
OLR Bill Analysis

sSB 326

AN ACT PROHIBITING THE SALE OF FLAVORED CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS.

SUMMARY

Starting October 1, 2021, this bill prohibits e-cigarette dealers and cigarette dealers and distributors from selling, offering or displaying for sale, or possessing with the intent to sell, flavored cigarettes, tobacco products, e-cigarettes, and vapor products. The bill defines flavored products as those imparted with a distinguishable taste or aroma (i.e., characterizing flavor) other than tobacco, including fruit, chocolate, menthol, mint, wintergreen, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, or spice.

The bill specifies that these products cannot be determined to be flavored solely because they use additives or flavorings or include ingredient information.

Under the bill, a public statement or claim made or disseminated by a manufacturer that these products have or produce a characterizing flavor is prima facie evidence that the product is flavored. For cigarette and tobacco product manufacturers, this also applies to statements or claims made or disseminated by a person they authorize.

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

Under the bill, if a cigarette or tobacco product dealer or distributor

commits a third violation within 36 months after the first violation, the DRS commissioner must either suspend the dealer's or distributor's license for at least 30 days or revoke the license. But the commissioner must revoke the license if they commit a fourth violation within that time period. For e-cigarette dealers, the bill requires the commissioner to revoke the dealer's license or certificate if they commit a third violation within that time period.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 8 (03/05/2021)