



General Assembly

January Session, 2019

Amendment

LCO No. 8835



Offered by:

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

To: Subst. House Bill No. 7200

File No. 579

Cal. No. 352

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

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

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 Section 12-285 of the general statutes is repealed and the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

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

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

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

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

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

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

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

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

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

58 (8) "Sale" or "sell" [includes or applies to gifts, exchanges and barter;
59 and] means an act done intentionally by any person, whether done as

60 principal, proprietor, agent, servant or employee, of transferring,
61 offering or attempting to transfer, for consideration, including
62 bartering or exchanging, or offering to barter and exchange;

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

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

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

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

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

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

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

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

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

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

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

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

125 (a) No cigarette vending machine or restricted cigarette vending
126 machine may be placed in an area, facility or business which [is
127 frequented primarily by minors] may be accessed by persons under
128 the age of twenty-one unless it is placed in an area, facility or business
129 permitted under chapter 545 that has a separate area accessible only to
130 persons twenty-one years of age or older and the machine is placed in
131 such separate area. No cigarettes may be dispensed from any machine
132 other than a cigarette vending machine or a restricted cigarette
133 vending machine.

134 [(b) A cigarette vending machine may be placed only in (1) an area,
135 facility or business which is accessible only to adults or (2) an area,
136 facility or business permitted under chapter 545 if the area, facility or
137 business has a separate area accessible only to adults and the machine
138 is placed in such area.

139 (c) A cigarette vending machine, until July 1, 1998, may be placed in
140 an area, facility or business permitted under chapter 545 which does
141 not have a separate area accessible only to adults provided the
142 machine is not placed in a vestibule, lobby, entryway, exit or restroom
143 and the machine is under the direct supervision, and in the direct line
144 of sight of, an adult employee of the permittee.

145 (d) A cigarette vending machine, until May 1, 1997, may be placed
146 in an area, facility or business not provided for under subsections (b)
147 and (c) of this section provided the machine is not placed in a
148 vestibule, lobby, entryway, exit or restroom and the machine is under
149 the direct supervision, and in the direct line of sight of, an adult
150 employee.

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

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

157 [(g)] (b) The Commissioner of Revenue Services shall assess any
158 person, dealer or distributor who violates the provisions of this section
159 a civil penalty of two hundred fifty dollars for a first violation and five
160 hundred dollars for a second violation within eighteen months. For a
161 third violation within eighteen months, such penalty shall be five
162 hundred dollars and any such machine shall be immediately removed
163 from such area, facility or business and no such machine may be
164 placed in such area, facility or business for a period of one year
165 following such removal.

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

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

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

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

181 (a) The commissioner may suspend or revoke the license of any
182 dealer or distributor for (1) failure to comply with any provision of this
183 chapter or regulations related thereto, or (2) for the sale or delivery of
184 [tobacco in any form] cigarettes or tobacco products to a [minor under

185 eighteen] person under twenty-one years of age, following a hearing
186 with respect to which notice in writing, specifying the time and place
187 of such hearing and requiring such dealer or distributor to show cause
188 why such license should not be revoked, is mailed or delivered to such
189 dealer or distributor not less than ten days preceding the date of such
190 hearing. Such notice may be served personally or by registered or
191 certified mail.

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

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

219 commissioner shall assess an additional civil penalty of one thousand
220 dollars for each carton of cigarettes sold or bought in violation of said
221 subsection. The commissioner shall order such distributor to
222 conspicuously post a notice in a public place stating that cigarettes or
223 tobacco products cannot be sold during the period of such suspension
224 and the reason therefor. Any sale of cigarettes or tobacco products by
225 such distributor during the period of such suspension shall be deemed
226 an additional violation of said sections.

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

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

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

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

251 program a civil penalty of two hundred dollars. Said commissioner
252 shall assess any person employed by a dealer or distributor a civil
253 penalty of two hundred fifty dollars for a second or subsequent
254 violation [within twenty-four months] on or before twenty-four
255 months after the date of the first violation.

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

285 that cigarettes and tobacco products cannot be sold during the period
286 of such suspension or revocation and the reasons for such suspension
287 or revocation. Any sale of cigarettes or a tobacco product by such
288 dealer or distributor during such suspension or revocation shall be
289 deemed an additional violation of this subsection.

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

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

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

320 The Commissioner of Revenue Services may authorize a dealer or
321 distributor to give or deliver [any] a cigarette, as defined in section 12-
322 285, as amended by this act, or tobacco product, as defined in section
323 12-330a, as amended by this act, in connection with the promotion or
324 advertisement of such cigarette or tobacco product without receiving
325 monetary consideration from the person receiving the cigarette or
326 tobacco product, provided (1) such [distribution] giving or delivery is
327 on the premises of a licensed dealer, as defined in said section, [12-285]
328 or at any event or establishment with an area the access to which is
329 limited to [adult] patrons twenty-one years of age or older, provided
330 such [distribution] giving or delivery is restricted to such area, (2) the
331 sample of cigarettes, if applicable, contains no less than two cigarettes,
332 [and] (3) the taxes on such cigarettes have been previously paid, and
333 (4) the giving or delivery of the sample is done in accordance with
334 federal laws and regulations governing the giving or delivery of
335 samples of cigarettes and tobacco products. The licensed dealer or
336 distributor shall be liable for any gift or delivery of cigarettes or
337 tobacco products to [minors] a person under twenty-one years of age
338 on [his] the premises by any person conducting a promotion or
339 advertisement of such cigarette or tobacco product in accordance with
340 this section. This section shall not apply to the gift or delivery of a
341 cigarette package in connection with a sale of similar package of
342 cigarettes.

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

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

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

350 (2) "Business entity" means any corporation, limited liability
351 company, association, partnership, sole proprietorship, government,
352 governmental subdivision or agency, business trust, estate, trust or any
353 other legal entity;

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

357 (4) "Manufacturer registration" means an electronic nicotine
358 delivery system certificate of manufacturer registration issued by the
359 Commissioner of Consumer Protection pursuant to section 21a-415a, as
360 amended by this act, to any person who mixes, compounds,
361 repackages or resizes any nicotine-containing electronic nicotine
362 delivery system or vapor product;

363 (5) "Electronic cigarette liquid" means a liquid that, when used in an
364 electronic nicotine delivery system or vapor product, produces a vapor
365 that may or may not include nicotine and is inhaled by the user of such
366 electronic nicotine delivery system or vapor product;

367 (6) "Electronic nicotine delivery system" means an electronic device
368 used in the delivery of nicotine or other substances to a person
369 inhaling from the device, and includes, but is not limited to, an
370 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe
371 or electronic hookah and any related device and any cartridge or other
372 component of such device, including, but not limited to, electronic
373 cigarette liquid;

374 (7) "Vapor product" means any product that employs a heating
375 element, power source, electronic circuit or other electronic, chemical
376 or mechanical means, regardless of shape or size, to produce a vapor
377 that may include nicotine, and is inhaled by the user of such product.
378 "Vapor product" does not include a medicinal or therapeutic product
379 that is (A) used by a licensed health care provider to treat a patient in a
380 health care setting, (B) used by a patient, as prescribed or directed by a
381 licensed health care provider in any setting, or (C) any drug or device,

382 as defined in the federal Food, Drug and Cosmetic Act, 21 USC 321, as
383 amended from time to time, any combination product, as described in
384 said act, 21 USC 353(g), as amended from time to time, or any
385 biological product, as described in 42 USC 262, as amended from time
386 to time, and 21 CFR 600.3, as amended from time to time, authorized
387 for sale by the United States Food and Drug Administration;

388 (8) "Sale" or "sell" means an act done intentionally by any person,
389 whether done as principal, proprietor, agent, servant or employee, of
390 transferring, or offering or attempting to transfer, for consideration,
391 including bartering or exchanging, or offering to barter or exchange;
392 and

393 (9) "Deliver" or "delivering" means an act done intentionally by any
394 person, whether as principal, proprietor, agent, servant or employee,
395 of transferring, or offering or attempting to transfer, physical
396 possession or control of an electronic nicotine delivery system or vapor
397 product.

398 [(a) On and after March 1, 2016, no] (b) No person in this state may
399 sell, offer for sale or possess with intent to sell an electronic nicotine
400 delivery system or a vapor product unless such person [has obtained
401 an electronic nicotine delivery system certificate of] is employed by, an
402 agent of or directly affiliated with a business entity that maintains a
403 dealer registration [from] issued by the Commissioner of Consumer
404 Protection pursuant to this section. A separate dealer registration shall
405 be required for [the] each place of business where such system or
406 product is sold, offered for sale or possessed with the intent to sell. [An
407 electronic nicotine delivery system certificate of] A dealer registration
408 shall allow the sale of electronic nicotine delivery systems or vapor
409 products at such place of business. A holder of [an electronic nicotine
410 delivery system certificate of] a dealer registration shall post such
411 registration in a prominent location adjacent to electronic nicotine
412 delivery system products or vapor products offered for sale. [For the
413 purposes of this section, "person" means each owner of a business
414 organization, or such owner's authorized designee, provided each

415 affiliate of a business organization that is under common control or
416 ownership shall constitute a separate person and "person" includes,
417 but is not limited to, retailers, wholesalers and dealers.]

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

432 (2) The commissioner shall issue [an electronic nicotine delivery
433 system certificate of] a dealer registration to any such applicant not
434 later than thirty days after the date of application unless the
435 commissioner finds: (A) The applicant has wilfully made a materially
436 false statement in such application or in any other application made to
437 the commissioner; or (B) the applicant has neglected to pay any taxes
438 due to this state.

439 (3) A [certificate of] dealer registration issued under this section
440 shall be renewed annually and may be suspended or revoked at the
441 discretion of the Department of Consumer Protection. Any [person]
442 applicant or business entity aggrieved by a denial of an application,
443 refusal to renew a dealer registration or suspension or revocation of a
444 dealer registration may appeal in the manner prescribed for permits
445 under section 30-55. [An electronic nicotine delivery system certificate
446 of] A dealer registration shall not constitute property, nor shall it be
447 subject to attachment and execution, nor shall it be alienable.

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

453 [(c)] (d) The annual fee for [an electronic nicotine delivery system
454 certificate of] a dealer registration shall be [four hundred] eight
455 hundred dollars, except that the annual fee shall be four hundred
456 dollars for any person holding a dealer registration who also holds any
457 additional dealer registrations issued by the department under this
458 chapter.

459 [(d)] (e) The department may renew a [certificate of] dealer
460 registration issued under this section that has expired if the applicant
461 pays to the department any fine imposed by the commissioner
462 pursuant to subsection (c) of section 21a-4, which fine shall be in
463 addition to the fees prescribed in this section for the [certificate of]
464 dealer registration applied for. The provisions of this subsection shall
465 not apply to any [certificate of] dealer registration which is the subject
466 of administrative or court proceedings.

467 [(e)] (f) (1) Any [person in this] business entity in the state [who
468 knowingly] that sells, offers for sale or possesses with intent to sell an
469 electronic nicotine delivery system or vapor product [from a place of
470 business that does not have a certificate of] without a dealer
471 registration as required under this section shall be fined not more than
472 fifty dollars for each day of such violation, except that the
473 commissioner may waive all or any part of such fine if it is proven to
474 the commissioner's satisfaction that the failure to obtain or renew such
475 [certificate of] dealer registration was due to reasonable cause.

476 (2) Notwithstanding the provisions of subdivision (1) of this
477 subsection, any [person] business entity whose [electronic nicotine
478 delivery system certificate of] dealer registration [for the place of
479 business where electronic nicotine delivery systems or vapor products

480 are sold, offered for sale or possessed with the intent to sell] has
481 expired [and who knowingly] for a period of ninety calendar days or
482 less and that, during such ninety-day period, sells, offers for sale or
483 possesses with intent to sell an electronic nicotine delivery system or
484 vapor product [, where such person's period of operation without such
485 certificate of dealer registration is not more than ninety days from the
486 date of expiration of such certificate of dealer registration,] shall have
487 committed an infraction and shall be fined ninety dollars for each day
488 such business entity is in violation of the provisions of this
489 subdivision.

490 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
491 this subsection, no penalty shall be imposed under this subsection
492 unless the commissioner sends written notice of any violation to the
493 [person who] authorized owner of the business entity is subject to a
494 penalty under subdivision (1) or (2) of this subsection and allows such
495 [person] business entity sixty days from the date such notice was sent
496 to cease such violation and comply with the requirements of this
497 section. [Such written notice shall be sent by mail evidenced by a
498 certificate of mailing or other similar United States Postal Service form
499 from which the date of deposit can be verified or by electronic mail to
500 the electronic mail address designated by such person on its
501 application or renewal application for nicotine delivery system
502 certificate of dealer registration.]

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

505 (a) [On and after March 1, 2016, no] No person in this state may
506 manufacture an electronic nicotine delivery system or vapor product
507 unless such person has obtained [an electronic nicotine delivery
508 system certificate of] a manufacturer registration from the
509 Commissioner of Consumer Protection pursuant to this section for the
510 place of business where such system or product is manufactured. [An
511 electronic nicotine delivery system certificate of] A manufacturer
512 registration shall allow the manufacture of electronic nicotine delivery

513 systems or vapor products in this state at such place of business. [For
514 the purposes of this section, "manufacturer" means any person who
515 mixes, compounds, repackages or resizes any nicotine-containing
516 electronic nicotine delivery system or vapor product, and "person"
517 means each owner of a business organization, provided each affiliate
518 of a business organization that is under common control or ownership
519 shall constitute a separate person.]

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

534 (2) The commissioner shall issue [an electronic nicotine delivery
535 system certificate of] a manufacturer registration to any such applicant
536 not later than thirty days after the date of application unless the
537 commissioner finds: (A) The applicant has wilfully made a materially
538 false statement in such application or in any other application made to
539 the commissioner; or (B) the applicant has neglected to pay any taxes
540 due to this state.

541 (3) A [certificate of] manufacturer registration issued under this
542 section shall be renewed annually and may be suspended or revoked
543 at the discretion of the Department of Consumer Protection. Any
544 person aggrieved by a denial of an application, refusal to renew a
545 [certificate of] manufacturer registration or suspension or revocation of

546 a [certificate of] manufacturer registration may appeal in the manner
547 prescribed for permits under section 30-55. [An electronic nicotine
548 delivery system certificate of] A manufacturer registration shall not
549 constitute property, nor shall it be subject to attachment and execution,
550 nor shall it be alienable.

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

556 (c) The annual fee for [an electronic nicotine delivery system
557 certificate of] a manufacturer registration shall be four hundred
558 dollars, except that the annual fee shall be two hundred dollars for any
559 person holding a manufacturer registration who also holds any
560 additional manufacturer registrations or dealer registrations issued by
561 the department under this chapter.

562 (d) The department may renew a [certificate of] manufacturer
563 registration issued under this section that has expired for a period of
564 six months or less if the applicant pays to the department any fine
565 imposed by the commissioner pursuant to subsection (c) of section
566 21a-4, which fine shall be in addition to the fees prescribed in this
567 section for the certificate of manufacturer registration applied for. The
568 provisions of this subsection shall not apply to any [certificate of]
569 manufacturer registration which is the subject of administrative or
570 court proceedings.

571 (e) (1) Any person in this state who knowingly manufactures an
572 electronic nicotine delivery system or vapor product from a place of
573 business that does not have a [certificate of] manufacturer registration
574 as required under this section shall be fined not more than fifty dollars
575 for each day of such violation, except that the commissioner may
576 waive all or any part of such fine if it is proven to the commissioner's
577 satisfaction that the failure to obtain or renew such [certificate of]

578 manufacturer registration was due to reasonable cause.

579 (2) Notwithstanding the provisions of subdivision (1) of this
580 subsection, any person whose [electronic nicotine delivery system
581 certificate of] manufacturer registration for the place of business where
582 electronic nicotine delivery systems or vapor products are
583 manufactured has expired for a period of ninety calendar days or less
584 and who manufactures in [this] the state during such ninety-day
585 period an electronic nicotine delivery system or vapor product [,
586 where such person's period of operation without such certificate of
587 manufacturer registration is not more than ninety days from the date
588 of expiration of such certificate of manufacturer registration,] shall
589 have committed an infraction and shall be fined ninety dollars for each
590 day such person is in violation of the provisions of this subdivision.

591 (3) Notwithstanding the provisions of subdivisions (1) and (2) of
592 this subsection, no penalty shall be imposed under this subsection
593 unless the commissioner sends written notice of any violation to the
594 person who is subject to a penalty under subdivision (1) or (2) of this
595 subsection and allows such person sixty days from the date such notice
596 was sent to cease such violation and comply with the requirements of
597 this section. [Such written notice shall be sent by mail evidenced by a
598 certificate of mailing or other similar United States Postal Service form
599 from which the date of deposit can be verified or by electronic mail to
600 the electronic mail address designated by such person on its
601 application or renewal application for nicotine delivery system
602 certificate of dealer registration.]

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

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

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

608 (2) "Vapor product" has the same meaning as provided in section

609 19a-342.

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

612 [(b) (1)] (a) Except as provided in [subdivision (3) of this] subsection
613 (b) of this section, no [retail establishment] business entity with a
614 dealer registration may sell or offer for sale at the place of business
615 identified in the business entity's application for dealer registration, an
616 electronic nicotine delivery system or a vapor product by any means
617 other than an employee-assisted sale where the customer has no direct
618 access to the electronic nicotine delivery system or vapor product
619 except through the assistance of the employee of such [retail
620 establishment] business entity.

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

624 [(3)] (b) The provisions of [subdivisions (1) and (2) of this]
625 subsection (a) of this section shall not apply to a [retail establishment]
626 business entity with a dealer registration if [minors] persons under the
627 age of twenty-one are prohibited from entering the [retail
628 establishment] place of business identified in the business entity's
629 application for dealer registration and the prohibition on [minors]
630 persons under the age of twenty-one entering [the retail establishment]
631 such place of business is posted clearly on all entrances of [the retail
632 establishment] such place of business.

633 Sec. 12. (NEW) (*Effective October 1, 2019*) (a) Each business entity
634 with a dealer registration shall place and maintain in legible condition
635 at each point of sale of electronic nicotine delivery systems or vapor
636 products a notice to consumers that states (1) the sale, giving or
637 delivering of electronic nicotine delivery systems and vapor products
638 to any person under twenty-one years of age is prohibited by section
639 53-344b of the general statutes, as amended by this act, (2) the use of
640 false identification by a person under twenty-one years of age to

641 purchase an electronic nicotine delivery system or a vapor product is
642 prohibited, and (3) the penalties and fines for violating the provisions
643 of this section and section 53-344b of the general statutes, as amended
644 by this act.

645 (b) The Commissioner of Mental Health and Addiction Services, or
646 the commissioner's designee, shall conduct unannounced compliance
647 checks on business entities holding a dealer registration by engaging
648 persons between the ages of sixteen and twenty to enter the place of
649 business of each such business entity to attempt to purchase an
650 electronic nicotine delivery system or a vapor product. The
651 commissioner shall conduct unannounced follow-up compliance
652 checks of all noncompliant business entities and shall refer all
653 noncompliant business entities to the Commissioner of Revenue
654 Services.

655 (c) Upon receipt of a referral made pursuant to subsection (b) of this
656 subsection, the Commissioner of Revenue Services may, following a
657 hearing, impose a civil penalty and direct the Commissioner of
658 Consumer Protection to suspend or revoke the dealer registration of
659 the business entity that is the subject of such referral. The
660 Commissioner of Revenue Services shall provide such business entity
661 with written notice of the hearing, specifying the time and place of
662 such hearing and requiring such business entity to show cause why
663 such dealer registration should not be suspended or revoked. The
664 written notice of the hearing shall be mailed or delivered to such
665 business entity not less than ten days preceding the date of the
666 hearing. Such notice may be served personally or by registered or
667 certified mail.

668 (d) If the Commissioner of Revenue Services finds, after a hearing
669 pursuant to subsection (c) of this section, that any person employed by
670 any business entity issued a dealer registration under section 21a-415
671 of the general statutes, as amended by this act, has sold, given or
672 delivered an electronic nicotine delivery system or vapor product to a
673 person under twenty-one years of age, other than a person under

674 twenty-one years of age who is delivering or accepting delivery in
675 such person's capacity as an employee, said commissioner shall, for the
676 first violation, require such employee to successfully complete an
677 online prevention education program administered by the Department
678 of Mental Health and Addiction Services not later than thirty days
679 after said commissioner's finding. Said commissioner shall assess any
680 employee who fails to complete such program a civil penalty of two
681 hundred dollars. Said commissioner shall assess any employee a civil
682 penalty of two hundred fifty dollars for a second or subsequent
683 violation on or before twenty-four months after the date of the first
684 violation.

685 (e) If the Commissioner of Revenue Services finds, after a hearing
686 pursuant to subsection (c) of this section, that (1) any business entity
687 issued a dealer registration under section 21a-415 of the general
688 statutes, as amended by this act, has sold, given or delivered an
689 electronic nicotine delivery system or vapor product to a person under
690 twenty-one years of age, other than a person under twenty-one years
691 of age who is delivering or accepting delivery in such person's capacity
692 as an employee, or (2) such person's employee has sold, given or
693 delivered an electronic nicotine delivery system or vapor product to a
694 person under twenty-one years of age the commissioner shall, for the
695 first violation, require the authorized owner of such business entity to
696 successfully complete an online prevention education program
697 administered by the Department of Mental Health and Addiction
698 Services not later than thirty days after said commissioner's finding.
699 Said commissioner shall assess any business entity issued a dealer
700 registration whose authorized owner fails to complete such program a
701 civil penalty of three hundred dollars for the first violation. Said
702 commissioner shall assess such business entity a civil penalty of seven
703 hundred fifty dollars for a second violation on or before twenty-four
704 months after the date of the first violation. For a third violation by such
705 business entity on or before twenty-four months after the date of the
706 first violation, said commissioner shall assess such business entity a
707 civil penalty of one thousand dollars and notify the Commissioner of

708 Consumer Protection that the dealer registration held by such business
709 entity under chapter 420g of the general statutes shall be suspended
710 for not less than thirty days. For a fourth violation on or before twenty-
711 four months after the date of the first violation, the Commissioner of
712 Revenue Services shall assess such business entity a civil penalty of
713 one thousand dollars and notify the Commissioner of Consumer
714 Protection that the dealer registration held by such business entity
715 under said chapter shall be revoked. The Commissioner of Revenue
716 Services shall order such business entity to conspicuously post a notice
717 in a public place stating that electronic nicotine delivery systems and
718 vapor products cannot be sold during the period of suspension or
719 revocation and the reasons for such suspension or revocation. Any sale
720 of an electronic nicotine delivery system or vapor product by such
721 business entity during the period of such suspension or revocation
722 shall be deemed an additional violation of this section.

723 (f) Upon receipt of notice of determination from the Commissioner
724 of Revenue Services made under subsection (e) of this section, the
725 Commissioner of Consumer Protection shall suspend or revoke the
726 dealer registration of the business entity that is the subject of said
727 determination. The Commissioner of Consumer Protection shall not be
728 required to hold a hearing in connection with any notice of
729 determination received from the Commissioner of Revenue Services
730 under this section.

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

738 Sec. 13. (NEW) (*Effective October 1, 2019*) Any business entity
739 holding a dealer registration under section 21a-415 of the general
740 statutes, as amended by this act, may give or deliver an electronic

741 nicotine delivery system or vapor product in connection with the
742 promotion or advertisement of such electronic nicotine delivery
743 system or vapor product without receiving monetary consideration
744 from the person receiving the electronic nicotine delivery system or
745 vapor product, provided (1) such giving or delivery is at the location
746 identified by the business entity in its application for the dealer
747 registration or at any event or establishment with an area the access to
748 which is limited to persons twenty-one years of age or older, provided
749 such giving or delivery is restricted to such area, (2) the sample of
750 electronic nicotine delivery systems or vapor products, if applicable,
751 contains no less than two such systems or products, (3) the taxes on
752 such electronic nicotine delivery system or vapor product have been
753 previously paid, and (4) the giving or delivery of the sample is done in
754 accordance with federal laws and regulations governing the giving or
755 delivery of electronic nicotine delivery systems and vapor products.
756 The business entity that holds a dealer registration shall be liable for
757 any gift or delivery of an electronic nicotine delivery system or vapor
758 product to a person under twenty-one years of age on the premises by
759 any person conducting a promotion or advertisement of such
760 electronic nicotine delivery system or vapor product in accordance
761 with this section. This section shall not apply to the gift or delivery of
762 an electronic nicotine delivery system or vapor product in connection
763 with a sale of a similar electronic nicotine delivery system or vapor
764 product.

765 Sec. 14. Section 53-344 of the general statutes is repealed and the
766 following is substituted in lieu thereof (*Effective October 1, 2019*):

767 (a) As used in this section:

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

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

773 [(2)] (3) "Identity card" means an identification card issued in
774 accordance with the provisions of section 1-1h;

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

777 (5) "Give" or "giving" has the same meaning as provided in section
778 53-344b, as amended by this act;

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

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

783 (8) "Tobacco products" has the same meaning as provided in section
784 12-330a;

785 [(3)] (9) "Transaction scan" means the process by which a seller or
786 seller's agent or employee checks, by means of a transaction scan
787 device, the validity of a driver's license or an identity card; and

788 [(4)] (10) "Transaction scan device" means any commercial device or
789 combination of devices used at a point of sale that is capable of
790 deciphering in an electronically readable format the information
791 encoded on the magnetic strip or bar code of a driver's license or an
792 identity card.

793 (b) Any person who sells, gives or delivers to any person under
794 [eighteen] twenty-one years of age [tobacco] cigarettes or a tobacco
795 product shall be fined not more than [two] three hundred dollars for
796 the first offense, not more than [three] seven hundred fifty dollars for a
797 second offense [within a twenty-four-month period] on or before
798 twenty-four months after the date of the first offense and not more
799 than [five hundred] one thousand dollars for each subsequent offense
800 [within a twenty-four-month period] on or before twenty-four months
801 after the date of the first offense. The provisions of this subsection shall
802 not apply to a person under [eighteen] twenty-one years of age who is

803 delivering or accepting delivery of cigarettes or a tobacco product (1)
804 in such person's capacity as an employee, or (2) as part of a scientific
805 study being conducted by an organization for the purpose of medical
806 research to further efforts in cigarette and tobacco product use
807 prevention and cessation, provided such medical research has been
808 approved by the organization's institutional review board, as defined
809 in section 21a-408.

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

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

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

830 (3) Subdivision (1) of this subsection does not preclude a seller or
831 seller's agent or employee from using a transaction scan device to
832 check the validity of a document other than a driver's license or an
833 identity card, if the document includes a bar code or magnetic strip
834 that may be scanned by the device, as a condition for selling, giving

835 away or otherwise distributing cigarettes or a tobacco product to the
836 person presenting the document.

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

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

847 (3) No seller or seller's agent or employee shall sell or otherwise
848 disseminate the information derived from a transaction scan to any
849 third party, including, but not limited to, selling or otherwise
850 disseminating that information for any marketing, advertising or
851 promotional activities, but a seller or seller's agent or employee may
852 release that information pursuant to a court order.

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

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

860 (f) (1) In any prosecution of a seller or seller's agent or employee for
861 a violation of subsection (b) of this section, it shall be an affirmative
862 defense that all of the following occurred: (A) A cardholder attempting
863 to purchase or receive cigarettes or a tobacco product presented a
864 driver's license or an identity card; (B) a transaction scan of the driver's
865 license or identity card that the cardholder presented indicated that the

866 license or card was valid and indicated that the cardholder was at least
867 twenty-one years of age; and (C) the cigarettes or a tobacco product
868 was sold, given away or otherwise distributed to the cardholder in
869 reasonable reliance upon the identification presented and the
870 completed transaction scan.

871 (2) In determining whether a seller or seller's agent or employee has
872 proven the affirmative defense provided by subdivision (1) of this
873 section, the trier of fact in such prosecution shall consider that
874 reasonable reliance upon the identification presented and the
875 completed transaction scan may require a seller or seller's agent or
876 employee to exercise reasonable diligence and that the use of a
877 transaction scan device does not excuse a seller or seller's agent or
878 employee from exercising such reasonable diligence to determine the
879 following: (A) Whether a person to whom the seller or seller's agent or
880 employee sells, gives away or otherwise distributes cigarettes or a
881 tobacco product is [eighteen] twenty-one years of age or older; and (B)
882 whether the description and picture appearing on the driver's license
883 or identity card presented by a cardholder is that of the cardholder.

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

886 Each retailer of cigarettes or tobacco products or agent, employee or
887 representative of such retailer shall require a person who is purchasing
888 or attempting to purchase cigarettes or tobacco products, [whose age is
889 in question] who appears to be under the age of thirty, to exhibit
890 proper proof of age. If a person fails to provide such proof of age, such
891 retailer or agent, employee or representative shall not sell cigarettes or
892 tobacco products to the person. As used in this section, "proper proof"
893 means a motor vehicle operator's license, a valid passport or an
894 identity card issued in accordance with the provisions of section 1-1h.

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

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

898 (1) "Electronic nicotine delivery system" [means an electronic device
899 that may be used to simulate smoking in the delivery of nicotine or
900 other substance to a person inhaling from the device, and includes, but
901 is not limited to, an electronic cigarette, electronic cigar, electronic
902 cigarillo, electronic pipe or electronic hookah and any related device
903 and any cartridge, electronic cigarette liquid or other component of
904 such device] has the same meaning as provided in section 21a-415, as
905 amended by this act;

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

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

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

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

920 (6) "Sale" or "sell" means an act done intentionally by any person,
921 whether done as principal, proprietor, agent, servant or employee, of
922 transferring, or offering or attempting to transfer, for consideration, an
923 electronic nicotine delivery system or vapor product, including
924 bartering or exchanging, or offering to barter or exchange, an
925 electronic nicotine delivery system or vapor product;

926 (7) "Give" or "giving" means an act done intentionally by any
927 person, whether done as principal, proprietor, agent, servant or
928 employee, of transferring, or offering or attempting to transfer,

929 without consideration, an electronic nicotine delivery system or vapor
930 product;

931 (8) "Deliver" or "delivering" means an act done intentionally by any
932 person, whether as principal, proprietor, agent, servant or employee,
933 of transferring, or offering or attempting to transfer, physical
934 possession or control of an electronic nicotine delivery system or vapor
935 product;

936 (9) "Vapor product" [means any product that employs a heating
937 element, power source, electronic circuit or other electronic, chemical
938 or mechanical means, regardless of shape or size, to produce a vapor
939 that may or may not include nicotine, that is inhaled by the user of
940 such product] has the same meaning as provided in section 21a-415, as
941 amended by this act; and

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

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

948 (b) Any person who sells, gives or delivers to any person under
949 [~~eighteen~~] twenty-one years of age an electronic nicotine delivery
950 system or vapor product in any form shall be fined not more than
951 [~~two~~] three hundred dollars for the first offense, not more than [~~three~~]
952 seven hundred fifty dollars for a second offense [within a twenty-four-
953 month period] on or before twenty-four months after the date of the
954 first offense and not more than [~~five hundred~~] one thousand dollars for
955 each subsequent offense [within a twenty-four-month period] on or
956 before twenty-four months after the date of the first offense. The
957 provisions of this subsection shall not apply to a person under
958 [~~eighteen~~] twenty-one years of age who is delivering or accepting
959 delivery of an electronic nicotine delivery system or vapor product (1)
960 in such person's capacity as an employee, or (2) as part of a scientific

961 study being conducted by an organization for the purpose of medical
962 research to further efforts in tobacco use prevention and cessation,
963 provided such medical research has been approved by the
964 organization's institutional review board, as defined in section 21a-408.

965 (c) Any person under [eighteen] twenty-one years of age who
966 [purchases or] misrepresents such person's age to purchase an
967 electronic nicotine delivery system or vapor product in any form [or
968 possesses an electronic nicotine delivery system or vapor product in
969 any form in any public place] shall be fined not more than fifty dollars
970 for the first offense and not less than fifty dollars or more than one
971 hundred dollars for each subsequent offense. [For purposes of this
972 subsection "public place" means any area that is used or held out for
973 use by the public whether owned or operated by public or private
974 interests.]

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

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

987 (3) Subdivision (1) of this subsection does not preclude a seller or
988 seller's agent or employee from using a transaction scan device to
989 check the validity of a document other than a driver's license or an
990 identity card, if the document includes a bar code or magnetic strip
991 that may be scanned by the device, as a condition for selling, giving or
992 otherwise delivering an electronic nicotine delivery system or vapor

993 product to the person presenting the document.

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

1000 (2) No seller or seller's agent or employee shall use a transaction
1001 scan device for a purpose other than the purposes specified in
1002 subsection (d) of this section, subsection (d) of section 53-344, as
1003 amended by this act, or subsection (c) of section 30-86.

1004 (3) No seller or seller's agent or employee shall sell or otherwise
1005 disseminate the information derived from a transaction scan to any
1006 third party, including, but not limited to, selling or otherwise
1007 disseminating that information for any marketing, advertising or
1008 promotional activities, but a seller or seller's agent or employee may
1009 release that information pursuant to a court order.

1010 (4) Nothing in subsection (d) of this section or this subsection
1011 relieves a seller or seller's agent or employee of any responsibility to
1012 comply with any other applicable state or federal laws or rules
1013 governing selling, giving or otherwise delivering electronic nicotine
1014 delivery systems or vapor products.

1015 (5) Any person who violates this subsection shall be subject to a civil
1016 penalty of not more than one thousand dollars.

1017 (f) (1) In any prosecution of a seller or seller's agent or employee for
1018 a violation of subsection (b) of this section, it shall be an affirmative
1019 defense that all of the following occurred: (A) A cardholder attempting
1020 to purchase or receive an electronic nicotine delivery system or vapor
1021 product presented a driver's license or an identity card; (B) a
1022 transaction scan of the driver's license or identity card that the
1023 cardholder presented indicated that the license or card was valid and

1024 indicated that the cardholder was at least twenty-one years of age; and
1025 (C) the electronic nicotine delivery system or vapor product was sold,
1026 given or otherwise delivered to the cardholder in reasonable reliance
1027 upon the identification presented and the completed transaction scan.

1028 (2) In determining whether a seller or seller's agent or employee has
1029 proven the affirmative defense provided by subdivision (1) of this
1030 section, the trier of fact in such prosecution shall consider that
1031 reasonable reliance upon the identification presented and the
1032 completed transaction scan may require a seller or seller's agent or
1033 employee to exercise reasonable diligence and that the use of a
1034 transaction scan device does not excuse a seller or seller's agent or
1035 employee from exercising such reasonable diligence to determine the
1036 following: (A) Whether a person to whom the seller or seller's agent or
1037 employee sells, gives or otherwise delivers an electronic nicotine
1038 delivery system or vapor product is [~~eighteen~~] twenty-one years of age
1039 or older; and (B) whether the description and picture appearing on the
1040 driver's license or identity card presented by a cardholder is that of the
1041 cardholder.

1042 (g) Each seller of electronic nicotine delivery systems or vapor
1043 products or such seller's agent or employee shall require a person who
1044 is purchasing or attempting to purchase an electronic nicotine delivery
1045 system or vapor product [~~, whose age is in question,~~] and appears to be
1046 under the age of thirty to exhibit proper proof of age. If a person fails
1047 to provide such proof of age, such seller or seller's agent or employee
1048 shall not sell an electronic nicotine delivery system or vapor product to
1049 the person. As used in this subsection, "proper proof" means a motor
1050 vehicle operator's license, a valid passport or an identity card issued in
1051 accordance with the provisions of section 1-1h.

1052 Sec. 17. Subdivision (1) of subsection (b) of section 19a-342 of the
1053 general statutes is repealed and the following is substituted in lieu
1054 thereof (*Effective October 1, 2019*):

1055 (b) (1) Notwithstanding the provisions of section 31-40q, no person

1056 shall smoke: (A) In any building or portion of a building, partially
1057 enclosed shelter on a rail platform or bus shelter owned and operated
1058 or leased and operated by the state or any political subdivision thereof;
1059 (B) in any area of a health care institution; (C) in any area of a retail
1060 food store; (D) in any restaurant; (E) in any area of an establishment
1061 with a permit issued for the sale of alcoholic liquor pursuant to section
1062 30-20a, 30-21, 30-21b, 30-22, 30-22c, 30-28, 30-28a, 30-33a, 30-33b, 30-
1063 35a, 30-37a, 30-37e or 30-37f, in any area of an establishment with a
1064 permit for the sale of alcoholic liquor pursuant to section 30-23 issued
1065 after May 1, 2003, and, on and after April 1, 2004, in any area of an
1066 establishment with a permit issued for the sale of alcoholic liquor
1067 pursuant to section 30-22a or 30-26 or the bar area of a bowling
1068 establishment holding a permit pursuant to subsection (a) of section
1069 30-37c; (F) within a school building [while school is in session or
1070 student activities are being conducted] or on the grounds of such
1071 school; (G) within a child care facility or on the grounds of such child
1072 care facility, except, if the child care facility is a family child care home,
1073 as defined in section 19a-77, such smoking is prohibited only when a
1074 child enrolled in such home is present; (H) in any passenger elevator,
1075 provided no person shall be arrested for violating this subsection
1076 unless there is posted in such elevator a sign which indicates that
1077 smoking is prohibited by state law; [(H)] (I) in any dormitory in any
1078 public or private institution of higher education; or [(I)] (J) on and after
1079 April 1, 2004, in any area of a dog race track or a facility equipped with
1080 screens for the simulcasting of off-track betting race programs or jai
1081 alai games. For purposes of this subsection, "restaurant" means space,
1082 in a suitable and permanent building, kept, used, maintained,
1083 advertised and held out to the public to be a place where meals are
1084 regularly served to the public, "school" has the same meaning as
1085 provided in section 10-154a and "child care facility" has the same
1086 meaning as provided in section 19a-342a, as amended by this act.

1087 Sec. 18. Subdivision (1) of subsection (b) of section 19a-342a of the
1088 general statutes is repealed and the following is substituted in lieu
1089 thereof (*Effective October 1, 2019*):

1090 (b) (1) No person shall use an electronic nicotine delivery system or
1091 vapor product: (A) In any building or portion of a building owned and
1092 operated or leased and operated by the state or any political
1093 subdivision thereof; (B) in any area of a health care institution; (C) in
1094 any area of a retail food store; (D) in any restaurant; (E) in any area of
1095 an establishment with a permit issued for the sale of alcoholic liquor
1096 pursuant to section 30-20a, 30-21, 30-21b, 30-22, 30-22a, 30-22c, 30-26,
1097 30-28, 30-28a, 30-33a, 30-33b, 30-35a, 30-37a, 30-37e or 30-37f, in any
1098 area of establishment with a permit issued for the sale of alcoholic
1099 liquor pursuant to section 30-23 issued after May 1, 2003, or the bar
1100 area of a bowling establishment holding a permit pursuant to
1101 subsection (a) of section 30-37c; (F) within a school building [while
1102 school is in session or student activities are being conducted] or on the
1103 grounds of such school; (G) within a child care facility or on the
1104 grounds of such child care facility, except, if the child care facility is a
1105 family child care home as defined in section 19a-77, such use is
1106 prohibited only when a child enrolled in such home is present; (H) in
1107 any passenger elevator, provided no person shall be arrested for
1108 violating this subsection unless there is posted in such elevator a sign
1109 which indicates that such use is prohibited by state law; (I) in any
1110 dormitory in any public or private institution of higher education; or
1111 (J) in any area of a dog race track or a facility equipped with screens for
1112 the simulcasting of off-track betting race programs or jai alai games.
1113 For purposes of this subsection, "restaurant" means space, in a suitable
1114 and permanent building, kept, used, maintained, advertised and held
1115 out to the public to be a place where meals are regularly served to the
1116 public, and "school" has the same meaning as provided in section 10-
1117 154a.

1118 Sec. 19. (NEW) (*Effective October 1, 2019*) (a) As used in this section:

1119 (1) "Person" means any individual, firm, fiduciary, partnership,
1120 corporation, limited liability company, trust or association, however
1121 formed;

1122 (2) "Electronic nicotine delivery system" has the same meaning as

1123 provided in section 21a-415, as amended by this act; and

1124 (3) "Vapor product" has the same meaning as provided in section
1125 21a-415, as amended by this act.

1126 (b) A person with an electronic nicotine delivery system certificate
1127 of dealer registration, when selling and shipping an electronic nicotine
1128 delivery system or a vapor product directly to a consumer in the state,
1129 shall: (1) Ensure that the shipping labels on all containers of an
1130 electronic nicotine delivery system or vapor product shipped directly
1131 to a consumer in the state conspicuously states the following:
1132 "CONTAINS AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR
1133 VAPOR PRODUCT—SIGNATURE OF A PERSON AGE 21 OR
1134 OLDER REQUIRED FOR DELIVERY"; and (2) obtain the signature of a
1135 person age twenty-one or older at the shipping address prior to
1136 delivery, after requiring the signer to demonstrate that he or she is age
1137 twenty-one or older by providing a valid motor vehicle operator's
1138 license or a valid identity card described in section 1-1h of the general
1139 statutes.

1140 Sec. 20. Section 12-285a of the general statutes is repealed and the
1141 following is substituted in lieu thereof (*Effective October 1, 2019*):

1142 For purposes of sections 12-286a, as amended by this act, 12-295a, as
1143 amended by this act, and 12-314a, as amended by this act: [and
1144 subsection (a) of section 53-344:] (1) "Distributor" includes a
1145 manufacturer of tobacco products; (2) "sale" or "sell" means an act done
1146 intentionally by any person, whether done as principal, proprietor,
1147 agent, servant or employee, of transferring, or offering or attempting to
1148 transfer, for consideration, cigarettes or tobacco products, including
1149 bartering or exchanging, or offering to barter or exchange, cigarettes or
1150 tobacco products; (3) "give" or "giving" means an act done intentionally
1151 by any person, whether done as principal, proprietor, agent, servant or
1152 employee, of transferring, or offering or attempting to transfer,
1153 without consideration, cigarettes or tobacco products; (4) "deliver" or
1154 "delivering" means an act done intentionally by any person, whether as

1155 principal, proprietor, agent, servant or employee, of transferring, or
1156 offering or attempting to transfer, physical possession or control of
1157 cigarettes or tobacco products.

1158 Sec. 21. Subdivision (2) of section 12-330a of the general statutes is
1159 repealed and the following is substituted in lieu thereof (*Effective*
1160 *October 1, 2019*):

1161 (2) "Tobacco products" means [cigars, cheroots, stogies, periques,
1162 granulated, plug cut, crimp cut, ready rubbed and other smoking
1163 tobacco, snuff tobacco products, cavendish, plug and twist tobacco,
1164 fine cut and other chewing tobaccos, shorts, refuse scraps, clippings,
1165 cuttings and sweepings of tobacco and all other kinds and forms of
1166 tobacco, prepared in such manner as to be suitable for chewing or
1167 smoking in a pipe or otherwise or for both chewing and smoking] any
1168 product, regardless of form, that is made from or otherwise contains
1169 tobacco, but shall not include any cigarette, as defined in section 12-
1170 285, any electronic nicotine delivery system, as defined in section 21a-
1171 415, as amended by this act, or any vapor product, as defined in
1172 section 21a-415, as amended by this act;

1173 Sec. 22. Subsection (a) of section 19a-342a of the general statutes is
1174 repealed and the following is substituted in lieu thereof (*Effective*
1175 *October 1, 2019*):

1176 (a) As used in this section and section 2 of public act 15-206:

1177 (1) "Child care facility" means a provider of child care services as
1178 defined in section 19a-77, or a person or entity required to be licensed
1179 under section 17a-145;

1180 (2) "Electronic nicotine delivery system" [means an electronic device
1181 that may be used to simulate smoking in the delivery of nicotine or
1182 other substances to a person inhaling from the device, and includes,
1183 but is not limited to, an electronic cigarette, electronic cigar, electronic
1184 cigarillo, electronic pipe or electronic hookah and any related device
1185 and any cartridge or other component of such device] has the same

1186 meaning as provided in section 21a-415, as amended by this act;

1187 (3) "Liquid nicotine container" means a container that holds a liquid
 1188 substance containing nicotine that is sold, marketed or intended for
 1189 use in an electronic nicotine delivery system or vapor product, except
 1190 "liquid nicotine container" does not include such a container that is
 1191 prefilled and sealed by the manufacturer and not intended to be
 1192 opened by the consumer; and

1193 (4) "Vapor product" [means any product that employs a heating
 1194 element, power source, electronic circuit or other electronic, chemical
 1195 or mechanical means, regardless of shape or size, to produce a vapor
 1196 that may or may not include nicotine, that is inhaled by the user of
 1197 such product, but shall not include a medicinal or therapeutic product
 1198 used by a (A) licensed health care provider to treat a patient in a health
 1199 care setting, or (B) a patient, as prescribed or directed by a licensed
 1200 health care provider in any setting] has the same meaning as provided
 1201 in section 21a-415, as amended by this act."

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
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-415a
Sec. 11	<i>October 1, 2019</i>	21a-416
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>	53-344
Sec. 15	<i>October 1, 2019</i>	53-344a
Sec. 16	<i>October 1, 2019</i>	53-344b
Sec. 17	<i>October 1, 2019</i>	19a-342(b)(1)

Sec. 18	<i>October 1, 2019</i>	19a-342a(b)(1)
Sec. 19	<i>October 1, 2019</i>	New section
Sec. 20	<i>October 1, 2019</i>	12-285a
Sec. 21	<i>October 1, 2019</i>	12-330a(2)
Sec. 22	<i>October 1, 2019</i>	19a-342a(a)