



# House of Representatives

**File No. 687**

General Assembly

January Session, 2021

**(Reprint of File No. 150)**

Substitute House Bill No. 6110  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 14, 2021

**AN ACT CONCERNING ELECTRONIC NICOTINE DELIVERY  
SYSTEMS AND VAPOR PRODUCTS AND ONLINE SALES AND  
SHIPMENT.**

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

1 Section 1. Section 21a-418 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2021*):

3 (a) As used in this section:

4 (1) "Person" means any individual, firm, fiduciary, partnership,  
5 corporation, limited liability company, trust or association, however  
6 formed;

7 (2) "Electronic cigarette liquid" has the same meaning as provided in  
8 section 21a-415, as amended by this act;

9 ~~[(2)]~~ (3) "Electronic nicotine delivery system" has the same meaning

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

11 [(3)] (4) "Vapor product" has the same meaning as provided in section  
12 21a-415, as amended by this act.

13 (b) A person with an electronic nicotine delivery system certificate of  
14 dealer registration, when selling and shipping an electronic nicotine  
15 delivery system or a vapor product directly to a consumer in the state,  
16 shall: (1) [Ensure] At the time of sale (A) require such consumer to  
17 provide a copy of such consumer's valid motor vehicle operator's license  
18 or valid identity card, as described in section 1-1h, or (B) verify such  
19 consumer's identity on a commercially available third-party database  
20 used for the purpose of age verification by business entities; (2) ensure  
21 that the name on such consumer's valid motor vehicle operator's license  
22 or valid identity card or verified on such database is identical to the  
23 name on the credit card, charge card, debit card or other method of  
24 payment used to purchase such system or product at the time of sale; (3)  
25 ensure that the shipping labels on all containers of an electronic nicotine  
26 delivery system or vapor product [shipped directly to a consumer in the  
27 state conspicuously states] conspicuously state the following:  
28 "CONTAINS AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR  
29 VAPOR PRODUCT – SIGNATURE OF A PERSON AGE 21 OR OLDER  
30 REQUIRED FOR DELIVERY"; and [(2)] (4) obtain the signature of a  
31 person [age] twenty-one years of age or older at the shipping address  
32 prior to delivery, after requiring the signer to demonstrate that he or she  
33 is age twenty-one or older by providing a valid motor vehicle operator's  
34 license or a valid identity card. [described in section 1-1h] No person  
35 with an electronic nicotine delivery system certificate of dealer  
36 registration shall sell or ship to a consumer in the state more than two  
37 vapor products and thirty cartridges of electronic cigarette liquid in a  
38 one-month period.

39 Sec. 2. Subsection (a) of section 21a-415 of the general statutes is  
40 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
41 *2021*):

42 (a) As used in this chapter and section 53-344:

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

46 (2) "Business entity" means any corporation, limited liability  
47 company, association, partnership, sole proprietorship, government,  
48 governmental subdivision or agency, business trust, estate, trust or any  
49 other legal entity;

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

53 (4) "Manufacturer registration" means an electronic nicotine delivery  
54 system certificate of manufacturer registration issued by the  
55 Commissioner of Consumer Protection pursuant to section 21a-415a to  
56 any person who mixes, compounds, repackages or resizes any nicotine-  
57 containing electronic nicotine delivery system or vapor product;

58 (5) "Electronic cigarette liquid" means a liquid, including, but not  
59 limited to, a concentrated plant extract or oil containing natural or  
60 synthetic ingredients, that, when used in an electronic nicotine delivery  
61 system or vapor product, produces a vapor that may or may not include  
62 nicotine and [is] may be inhaled by the user of such electronic nicotine  
63 delivery system or vapor product;

64 (6) "Electronic nicotine delivery system" means an electronic device  
65 used in the delivery of nicotine or other substances to a person inhaling  
66 from the device, and includes, but is not limited to, an electronic  
67 cigarette, electronic cigar, electronic cigarillo, electronic pipe or  
68 electronic hookah and any related device and any cartridge or other  
69 component of such device, including, but not limited to, electronic  
70 cigarette liquid;

71 (7) "Vapor product" means any product that employs a heating

72 element, power source, electronic circuit or other electronic, chemical or  
 73 mechanical means, regardless of shape or size, to produce a vapor that  
 74 may include nicotine and is inhaled by the user of such product. "Vapor  
 75 product" does not include a medicinal or therapeutic product that is (A)  
 76 used by a licensed health care provider to treat a patient in a health care  
 77 setting, (B) used by a patient, as prescribed or directed by a licensed  
 78 health care provider in any setting, or (C) any drug or device, as defined  
 79 in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended  
 80 from time to time, any combination product, as described in said act, 21  
 81 USC 353(g), as amended from time to time, or any biological product, as  
 82 described in 42 USC 262, as amended from time to time, and 21 CFR  
 83 600.3, as amended from time to time, authorized for sale by the United  
 84 States Food and Drug Administration;

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

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

|   |              |            |
|---|--------------|------------|
| This act shall take effect as follows and shall amend the following sections: |              |            |
| Section 1   | July 1, 2021 | 21a-418    |
| Sec. 2  | July 1, 2021 | 21a-415(a) |

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill places certain requirements on anyone selling e-cigarettes online and results in no fiscal impact to the state due to no enforcement provisions or penalties being included in the bill.

House "A" makes various changes to definitions for electronic nicotine delivery systems and vapor products resulting in no fiscal impact to the state.

House "B" strikes section 501 of House "A" and makes various changes to definitions for electronic nicotine delivery systems and vapor products resulting in no fiscal impact to the state.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 6110 (as amended by House "A" and "B")\******AN ACT CONCERNING THE ONLINE SALE AND DELIVERY OF ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS.*****SUMMARY**

This bill prohibits any person with a Department of Consumer Protection (DCP)-issued e-cigarette certificate of dealer registration from selling or shipping more than two vapor products and 30 cartridges of e-cigarette liquid to the same consumer in a one-month period.

It requires a dealer authorized to sell e-cigarettes (i.e., electronic nicotine delivery systems or vaping products) online and ship them directly to a Connecticut consumer to do the following at the time of sale:

1. (a) require the consumer to provide a copy of his or her valid driver's license or identity card or (b) verify the consumer's identity on a commercially available third-party database that businesses use for age verification and
2. ensure that the name on the license or identity card, or verified on the database, is identical to the name on the credit or debit card or other payment method used for the purchase.

By law, the dealer must also (1) obtain the signature of a person aged 21 or older at the address prior to delivery and after requiring the signer to provide a driver's license or identification card as proof of age and (2) include a shipping label on the package that conspicuously states:

VAPOR PRODUCT – SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY.”

The bill does not include enforcement provisions or penalties regarding these online sales.

The bill also expands the definition of “electronic cigarette liquid” to specifically include concentrated plant extracts or oils containing natural or synthetic ingredients. By law, an electronic cigarette liquid includes any liquid that produces a vapor that may be inhaled by the user of an electronic nicotine delivery system or vapor product.

\*House Amendment “A” (1) changes, from 30 days to one month, the period in which a dealer can sell no more than 2 vapor products and 30 cartridges of e-cigarette liquid to someone; (2) excludes from certain “vapor product” regulations only those medicinal and therapeutic products that do not contain “characterizing flavor” (i.e., non-tobacco flavoring such as fruits or chocolate), rather than all medicinal or therapeutic products; and (3) expands the definition of electronic cigarette liquid to include concentrated plant extracts that may be inhaled by e-cigarette users.

\*House Amendment “B” (1) removes the vapor product and “characterizing flavor” provisions in House Amendment “A,” and (2) further expands the definition of electronic cigarette liquid to include concentrated plant extracts or oils containing natural or synthetic ingredients.

EFFECTIVE DATE: July 1, 2021

### **COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 13 Nay 0 (03/11/2021)