



General Assembly

Amendment

January Session, 2021

LCO No. 8368



Offered by:

REP. LINEHAN, 103rd Dist.

SEN. ANWAR, 3rd Dist.

REP. WELANDER, 114th Dist.

To: Subst. House Bill No. 6110

File No. 150

Cal. No. 139

"AN ACT CONCERNING THE ONLINE SALE AND DELIVERY OF ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS."

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- 1 In line 38, strike "thirty-day" and insert in lieu thereof "one month"
- 2 After the last section, add the following and renumber sections and
- 3 internal references accordingly:
- 4 "Sec. 501. Subsection (a) of section 21a-415 of the general statutes is
- 5 repealed and the following is substituted in lieu thereof (*Effective July 1,*
- 6 *2021*):
- 7 (a) As used in this chapter and section 53-344:
- 8 (1) "Authorized owner" means the owner or authorized designee of a
- 9 business entity that is applying for a registration or is registered with
- 10 the Department of Consumer Protection pursuant to this chapter;

11 (2) "Business entity" means any corporation, limited liability
12 company, association, partnership, sole proprietorship, government,
13 governmental subdivision or agency, business trust, estate, trust or any
14 other legal entity;

15 (3) "Characterizing flavor" means a distinguishable taste or aroma,
16 including, but not limited to, a taste or aroma relating to plants, fruits,
17 chocolate, menthol, mint, wintergreen, vanilla, honey, candy, cocoa,
18 desserts, alcoholic beverages, herbs or spices, but not including the taste
19 or aroma of tobacco;

20 [(3)] (4) "Dealer registration" means an electronic nicotine delivery
21 system certificate of dealer registration issued by the Commissioner of
22 Consumer Protection pursuant to this section;

23 [(4)] (5) "Manufacturer registration" means an electronic nicotine
24 delivery system certificate of manufacturer registration issued by the
25 Commissioner of Consumer Protection pursuant to section 21a-415a to
26 any person who mixes, compounds, repackages or resizes any nicotine-
27 containing electronic nicotine delivery system or vapor product;

28 [(5)] (6) "Electronic cigarette liquid" means a liquid, including, but not
29 limited to, a concentrated plant extract or oil, that, when used in an
30 electronic nicotine delivery system or vapor product, produces a vapor
31 that may or may not include nicotine and [is] may be inhaled by the user
32 of such electronic nicotine delivery system or vapor product;

33 [(6)] (7) "Electronic nicotine delivery system" means an electronic
34 device used in the delivery of nicotine or other substances to a person
35 inhaling from the device, and includes, but is not limited to, an
36 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe
37 or electronic hookah and any related device and any cartridge or other
38 component of such device, including, but not limited to, electronic
39 cigarette liquid;

40 [(7)] (8) "Vapor product" means any product that employs a heating
41 element, power source, electronic circuit or other electronic, chemical or

42 mechanical means, regardless of shape or size, to produce a vapor that
 43 may include nicotine and is inhaled by the user of such product. "Vapor
 44 product" does not include (A) a medicinal or therapeutic product that
 45 does not utilize a concentrated plant extract or oil to produce a vapor
 46 with a characterizing flavor, and is [(A)] used by a (i) licensed health
 47 care provider to treat a patient in a health care setting, [(B) used by a] or
 48 (ii) patient, as prescribed or directed by a licensed health care provider
 49 in any setting, or [(C)] (B) any drug or device, as defined in the federal
 50 Food, Drug and Cosmetic Act, 21 USC 321, as amended from time to
 51 time, [any] combination product, as described in said act, 21 USC 353(g),
 52 as amended from time to time, or [any] biological product, as described
 53 in 42 USC 262, as amended from time to time, and 21 CFR 600.3, as
 54 amended from time to time, authorized for sale by the United States
 55 Food and Drug Administration;

56 [(8)] (9) "Sale" or "sell" means an act done intentionally by any person,
 57 whether done as principal, proprietor, agent, servant or employee, of
 58 transferring, or offering or attempting to transfer, for consideration,
 59 including bartering or exchanging, or offering to barter or exchange; and

60 [(9)] (10) "Deliver" or "delivering" means an act done intentionally by
 61 any person, whether as principal, proprietor, agent, servant or
 62 employee, of transferring, or offering or attempting to transfer, physical
 63 possession or control of an electronic nicotine delivery system or vapor
 64 product."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	July 1, 2021	21a-415(a)