



House of Representatives

General Assembly

File No. 896

January Session, 2025

Substitute House Bill No. 7275

House of Representatives, May 12, 2025

The Committee on Finance, Revenue and Bonding reported through REP. HORN of the 64th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE REGULATION OF 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 (b) of section 12-285 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*
3 *2025*):

4 (b) As used in this part and part II only of this chapter:

5 (1) "Cigarette" means [and includes any roll for smoking made
6 wholly or in part of tobacco, irrespective of size or shape, and
7 irrespective of whether the tobacco is flavored, adulterated or mixed
8 with any other ingredient, where such roll has a wrapper or cover made
9 of paper or any other material] any product that contains nicotine, is
10 intended to be burned or heated under ordinary conditions of use and
11 consists of or contains (A) any roll of tobacco wrapped in paper or in
12 any substance not containing tobacco, (B) tobacco, in any form, that is

13 functional in the product, which, because of its appearance, the type of
14 tobacco used in the filler or its packaging and labeling, is likely to be
15 offered to or purchased by consumers as a cigarette, or (C) any roll of
16 tobacco wrapped in any substance containing tobacco which, because of
17 its appearance, the type of tobacco used in the filler or its packaging and
18 labeling, is likely to be offered to, or purchased by, consumers as a
19 cigarette described in subparagraph (A) of this subdivision, except
20 where such wrapper is wholly or in the greater part made of tobacco
21 and such roll weighs over three pounds per thousand, provided, if any
22 roll [for smoking] has a wrapper made of homogenized tobacco or
23 natural leaf tobacco [,] and the roll is a cigarette size so that it weighs
24 three pounds or less per thousand, such roll is a cigarette and subject to
25 the tax imposed by this part and part II of this chapter. "Cigarette"
26 includes any roll, stick or capsule of tobacco, regardless of shape or size,
27 that is intended to be heated under ordinary conditions of use; and

28 (2) "Unstamped cigarette" means any package of cigarettes to which
29 the proper amount of Connecticut cigarette tax stamps have not been
30 affixed.

31 Sec. 2. Section 12-285c of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective July 1, 2025*):

33 (a) (1) No person engaged in the business of selling cigarettes or
34 tobacco products, as defined in section 12-330a, shall ship or transport
35 or cause to be shipped or transported any cigarettes or tobacco products
36 to any person in this state except to: [(1)] (A) A cigarette distributor or
37 dealer; [(2)] (B) an export warehouse proprietor pursuant to Chapter 52
38 of the Internal Revenue Code of 1986, or any subsequent corresponding
39 internal revenue code of the United States, as amended from time to
40 time, or an operator of a customs bonded warehouse pursuant to 19 USC
41 1311 or 1555; [or (3)] (C) a person who is an officer, employee or agent
42 of the United States Government, this state or a department, agency,
43 instrumentality or political subdivision of the United States or of this
44 state, when such person is acting in accordance with such person's
45 official duties. Notwithstanding the provisions of section 12-15, the

46 Commissioner of Revenue Services shall publish on the Internet web
47 site of the Department of Revenue Services a list of every cigarette
48 distributor or dealer; or (D) a customer when the shipment consists
49 solely of premium cigars.

50 (2) As used in this subsection, (A) "cigarette distributor or dealer"
51 means a person licensed as a cigarette distributor under section 12-288
52 or licensed as a dealer under section 12-287 or a person whose name
53 appears on a list of licensed distributors and dealers published by the
54 Commissioner of Revenue Services, and (B) "premium cigar" means a
55 cigar that is handmade; is not mass-produced by use of mechanization;
56 has a wrapper made entirely from whole tobacco leaf; has no filter, tip
57 or nontobacco mouthpiece; is capped by hand; and has a wholesale price
58 of not less than thirty dollars per cigar.

59 (b) No common or contract carrier shall knowingly transport
60 cigarettes or tobacco products to a residential dwelling or to any person
61 in this state who the common or contract carrier reasonably believes is
62 not a person described in [subdivisions (1) to (3)] subparagraphs (A) to
63 (D), inclusive, of subdivision (1) of subsection (a) of this section. No
64 person other than a common or contract carrier shall knowingly
65 transport cigarettes or tobacco products to any person in this state who
66 is not a person described in [subdivisions (1) to (3)] subparagraphs (A)
67 to (D), inclusive, of subdivision (1) of subsection (a) of this section.

68 (c) When a person engaged in the business of selling cigarettes or
69 tobacco products ships or transports or causes to be shipped or
70 transported any cigarettes or tobacco products to any described person
71 in this state, other than in the [cigarette] manufacturer's original
72 container or wrapping, the container or wrapping shall be plainly and
73 visibly marked with the word "cigarettes" or "tobacco products", as
74 applicable. Any person engaged in the business of selling cigarettes or
75 tobacco products who ships or causes to be shipped any cigarettes or
76 tobacco products to any described person in this state (1) shall require,
77 as a condition of delivery, the customer who is receiving the cigarettes
78 or tobacco products to sign an acknowledgment of receipt and provide

79 proper proof of age, and (2) may not sell such cigarettes or tobacco
80 products to such customer unless such proof of age is provided. For
81 purposes of this subsection, "described person" means a person
82 described in [subdivisions (1) to (3)] subparagraphs (A) to (D), inclusive,
83 of subdivision (1) of subsection (a) of this section.

84 (d) Whenever any cigarettes or tobacco products have been or are
85 being shipped or transported in violation of this section, such cigarettes
86 or tobacco products are declared to be contraband goods and the
87 confiscation, search and forfeiture provisions of section 12-305 shall
88 apply.

89 (e) Any person who violates the provisions of subsection (a), (b) or (c)
90 of this section shall be guilty of a class A misdemeanor and, for a second
91 or subsequent violation, shall be guilty of a class C felony.

92 (f) The Commissioner of Revenue Services may impose a civil penalty
93 of not more than ten thousand dollars for each violation of subsection
94 (a), (b) or (c) of this section. For purposes of this subsection, each
95 shipment or transport of cigarettes or tobacco products shall constitute
96 a separate violation. The Attorney General, upon request of the
97 commissioner, may bring an action in the superior court for the judicial
98 district of Hartford to collect such civil penalty and for any injunctive or
99 equitable relief. In any action brought by the Attorney General to
100 enforce the provisions of section 12-285b or this section, the state shall
101 be entitled to recover, when it is the prevailing party, the costs of
102 investigation, expert witness fees, costs of the action, and reasonable
103 attorneys' fees.

104 (g) A violation of subsection (a), (b) or (c) of this section shall be an
105 unfair trade practice pursuant to subsection (a) of section 42-110b and
106 the Commissioner of Consumer Protection may authorize the
107 Commissioner of Revenue Services to bring an action pursuant to said
108 section.

109 Sec. 3. Section 21a-418 of the general statutes is repealed and the
110 following is substituted in lieu thereof (*Effective July 1, 2025*):

111 (a) As used in this section:

112 (1) "Person" means any individual, firm, fiduciary, partnership,
113 corporation, limited liability company, trust or association, however
114 formed;

115 (2) "Electronic nicotine delivery system" has the same meaning as
116 provided in section 21a-415; and

117 (3) "Vapor product" has the same meaning as provided in section 21a-
118 415.

119 [(b) A person with an electronic nicotine delivery system certificate
120 of dealer registration, when selling and shipping an electronic nicotine
121 delivery system or a vapor product directly to a consumer in the state,
122 shall: (1) Ensure that the shipping labels on all containers of an electronic
123 nicotine delivery system or vapor product shipped directly to a
124 consumer in the state conspicuously states the following: "CONTAINS
125 AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR VAPOR
126 PRODUCT – SIGNATURE OF A PERSON AGE 21 OR OLDER
127 REQUIRED FOR DELIVERY"; and (2) obtain the signature of a person
128 age twenty-one or older at the shipping address prior to delivery, after
129 requiring the signer to demonstrate that he or she is age twenty-one or
130 older by providing a valid motor vehicle operator's license or a valid
131 identity card described in section 1-1h.]

132 (b) No person engaged in the business of selling electronic nicotine
133 delivery systems or vapor products shall ship or transport or cause to
134 be shipped or transported any electronic nicotine delivery system or
135 vapor product to any person in this state except to: (1) A person holding
136 a dealer registration or a manufacturer registration, as those terms are
137 defined in section 21a-415; or (2) a person who is an officer, employee or
138 agent of the United States Government, this state or a department,
139 agency, instrumentality or political subdivision of the United States or
140 of this state, when such person is acting in accordance with such
141 person's official duties. The Commissioner of Consumer Protection shall
142 publish on the Internet web site of the Department of Consumer

143 Protection a list of every person that holds a dealer registration or a
144 manufacturer registration.

145 (c) No common or contract carrier shall knowingly transport
146 electronic nicotine delivery systems or vapor products to a residential
147 dwelling or to any person in this state who the common or contract
148 carrier reasonably believes is not a person described in subdivision (1)
149 or (2) of subsection (b) of this section. No person other than a common
150 or contract carrier shall knowingly transport electronic cigarette
151 products to any person in this state who is not a described person. For
152 purposes of this subsection and subsection (d) of this section, "described
153 person" means a person described in subdivision (1) or (2) of subsection
154 (b) of this section.

155 (d) When a person engaged in the business of selling electronic
156 nicotine delivery systems or vapor products ships or transports or
157 causes to be shipped or transported any electronic nicotine delivery
158 system or vapor product to a described person in this state, other than
159 in the electronic nicotine delivery system's or vapor product's original
160 container or wrapping, the container or wrapping shall be plainly and
161 visibly marked with the following: "CONTAINS AN ELECTRONIC
162 NICOTINE DELIVERY SYSTEM OR VAPOR PRODUCT –
163 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
164 DELIVERY". Any person engaged in the business of selling electronic
165 nicotine delivery systems or vapor products who ships or causes to be
166 shipped any electronic nicotine delivery system or vapor product to any
167 described person in this state (1) shall require, as a condition of delivery,
168 the customer who is receiving the electronic nicotine delivery system or
169 vapor product to sign an acknowledgment of receipt and provide
170 proper proof of age, and (2) may not sell such electronic nicotine
171 delivery system or vapor product to such customer unless such proof of
172 age is provided.

173 (e) Whenever any electronic nicotine delivery system or vapor
174 product has been or is being shipped or transported in violation of this
175 section, such electronic nicotine delivery system or vapor product is

176 declared to be contraband goods and shall be subject to confiscation,
177 storage and destruction. The costs of such confiscation, storage and
178 destruction shall be charged to the person who shipped or transported
179 or caused to be shipped or transported such electronic nicotine delivery
180 system or vapor product.

181 (f) Any person who violates the provisions of subsection (b), (c) or (d)
182 of this section shall be guilty of a class B misdemeanor and, for a second
183 or subsequent violation, shall be guilty of a class A misdemeanor.

184 (g) The Commissioner of Revenue Services may impose a civil
185 penalty of not more than ten thousand dollars for each violation of
186 subsection (b), (c) or (d) of this section. For purposes of this subsection,
187 each shipment or transport of an electronic nicotine delivery system or
188 a vapor product shall constitute a separate violation.

189 (h) A violation of subsection (b), (c) or (d) of this section shall be an
190 unfair trade practice pursuant to subsection (a) of section 42-110b and
191 the Commissioner of Consumer Protection may authorize the
192 Commissioner of Revenue Services to bring an action pursuant to said
193 section.

194 Sec. 4. Section 53-344b of the general statutes is repealed and the
195 following is substituted in lieu thereof (*Effective July 1, 2025*):

196 (a) As used in this section:

197 (1) "Electronic nicotine delivery system" has the same meaning as
198 provided in section 21a-415;

199 (2) "Cardholder" means any person who presents a driver's license, a
200 passport or an identity card to a seller or seller's agent or employee, to
201 purchase or receive an electronic nicotine delivery system or a vapor
202 product from such seller or seller's agent or employee;

203 (3) "Identity card" means an identification card issued in accordance
204 with the provisions of section 1-1h;

205 (4) "Transaction scan" means the process by which a seller or seller's
206 agent or employee checks, by means of a transaction scan device, the
207 validity of a driver's license, a passport or an identity card;

208 (5) "Transaction scan device" means any commercial device or
209 combination of devices used at a point of sale that is capable of
210 deciphering in an electronically readable format the information
211 encoded on the magnetic strip or bar code of a driver's license, a
212 passport or an identity card;

213 (6) "Sale" or "sell" means an act done intentionally by any person,
214 whether done as principal, proprietor, agent, servant or employee, of
215 transferring, or offering or attempting to transfer, for consideration, an
216 electronic nicotine delivery system or a vapor product, including
217 bartering or exchanging, or offering to barter or exchange, an electronic
218 nicotine delivery system or a vapor product;

219 (7) "Give" or "giving" means an act done intentionally by any person,
220 whether done as principal, proprietor, agent, servant or employee, of
221 transferring, or offering or attempting to transfer, without
222 consideration, an electronic nicotine delivery system or a vapor product;

223 (8) "Deliver" or "delivering" means an act done intentionally by any
224 person, whether as principal, proprietor, agent, servant or employee, of
225 transferring, or offering or attempting to transfer, physical possession
226 or control of an electronic nicotine delivery system or a vapor product;

227 (9) "Vapor product" has the same meaning as provided in section 21a-
228 415; and

229 (10) "Seller" means any person who sells, gives or delivers an
230 electronic nicotine delivery system or a vapor product.

231 (b) Any person who sells, gives or delivers to any person under
232 twenty-one years of age an electronic nicotine delivery system or a
233 vapor product in any form shall be fined not more than [three hundred
234 dollars for the first offense, not more than seven hundred fifty dollars
235 for a second offense on or before twenty-four months after the date of

236 the first offense and not more than] one thousand dollars for each
237 [subsequent] offense. [on or before twenty-four months after the date of
238 the first offense.] The provisions of this subsection shall not apply to a
239 person under twenty-one years of age who is delivering or accepting
240 delivery of an electronic nicotine delivery system or a vapor product (1)
241 in such person's capacity as an employee, or (2) as part of a scientific
242 study being conducted by an organization for the purpose of medical
243 research to further efforts in tobacco use prevention and cessation,
244 provided such medical research has been approved by the
245 organization's institutional review board, as defined in section 21a-408.

246 (c) Any person under twenty-one years of age who misrepresents
247 such person's age to purchase an electronic nicotine delivery system or
248 a vapor product in any form shall be fined not more than fifty dollars
249 for the first offense and not less than fifty dollars or more than one
250 hundred dollars for each subsequent offense.

251 (d) (1) A seller or seller's agent or employee shall request that each
252 person intending to purchase an electronic nicotine delivery system or
253 a vapor product present a driver's license, a passport or an identity card
254 to establish that such person is twenty-one years of age or older.

255 ~~[(d) (1)]~~ (2) A seller or seller's agent or employee may perform a
256 transaction scan to check the validity of a driver's license, a passport or
257 an identity card presented by a cardholder as a condition for selling,
258 giving or otherwise delivering an electronic nicotine delivery system or
259 a vapor product to the cardholder.

260 ~~[(2)]~~ (3) If the information deciphered by the transaction scan
261 performed under subdivision ~~[(1)]~~ (2) of this subsection fails to match
262 the information printed on the driver's license, passport or identity card
263 presented by the cardholder, or if the transaction scan indicates that the
264 information so printed is false or fraudulent, neither the seller nor any
265 seller's agent or employee shall sell, give or otherwise deliver any
266 electronic nicotine delivery system or vapor product to the cardholder.

267 [(3) Subdivision (1) of this subsection does not preclude a seller or

268 seller's agent or employee from using a transaction scan device to check
269 the validity of a document other than a driver's license or an identity
270 card, if the document includes a bar code or magnetic strip that may be
271 scanned by the device, as a condition for selling, giving or otherwise
272 delivering an electronic nicotine delivery system or vapor product to the
273 person presenting the document.]

274 (e) (1) No seller or seller's agent or employee shall electronically or
275 mechanically record or maintain any information derived from a
276 transaction scan, except the following: (A) The name and date of birth
277 of the person listed on the driver's license, passport or identity card
278 presented by a cardholder; and (B) the expiration date and identification
279 number of the driver's license, passport or identity card presented by a
280 cardholder.

281 (2) No seller or seller's agent or employee shall use a transaction scan
282 device for a purpose other than the purposes specified in subsection (d)
283 of this section, subsection (d) of section 53-344 or subsection (c) of
284 section 30-86.

285 (3) No seller or seller's agent or employee shall sell or otherwise
286 disseminate the information derived from a transaction scan to any third
287 party, including, but not limited to, selling or otherwise disseminating
288 that information for any marketing, advertising or promotional
289 activities, but a seller or seller's agent or employee may release that
290 information pursuant to a court order.

291 (4) Nothing in subsection (d) of this section or this subsection relieves
292 a seller or seller's agent or employee of any responsibility to comply
293 with any other applicable state or federal laws or rules governing
294 selling, giving or otherwise delivering electronic nicotine delivery
295 systems or vapor products.

296 (5) Any person who violates this subsection shall be subject to a civil
297 penalty of not more than one thousand dollars.

298 (f) (1) In any prosecution of a seller or seller's agent or employee for

299 a violation of subsection (b) of this section, it shall be an affirmative
300 defense that all of the following occurred: (A) A cardholder attempting
301 to purchase or receive an electronic nicotine delivery system or a vapor
302 product presented a driver's license, a passport or an identity card; (B)
303 a transaction scan of the driver's license, passport or identity card that
304 the cardholder presented indicated that the driver's license, passport or
305 identity card was valid and indicated that the cardholder was at least
306 twenty-one years of age; and (C) the electronic nicotine delivery system
307 or vapor product was sold, given or otherwise delivered to the
308 cardholder in reasonable reliance upon the identification presented and
309 the completed transaction scan.

310 (2) In determining whether a seller or seller's agent or employee has
311 proven the affirmative defense provided by subdivision (1) of this
312 section, the trier of fact in such prosecution shall consider that
313 reasonable reliance upon the identification presented and the completed
314 transaction scan may require a seller or seller's agent or employee to
315 exercise reasonable diligence and that the use of a transaction scan
316 device does not excuse a seller or seller's agent or employee from
317 exercising such reasonable diligence to determine the following: (A)
318 Whether a person to whom the seller or seller's agent or employee sells,
319 gives or otherwise delivers an electronic nicotine delivery system or a
320 vapor product is twenty-one years of age or older; and (B) whether the
321 description and picture appearing on the driver's license, passport or
322 identity card presented by a cardholder is that of the cardholder.

323 (g) Each seller of electronic nicotine delivery systems or vapor
324 products or such seller's agent or employee shall require a person who
325 is purchasing or attempting to purchase an electronic nicotine delivery
326 system or a vapor product and appears to be under the age of thirty to
327 exhibit proper proof of age. If a person fails to provide such proof of age,
328 such seller or seller's agent or employee shall not sell an electronic
329 nicotine delivery system or a vapor product to the person. As used in
330 this subsection, "proper proof" means a motor vehicle operator's license,
331 a valid passport or an identity card issued in accordance with the
332 provisions of section 1-1h.

333 (h) The Commissioner of Consumer Protection may suspend or
334 revoke, pursuant to chapter 420g, the dealer registration of a person who
335 violates any provision of this section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2025</i>	12-285(b)
Sec. 2	<i>July 1, 2025</i>	12-285c
Sec. 3	<i>July 1, 2025</i>	21a-418
Sec. 4	<i>July 1, 2025</i>	53-344b

FIN *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 26 \$	FY 27 \$
Revenue Serv., Dept.	GF - Potential Cost	Up to 230,000	Up to 230,000
State Comptroller - Fringe Benefits ¹	GF - Potential Cost	Up to 93,633	Up to 93,633
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes various changes regarding the cigarette, tobacco, and electronic nicotine delivery system and vapor product laws resulting in the following impact.

Section 1 expands the definition of "cigarette" for tax purposes to include any roll, stick, or capsule of tobacco intended to be heated under ordinary conditions of use. This results in a potential revenue gain which is anticipated to be initially minimal, but which may grow in the future depending on market share.

Section 2 and 3 create two new unfair trade practice violations concerning the selling and transporting of cigarettes, tobacco, and electronic nicotine delivery systems or vapor products resulting in no

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 40.71% of payroll in FY 26.

fiscal impact to the Department of Consumer Protection as the agency has the expertise and resources to meet the requirements of the bill. These sections, which authorizes the Department of Revenue Services (DRS) to bring an action for violations, results in (1) a potential cost to DRS of up to \$230,000 and (2) a potential cost to the Office of the State Comptroller Fringe Benefits account of up to \$93,633 associated with the hiring of two Staff Attorney positions. As the language of the bill is permissive, it is not anticipated that DRS would bring an action unless the necessary resources are available.

Section 2 expands an existing class A misdemeanor and an existing class C felony which results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300² while the average marginal cost for supervision in the community is less than \$600³ each year for adults and \$450 each year for juveniles.

Section 3 creates a class B misdemeanor for a first offense of improperly transporting e-cigarettes or vape products and a class A misdemeanor for subsequent offenses, which results in a potential cost to the Judicial Department for probation and a potential revenue gain to the General Fund for fines.

Section 4 adds to the list of what violations qualify for a civil penalty of up to \$1,000 resulting in a potential revenue gain to the state to the extent violations occur.

The Out Years

²Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above will continue into the future subject to growth in the market for cigarette products covered under the bill and the number of violations.

OLR Bill Analysis**sHB 7275*****AN ACT CONCERNING THE REGULATION OF CIGARETTES, TOBACCO PRODUCTS, ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS.*****SUMMARY**

This bill makes various changes to state laws on cigarettes, tobacco products, and e-cigarettes. Principally, the bill:

1. modifies the definition of “cigarettes” subject to the state’s cigarette tax and other laws to, among other things, explicitly include any roll, stick, or capsule of tobacco intended to be heated under ordinary conditions of use;
2. generally extends to tobacco products the existing restrictions on shipping and transporting cigarettes in the state and the related penalties for violating these requirements;
3. makes violations of these shipping and transporting restrictions for both cigarettes and tobacco products a violation of the Connecticut Unfair Trade Practices Act (CUTPA);
4. imposes similar restrictions and penalties on shipping and transporting electronic nicotine delivery systems and vapor products (e-cigarettes) and makes any violation of these provisions a CUTPA violation;
5. specifically requires e-cigarette sellers to ask prospective buyers to present a driver’s license, passport, or identity (ID) card to verify that they are at least 21 years old and allows them to use electronic scanners to check a passport’s validity, just as current law allows them to for driver’s licenses and ID cards; and

6. increases the maximum fines that may be imposed on anyone who sells, gives, or delivers an e-cigarette to a minor.

EFFECTIVE DATE: July 1, 2025

§ 1 — CIGARETTES

Definition

The bill modifies the definition of “cigarette” under the cigarette tax law to generally align it with the definition in the tobacco master settlement agreement (MSA) law (the 1998 agreement between Connecticut and leading tobacco companies).

The cigarette tax law broadly defines a cigarette as a roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether the tobacco is flavored, adulterated, or mixed with any other ingredient. The roll must have a wrapper or cover made of paper or any other material, and a roll with a wrapper made of homogenized tobacco or natural leaf tobacco and that is a cigarette size of three pounds or less per thousand is also considered a cigarette and subject to the tax. If the wrapper is made entirely or mostly of tobacco and the roll weighs more than three pounds per thousand, it is excluded from the definition.

Under the bill, as under the MSA law, a “cigarette” is any product that contains nicotine, is intended to be burned or heated under ordinary use, and consists of or contains the following:

1. a paper-wrapped roll of tobacco or roll of tobacco wrapped in any substance not containing tobacco;
2. tobacco in any form that is functional in the product and is likely to be offered to or purchased by a customer as a cigarette because of its appearance, the type of tobacco in the filler, or its packaging or label; or
3. a roll of tobacco wrapped in any substance containing tobacco and likely to be offered to or purchased as a cigarette as described above.

As under current law, a roll that weighs over three pounds per thousand and has a wrapper made entirely or mostly of tobacco is excluded.

The bill explicitly includes a roll, stick, or capsule of tobacco, regardless of its shape or size, that is generally intended to be heated. As under the current law, a roll is also considered a cigarette if it has a wrapper made of homogenized tobacco or natural leaf tobacco and is a cigarette size that weighs three pounds or less per thousand.

Related Laws

By modifying the definition of cigarette for purposes of the cigarette tax, the bill potentially expands the products subject to this tax (see BACKGROUND) and the existing restrictions on selling, giving, or delivering cigarettes to people under 21. It also potentially expands the distributors, retailers, and manufacturers subject to the existing laws and restrictions on selling cigarettes in Connecticut. This includes laws requiring:

1. anyone whose business includes selling cigarettes in Connecticut to have either a cigarette dealer's or cigarette distributor's license from the Department of Revenue Services (DRS),
2. those that intend to distribute cigarettes in Connecticut to have a cigarette distributor's license, and
3. tobacco product manufacturers to get and maintain a cigarette manufacturer's license and either (a) enter into and perform financial obligations under the tobacco settlement agreement or (b) pay into a qualified escrow account for each cigarette they sell in the state.

It also potentially expands the products that factor into the qualifying criteria for firefighter cancer relief benefits. By law, to qualify for the benefits, among other things, a firefighter must not have used cigarettes, as defined under the cigarette tax law, during the 15 years before the cancer diagnosis.

§ 2 — TOBACCO PRODUCTS

Shipping and Transporting Restrictions

The bill extends existing law's restrictions on shipping and transporting cigarettes to other tobacco products, except for premium cigars as described below. By law, and under the bill, tobacco products are products made from or otherwise containing tobacco, other than cigarettes and e-cigarettes.

In doing so, the bill:

1. prohibits any business that sells tobacco products from shipping or transporting them to anyone in Connecticut who is not (a) a state-licensed cigarette distributor or dealer; (b) an export warehouse proprietor or customs bonded warehouse operator; (c) a government employee, officer, or agent acting within his or her official duties; or (d) a customer receiving a shipment of only premium cigars, as described below;
2. prohibits common or contract carriers or anyone else from knowingly delivering tobacco products to a residence or to someone in Connecticut they reasonably believe is not one of the people or entities authorized to receive them;
3. requires sellers to plainly and visibly mark packages containing tobacco products as "tobacco products" when they do not ship them in the manufacturer's original container or wrapping; and
4. requires sellers shipping tobacco products to make delivery to an authorized customer conditional on signing an acknowledgement of receipt and presenting proper proof of age.

Exception for Premium Cigars

Under the bill, the prohibition on shipping and transporting tobacco products to anyone in Connecticut does not apply to customers receiving shipments of only "premium cigars." Specifically, these are handmade cigars that (1) are not mechanically mass-produced; (2) have a wrapper made entirely from whole tobacco leaf; (3) have no filter, tip,

or nontobacco mouthpiece; (4) are capped by hand; and (5) have a wholesale price of at least \$30 each.

But these premium cigar shipments are subject to the same restrictions described above for shipments of other tobacco products to authorized entities.

Penalties

Under the bill, violations of these tobacco product shipping and transporting restrictions are subject to the same penalties that apply under existing law to cigarettes. Specifically:

1. a first violation is a class A misdemeanor, punishable by up to 364 days in prison, up to a \$2,000 fine, or both;
2. subsequent violations are a class C felony, punishable by up to 10 years in prison, up to a \$10,000 fine, or both; and
3. any tobacco products sold in violation of this law are contraband and subject to confiscation.

The DRS commissioner may also impose a maximum civil penalty of \$10,000 for each violation, where each shipment is a separate violation.

The bill additionally makes violations of the cigarette and tobacco product shipping and transporting restrictions an unfair trade practice under CUTPA. It allows the Department of Consumer Protection (DCP) commissioner to authorize the DRS commissioner to bring a related action.

§§ 3 & 4 — E-CIGARETTES

Shipping and Transporting Restrictions (§ 3)

The bill places substantially similar restrictions on shipping and transporting e-cigarettes as described above for tobacco products.

Authorized Recipients. Specifically, businesses may only ship or transport e-cigarettes to a (1) DCP-registered e-cigarette dealer or manufacturer or (2) government employee, officer, or agent acting

within his or her official duties. The bill relatedly requires the DCP commissioner to publish on the department's website a list of each person that holds a dealer or manufacturer registration. It prohibits common or contract carriers or anyone else from knowingly delivering e-cigarettes to a residence or to someone in Connecticut they reasonably believe is not one of these authorized recipients.

Packaging Requirement. The bill requires e-cigarette sellers shipping or transporting e-cigarettes to these authorized recipients to plainly and visibly mark the packages when they do not ship them in their original container or wrapping. Specifically, the packages must state the following: "CONTAINS AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR VAPOR PRODUCT - SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY." It also requires these sellers to make the deliveries conditional on the customer signing an acknowledgement of receipt and presenting proper proof of age.

The bill eliminates similar packaging and age verification requirements that currently apply to e-cigarette dealers selling and shipping e-cigarettes to in-state consumers.

Seizure. Under the bill, e-cigarettes shipped or transported in violation of these provisions are contraband and subject to confiscation, storage, and destruction. The shipper or transporter is liable for all confiscation, storage, and destruction costs.

Penalties. The bill makes a first violation of these provisions a class B misdemeanor, punishable by up to six months in prison, up to a \$1,000 fine, or both, and subsequent violations a class A misdemeanor. The DRS commissioner may also impose a maximum civil penalty of \$10,000 for each violation, where each shipment or transport is a separate offense.

The bill also deems a violation of these shipping and transporting provisions an unfair trade practice under CUTPA and allows the DCP commissioner to authorize the DRS commissioner to bring a related

action.

Age Verification Requirements (§ 4)

Proof of Age. Connecticut law makes it illegal to sell, give, or deliver e-cigarettes to a minor (under age 21) and requires sellers and their agents or employees to ask a prospective buyer who appears to be under age 30 for proper proof of age, in the form of a driver's license, valid passport, or ID card. Sellers are prohibited from selling an e-cigarette to someone who does not provide this proof.

The bill additionally requires sellers and their agents or employees to ask all prospective buyers to present a driver's license, passport, or ID card to prove that they are 21 or older. A similar requirement applies under existing law to cigarette and tobacco product purchases.

Electronic Scanners. Existing law allows sellers to verify a prospective buyer's age by using an electronic scanner to check the validity of the buyer's driver's license or ID card. The bill additionally allows them to use these scanners to check a passport's validity. It makes various conforming changes to the electronic scanner laws, including:

1. barring the sale if the scan fails to match the information on the passport,
2. limiting the information that can be recorded and kept from a scan to the passport holder's name and birthdate and the passport's expiration date and identification number, and
3. allowing an affirmative defense in prosecutions for selling e-cigarettes to minors where the seller relied on a scan indicating a valid passport.

The same provisions apply to driver's licenses and ID cards under existing law. The bill also eliminates a provision allowing sellers to use an electronic scanner to check the validity of documents other than driver's licenses and ID cards if they have a scannable bar code or magnetic strip.

By law, violators of these provisions are subject to a civil penalty of up to \$1,000.

Fines for Underage Sales. The bill increases the maximum fines that may be imposed on anyone who sells, gives, or delivers an e-cigarette to a minor to \$1,000 for each offense, rather than the current maximum fines of:

1. \$300 for a first offense,
2. \$750 for a second offense committed within 24 months of the first offense, and
3. \$1,000 for each subsequent offense committed within those same 24 months.

By law, the fines do not apply to anyone who sells, gives, or delivers e-cigarettes to, or receives them from, a minor who receives or delivers them (1) as an employee or (2) as part of a qualifying scientific study.

Dealer Registration Suspension or Revocation. The bill authorizes the DCP commissioner to suspend or revoke an e-cigarette dealer's registration for violating any provision of these age verification laws.

BACKGROUND

Cigarette Tax

The cigarette tax is 217.5 mills per cigarette or \$4.35 per pack of 20. The tax is reduced by 50% for "modified risk tobacco products," as determined by the U.S. Department of Health and Human Services secretary (CGS § 12-296). Modified risk tobacco products are tobacco products sold or distributed for use to reduce harm or the risk of tobacco-related disease associated with commercially marketed tobacco products (21 U.S.C. § 387k).

CUTPA

By law, CUTPA prohibits businesses from engaging in unfair and deceptive acts or practices. It allows the DCP commissioner, under

specified procedures, to issue regulations defining an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$10,000, impose civil penalties of up to \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorney's fees; and impose civil penalties of up to \$5,000 for willful violations and up to \$25,000 for a restraining order violation.

Related Bill

sHB 7181 (File 835), favorably reported by the General Law and Judiciary committees, places similar restrictions on shipping and transporting e-cigarettes.

COMMITTEE ACTION

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 35 Nay 17 (04/24/2025)