



Senate

General Assembly

File No. 482

January Session, 2021

Substitute Senate Bill No. 115

Senate, April 15, 2021

The Committee on Public Health reported through SEN. DAUGHERTY ABRAMS of the 13th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

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

- 1 Section 1. (NEW) (*Effective July 1, 2021*) (a) As used in this section:
- 2 (1) "Health care facility" means any institution licensed under chapter
- 3 368v of the general statutes;
- 4 (2) "Pharmacy" has the same meaning as provided in section 20-571
- 5 of the general statutes;
- 6 (3) "Sell" means an act done intentionally by any person, whether
- 7 done as principal, proprietor, agent, servant or employee, of
- 8 transferring, offering or attempting to transfer, for consideration,
- 9 including bartering or exchanging, or offering to barter and exchange;

10 (4) "Cigarette" means and includes any roll for smoking made wholly
11 or in part of tobacco, irrespective of size or shape, and irrespective of
12 whether the tobacco is flavored, adulterated or mixed with any other
13 ingredient, where such roll has a wrapper or cover made of paper or any
14 other material, except where such wrapper is wholly or in the greater
15 part made of tobacco and such roll weighs over three pounds per
16 thousand, provided, if any roll for smoking has a wrapper made of
17 homogenized tobacco or natural leaf tobacco, and the roll is a cigarette
18 size so that it weighs three pounds or less per thousand, such roll is a
19 cigarette and subject to the tax imposed by parts I and II of chapter 214
20 of the general statutes; and

21 (5) "Tobacco product" means any product, regardless of form, that is
22 made from or otherwise contains tobacco, but shall not include any
23 cigarette, as defined in section 12-285 of the general statutes, any
24 electronic nicotine delivery system, as defined in section 21a-415 of the
25 general statutes, or any vapor product, as defined in section 21a-415 of
26 the general statutes.

27 (b) On and after January 1, 2022, no health care facility, pharmacy or
28 place of business with a pharmacy located therein may sell cigarettes or
29 tobacco products in this state. Any license to sell cigarettes or tobacco
30 products issued under chapter 214 of the general statutes to a health care
31 facility, pharmacy or place of business with a pharmacy located therein
32 prior to January 1, 2022, shall be void on and after said date.

33 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) As used in this section:

34 (1) "Health care facility" means any institution licensed under chapter
35 368v of the general statutes;

36 (2) "Pharmacy" has the same meaning as provided in section 20-571
37 of the general statutes;

38 (3) "Sell" means an act done intentionally by any person, whether
39 done as principal, proprietor, agent, servant or employee, of
40 transferring, offering or attempting to transfer, for consideration,

41 including bartering or exchanging, or offering to barter and exchange;

42 (4) "Electronic nicotine delivery system" means an electronic device
43 used in the delivery of nicotine or other substances to a person inhaling
44 from the device, and includes, but is not limited to, an electronic
45 cigarette, electronic cigar, electronic cigarillo, electronic pipe or
46 electronic hookah and any related device and any cartridge or other
47 component of such device, including, but not limited to, electronic
48 cigarette liquid; and

49 (5) "Vapor product" means any product that employs a heating
50 element, power source, electronic circuit or other electronic, chemical or
51 mechanical means, regardless of shape or size, to produce a vapor that
52 may include nicotine and is inhaled by the user of such product. "Vapor
53 product" does not include a medicinal or therapeutic product that is (A)
54 used by a licensed health care provider to treat a patient in a health care
55 setting, (B) used by a patient, as prescribed or directed by a licensed
56 health care provider in any setting, or (C) any drug or device, as defined
57 in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended
58 from time to time, any combination product, as described in said act, 21
59 USC 353(g), as amended from time to time, or any biological product, as
60 described in 42 USC 262, as amended from time to time, and 21 CFR
61 600.3, as amended from time to time, authorized for sale by the United
62 States Food and Drug Administration.

63 (b) On and after January 1, 2022, no health care facility, pharmacy or
64 place of business with a pharmacy located therein may sell electronic
65 nicotine delivery systems or vapor products in this state. Any dealer
66 registration to sell electronic nicotine delivery systems or vapor
67 products issued under chapter 420g of the general statutes to a health
68 care facility, pharmacy or place of business with a pharmacy located
69 therein prior to January 1, 2022, shall be void on and after said date.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2021	New section

Sec. 2	July 1, 2021	New section
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Statement of Legislative Commissioners:

In Section 1(a)(4), "this part and part II of this chapter" was changed to "parts I and II of chapter 214 of the general statutes" for clarity; in Section 1(b) "void and invalid" was changed to "void" for internal consistency; and in Section 2(b) "license" was changed to "dealer registration" for accuracy.

PH *Joint Favorable Subst.*

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.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Resources of the General Fund	GF - Revenue Loss	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill prohibits health care facilities, pharmacies, and businesses with a pharmacy located within them from selling cigarettes, tobacco products, e-cigarettes, and vapor products resulting in a revenue loss to the state.

In FY 20 tobacco products and cigarette dealers' licenses totaled \$910,000 in revenue and e-cigarettes and vapor products generated \$790,000 in revenue, it is unknown how many licenses would be affected under the bill.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses affected.

OLR Bill Analysis**sSB 115*****AN ACT PROHIBITING THE SALE OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS BY HEALTH CARE FACILITIES, PHARMACIES AND PLACES OF BUSINESS WITH A PHARMACY LOCATED THEREIN.*****SUMMARY**

Starting January 1, 2022, this bill prohibits health care facilities, pharmacies, and businesses with a pharmacy located within them, from selling cigarettes, tobacco products, e-cigarettes, or vapor products in Connecticut. On that date, the bill voids and invalidates any license issued to these entities prior to January 1, 2022, to sell these products.

EFFECTIVE DATE: July 1, 2021

BACKGROUND***Related Acts***

sSB 326 (File 98), favorably reported by the Public Health Committee, 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.

sSB 985, favorably reported by the Children's Committee, generally prohibits e-cigarette dealers from selling, offering or displaying for sale, or possessing with the intent to sell, flavored e-cigarettes and vapor products.

HB 6450 (§§ 1-6), favorably reported by the Public Health Committee, makes various changes to e-cigarette and smoking laws, such as prohibiting e-cigarette dealers from selling, giving, or possessing with the intent to sell, e-cigarettes and vapor products with a flavoring agent

other than tobacco or more than a specified amount of nicotine.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 18 Nay 15 (03/29/2021)