53 projects, as defined in subsection (b) of section 21a-278a of the general
54 statutes; (D) classrooms where a demonstration of the use of an
55 electronic nicotine delivery system or vapor product is taking place as
56 part of a medical or scientific experiment or lesson; (E) establishments
57 without a permit for the sale of alcoholic liquor that sell electronic
58 nicotine delivery systems, vapor products or liquid nicotine containers
59 on-site and allow their customers to use such systems, products or
60 containers on-site; (F) smoking rooms provided by employers for
61 employees, pursuant to section 31-40q of the general statutes; (G)
62 notwithstanding the provisions of subparagraph (E) of subdivision (1)
63 of this subsection, the outdoor portion of the premises of any permittee
64 listed in subparagraph (E) of subdivision (1) of this subsection,
65 provided, in the case of any seating area maintained for the service of
66 food, at least seventy-five per cent of the outdoor seating capacity is an
67 area in which smoking is prohibited and which is clearly designated
68 with written signage as a nonsmoking area, except that any temporary
69 seating area established for special events and not used on a regular
70 basis shall not be subject to the prohibition on the use of an electronic
71 nicotine delivery system or vapor product or the signage requirements
72 of this subparagraph; or (H) any tobacco bar, provided no tobacco bar
73 shall expand in size or change its location from its size or location as of
74 October 1, 2015. For purposes of this subdivision, "outdoor" means an
75 area which has no roof or other ceiling enclosure, "tobacco bar" means
76 an establishment with a permit for the sale of alcoholic liquor to
77 consumers issued pursuant to chapter 545 of the general statutes that,
78 in the calendar year ending December 31, 2015, generated ten per cent
79 or more of its total annual gross income from the on-site sale of tobacco
80 products and the rental of on-site humidors, and "tobacco product"
81 means any substance that contains tobacco, including, but not limited
82 to, cigarettes, cigars, pipe tobacco or chewing tobacco.

83 (c) The operator of a hotel, motel or similar lodging may allow
84 guests to use an electronic nicotine delivery system or vapor product
85 in not more than twenty-five per cent of the rooms offered as

86 accommodations to guests.

87 (d) In each room, elevator, area or building in which the use of an
88 electronic nicotine delivery system or vapor product is prohibited by
89 this section, the person in control of the premises shall post or cause to
90 be posted in a conspicuous place signs stating that such use is
91 prohibited by state law. Such signs, except in elevators, restaurants,
92 establishments with permits to sell alcoholic liquor to consumers
93 issued pursuant to chapter 545 of the general statutes, hotels, motels or
94 similar lodgings, and health care institutions, shall have letters at least
95 four inches high with the principal strokes of letters not less than one-
96 half inch wide.

97 (e) Any person found guilty of using an electronic nicotine delivery
98 system or vapor product in violation of this section, failure to post
99 signs as required by this section or the unauthorized removal of such
100 signs shall have committed an infraction.

101 (f) Nothing in this section shall be construed to require the
102 designation of any area for the use of electronic nicotine delivery
103 system or vapor product in any building.

104 (g) The provisions of this section shall supersede and preempt the
105 provisions of any municipal law or ordinance relative to the use of an
106 electronic nicotine delivery system or vapor product effective prior to,
107 on or after October 1, 2015.

108 (h) The Department of Public Health shall adopt regulations, in
109 accordance with chapter 54 of the general statutes, to implement the
110 provisions of this section.

111 Sec. 2. (NEW) (*Effective October 1, 2015*) Any liquid nicotine
112 container that is sold at retail in this state shall satisfy the child-
113 resistant effectiveness specifications set forth in 16 CFR 1700.15(b), as
114 in effect on October 1, 2015.

115 Sec. 3. (*Effective October 1, 2015*) Not later than thirty days after the

116 federal Food and Drug Administration's proposed rule regarding
117 tobacco products deemed to be subject to the federal Food, Drug and
118 Cosmetic Act, 21 CFR Parts 1100, 1140 and 1143, becomes final, the
119 joint standing committee of the General Assembly having cognizance
120 of matters relating to public health shall hold a public hearing for
121 purposes of reviewing such rule and determining whether it
122 recommends legislation concerning products, including, but not
123 limited to, electronic nicotine delivery systems, vapor products and
124 liquid nicotine containers, in response to such rule.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>October 1, 2015</i>	New section
Sec. 3	<i>October 1, 2015</i>	New section

PH *Joint Favorable Subst.*