



General Assembly

January Session, 2023

***Raised Bill No. 6488***

LCO No. 3042



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING CIGARETTES, TOBACCO PRODUCTS,  
ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR  
PRODUCTS.***

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

1 Section 1. Subsection (a) of section 12-285 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (a) As used in this chapter and section 2 of this act, unless the context  
5 otherwise requires:

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

9 (2) "Distributor" means (A) any person in this state engaged in the  
10 business of manufacturing cigarettes; (B) any person, other than a  
11 buying pool, who purchases cigarettes at wholesale from manufacturers  
12 or other distributors for sale to licensed dealers, and who maintains an  
13 established place of business, including a location used exclusively for

14 such business, which has facilities in which a substantial stock of  
15 cigarettes and related merchandise for resale can be kept at all times,  
16 and who sells at least seventy-five per cent of such cigarettes to retailers  
17 who, at no time, shall own any interest in the business of the distributor  
18 as a partner, stockholder or trustee; (C) any person operating five or  
19 more retail stores in this state for the sale of cigarettes, or franchising  
20 five or more retail stores in this state for the sale of cigarettes who shares  
21 in the gross profits generated by such stores and who purchases  
22 cigarettes at wholesale for sale to dealers but sells such cigarettes  
23 exclusively to retail stores such person is operating or franchising; (D)  
24 any person operating and servicing twenty-five or more cigarette  
25 vending machines in this state who buys such cigarettes at wholesale  
26 and sells them exclusively in such vending machines. If a person  
27 qualified as a distributor in accordance with this subparagraph, in  
28 addition sells cigarettes other than in vending machines, such person  
29 shall be required to be qualified as a distributor in accordance with  
30 subparagraph (B) of this subdivision and have an additional  
31 distributor's license for purposes of such other sales; (E) any person who  
32 imports into this state unstamped cigarettes, at least seventy-five per  
33 cent of which are to be sold to others for resale; and (F) any person  
34 operating storage facilities for unstamped cigarettes in this state;

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

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

45 (5) "Dealer" means any person other than a distributor who is  
46 engaged in this state in the business of selling cigarettes, including any

47 person operating and servicing fewer than twenty-five cigarette  
48 vending machines, and any person who is engaged in the business of  
49 selling taxed tobacco products, as defined in section 12-330a, at retail;

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

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

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

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

65 (10) "Tobacco products" has the same meaning as provided in section  
66 12-330a; and

67 (11) "Taxed tobacco products" has the same meaning as provided in  
68 section 12-330a.

69 Sec. 2. (NEW) (*Effective from passage*) (a) For purposes of this section,  
70 "flavored" means imparting a distinguishable taste or aroma, including,  
71 but not limited to, tastes or aromas relating to any fruit, chocolate, mint,  
72 wintergreen, vanilla, honey, candy, cocoa, dessert, alcoholic beverage,  
73 herb or spice, but does not include the taste or aroma of tobacco or  
74 menthol.

75 (b) On and after October 1, 2023, no distributor or dealer shall sell,  
76 offer for sale, display for sale or possess with intent to sell any flavored

77 cigarette or flavored tobacco product. No cigarette or tobacco product  
78 shall be determined to be flavored solely because of the use of additives  
79 or flavoring or the inclusion of ingredient information. A public  
80 statement, claim or indicia made or disseminated by the manufacturer  
81 of the cigarette or tobacco product, or any person authorized by the  
82 manufacturer to make or disseminate public statements concerning  
83 such cigarette or tobacco product, that such cigarette or tobacco product  
84 has or produces a characterizing flavor shall constitute prima facie  
85 evidence that such cigarette or tobacco product is a flavored cigarette or  
86 tobacco product.

87 (c) If the Commissioner of Revenue Services finds, after a hearing,  
88 that a distributor or dealer knowingly violated any provision of  
89 subsection (b) of this section, the commissioner shall assess such  
90 distributor or dealer a civil penalty as follows: (1) Three hundred dollars  
91 for the first violation; (2) seven hundred fifty dollars for a second  
92 violation on or before thirty-six months after the date of the first  
93 violation; or (3) one thousand dollars and suspend for not less than  
94 thirty days or revoke any license held by such distributor or dealer for a  
95 third violation on or before thirty-six months after the date of the first  
96 violation. The commissioner shall revoke any license held by such  
97 distributor or dealer for a fourth violation on or before thirty-six months  
98 after the date of the first violation.

99 Sec. 3. Subsection (a) of section 21a-415 of the general statutes is  
100 repealed and the following is substituted in lieu thereof (*Effective from*  
101 *passage*):

102 (a) As used in this chapter, [and] section 53-344 and section 4 of this  
103 act:

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

107 (2) "Business entity" means any corporation, limited liability  
108 company, association, partnership, sole proprietorship, government,

109 governmental subdivision or agency, business trust, estate, trust or any  
110 other legal entity;

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

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

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

123 (6) "Electronic nicotine delivery system" means an electronic device  
124 used in the delivery of nicotine or other substances to a person inhaling  
125 from the device, and includes, but is not limited to, an electronic  
126 cigarette, electronic cigar, electronic cigarillo, electronic pipe or  
127 electronic hookah and any related device and any cartridge or other  
128 component of such device, including, but not limited to, electronic  
129 cigarette liquid;

130 (7) "Vapor product" means any product that employs a heating  
131 element, power source, electronic circuit or other electronic, chemical or  
132 mechanical means, regardless of shape or size, to produce a vapor that  
133 may include nicotine and is inhaled by the user of such product. "Vapor  
134 product" does not include a medicinal or therapeutic product that is (A)  
135 used by a licensed health care provider to treat a patient in a health care  
136 setting, (B) used by a patient, as prescribed or directed by a licensed  
137 health care provider in any setting, or (C) any drug or device, as defined  
138 in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended  
139 from time to time, any combination product, as described in said act, 21  
140 USC 353(g), as amended from time to time, or any biological product, as

141 described in 42 USC 262, as amended from time to time, and 21 CFR  
142 600.3, as amended from time to time, authorized for sale by the United  
143 States Food and Drug Administration;

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

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

152 Sec. 4. (NEW) (*Effective from passage*) (a) For purposes of this section,  
153 "flavored" means imparting a distinguishable taste or aroma imparted  
154 either prior to or during the use or consumption of an electronic nicotine  
155 delivery system or vapor product, including, but not limited to, tastes  
156 or aromas relating to any fruit, chocolate, mint, wintergreen, vanilla,  
157 honey, candy, cocoa, dessert, alcoholic beverage, herb or spice, but does  
158 not include the taste or aroma of tobacco or menthol.

159 (b) On and after October 1, 2023, no person with a dealer registration  
160 issued under section 21a-415 of the general statutes, as amended by this  
161 act, shall sell, offer for sale, display for sale or possess with intent to sell  
162 any flavored electronic nicotine delivery system or flavored vapor  
163 product. No electronic nicotine delivery system or vapor product shall  
164 be determined to be flavored solely because of the use of additives or  
165 flavoring or the inclusion of ingredient information. A public statement,  
166 claim or indicia made or disseminated by the manufacturer of the  
167 electronic nicotine delivery system, vapor product or a component part  
168 of such system or product that such system, product or component part  
169 thereof has or produces a characterizing flavor shall constitute prima  
170 facie that such system, product or component part thereof is a flavored  
171 electronic nicotine delivery system or flavored vapor product.

172 (c) If the Commissioner of Revenue Services finds, after a hearing,

173 that any such person knowingly violated any provision of subsection (b)  
174 of this section, the commissioner shall assess such person a civil penalty  
175 as follows: (1) Three hundred dollars for the first violation; (2) seven  
176 hundred fifty dollars for a second violation on or before thirty-six  
177 months after the date of the first violation; or (3) one thousand dollars  
178 and suspend for not less than thirty days or revoke any dealer  
179 registration held by such person for a third violation on or before thirty-  
180 six months after the date of the first violation. The commissioner shall  
181 revoke any dealer registration held by such person for a fourth violation  
182 on or before thirty-six months after the date of the first violation.

183       Sec. 5. (NEW) (*Effective from passage*) (a) As used in this section: (1)  
184 "Smoke" or "smoking" means the lighting or carrying of a lighted  
185 cigarette, cigar, pipe or similar device; (2) "electronic nicotine delivery  
186 system" has the same meaning as provided in section 19a-342a of the  
187 general statutes; (3) "vapor product" has the same meaning as provided  
188 in said section; and (4) "minor" means an individual who is under  
189 eighteen years of age.

190       (b) On and after October 1, 2023, no person shall smoke or use an  
191 electronic nicotine delivery system or vapor product in a motor vehicle,  
192 as defined in section 14-1 of the general statutes, when a minor is present  
193 in such vehicle.

194       (c) Prior to October 1, 2024, any person who violates any provision of  
195 subsection (b) of this section shall be issued a verbal warning for such  
196 violation. On and after October 1, 2024, any person who violates any  
197 provision of subsection (b) of this section shall have committed an  
198 infraction.

199       (d) No law enforcement official may stop a motor vehicle solely  
200 because a person is or appears to be smoking or using an electronic  
201 nicotine delivery system or vapor product in such vehicle when a minor  
202 is present in such vehicle.

203       (e) Smoking and the use of an electronic nicotine delivery system or  
204 vapor product in a motor vehicle in violation of this section shall not

205 constitute probable cause for a law enforcement official to conduct a  
206 search of such vehicle and its contents.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	12-285(a)
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	21a-415(a)
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section

**Statement of Purpose:**

To prohibit (1) the sale of flavored cigarettes, tobacco products, electronic nicotine delivery systems and vapor products, and (2) smoking and the use of electronic nicotine delivery systems and vapor products in a motor vehicle while a minor is present in such vehicle.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*