



# House of Representatives

General Assembly

**File No. 974**

January Session, 2025

Substitute House Bill No. 7275

*House of Representatives, May 29, 2025*

The Committee on Judiciary reported through REP. STAFSTROM of the 129th 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,  
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2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  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 21a-418 of the general statutes is repealed and the  
32 following is substituted in lieu thereof (*Effective July 1, 2025*):

33 (a) As used in this section:

34 (1) "Person" means any individual, firm, fiduciary, partnership,  
35 corporation, limited liability company, trust or association, however  
36 formed;

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

39 (3) "Vapor product" has the same meaning as provided in section 21a-  
40 415.

41 [(b) A person with an electronic nicotine delivery system certificate  
42 of dealer registration, when selling and shipping an electronic nicotine  
43 delivery system or a vapor product directly to a consumer in the state,

44 shall: (1) Ensure that the shipping labels on all containers of an electronic  
45 nicotine delivery system or vapor product shipped directly to a  
46 consumer in the state conspicuously states the following: "CONTAINS  
47 AN ELECTRONIC NICOTINE DELIVERY SYSTEM OR VAPOR  
48 PRODUCT—SIGNATURE OF A PERSON AGE 21 OR OLDER  
49 REQUIRED FOR DELIVERY"; and (2) obtain the signature of a person  
50 age twenty-one or older at the shipping address prior to delivery, after  
51 requiring the signer to demonstrate that he or she is age twenty-one or  
52 older by providing a valid motor vehicle operator's license or a valid  
53 identity card described in section 1-1h.]

54 (b) No person engaged in the business of selling electronic nicotine  
55 delivery systems or vapor products shall ship or transport or cause to  
56 be shipped or transported any electronic nicotine delivery system or  
57 vapor product to any person in this state except to: (1) A person holding  
58 a dealer registration or a manufacturer registration, as those terms are  
59 defined in section 21a-415; or (2) a person who is an officer, employee or  
60 agent of the United States Government, this state or a department,  
61 agency, instrumentality or political subdivision of the United States or  
62 of this state, when such person is acting in accordance with such  
63 person's official duties. The Commissioner of Consumer Protection shall  
64 publish on the Internet web site of the Department of Consumer  
65 Protection a list of every person that holds a dealer registration or a  
66 manufacturer registration.

67 (c) No common or contract carrier shall knowingly transport  
68 electronic nicotine delivery systems or vapor products to a residential  
69 dwelling or to any person in this state who the common or contract  
70 carrier reasonably believes is not a person described in subdivision (1)  
71 or (2) of subsection (b) of this section. No person other than a common  
72 or contract carrier shall knowingly transport electronic cigarette  
73 products to any person in this state who is not a described person. For  
74 purposes of this subsection and subsection (d) of this section, "described  
75 person" means a person described in subdivision (1) or (2) of subsection  
76 (b) of this section.

77     (d) When a person engaged in the business of selling electronic  
78 nicotine delivery systems or vapor products ships or transports or  
79 causes to be shipped or transported any electronic nicotine delivery  
80 system or vapor product to a described person in this state, other than  
81 in the electronic nicotine delivery system's or vapor product's original  
82 container or wrapping, the container or wrapping shall be plainly and  
83 visibly marked with the following: "CONTAINS AN ELECTRONIC  
84 NICOTINE DELIVERY SYSTEM OR VAPOR PRODUCT –  
85 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR  
86 DELIVERY". Any person engaged in the business of selling electronic  
87 nicotine delivery systems or vapor products who ships or causes to be  
88 shipped any electronic nicotine delivery system or vapor product to any  
89 described person in this state (1) shall require, as a condition of delivery,  
90 the customer who is receiving the electronic nicotine delivery system or  
91 vapor product to sign an acknowledgment of receipt and provide  
92 proper proof of age, and (2) may not sell such electronic nicotine  
93 delivery system or vapor product to such customer unless such proof of  
94 age is provided.

95     (e) Whenever any electronic nicotine delivery system or vapor  
96 product has been or is being shipped or transported in violation of this  
97 section, such electronic nicotine delivery system or vapor product is  
98 declared to be contraband goods and shall be subject to confiscation,  
99 storage and destruction. The costs of such confiscation, storage and  
100 destruction shall be charged to the person who shipped or transported  
101 or caused to be shipped or transported such electronic nicotine delivery  
102 system or vapor product.

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

106     (g) The Commissioner of Revenue Services may impose a civil  
107 penalty of not more than ten thousand dollars for each violation of  
108 subsection (b), (c) or (d) of this section. For purposes of this subsection,  
109 each shipment or transport of an electronic nicotine delivery system or

110 a vapor product shall constitute a separate violation.

111 (h) A violation of subsection (b), (c) or (d) of this section shall be an  
112 unfair trade practice pursuant to subsection (a) of section 42-110b and  
113 the Commissioner of Consumer Protection may authorize the  
114 Commissioner of Revenue Services to bring an action pursuant to said  
115 section.

116 Sec. 3. Section 53-344b of the general statutes is repealed and the  
117 following is substituted in lieu thereof (*Effective July 1, 2025*):

118 (a) As used in this section:

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

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

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

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

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

135 (6) "Sale" or "sell" means an act done intentionally by any person,  
136 whether done as principal, proprietor, agent, servant or employee, of  
137 transferring, or offering or attempting to transfer, for consideration, an  
138 electronic nicotine delivery system or a vapor product, including

139 bartering or exchanging, or offering to barter or exchange, an electronic  
140 nicotine delivery system or a vapor product;

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

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

149 (9) "Vapor product" has the same meaning as provided in section 21a-  
150 415; and

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

153 (b) Any person who sells, gives or delivers to any person under  
154 twenty-one years of age an electronic nicotine delivery system or a  
155 vapor product in any form shall be fined not more than [three hundred  
156 dollars for the first offense, not more than seven hundred fifty dollars  
157 for a second offense on or before twenty-four months after the date of  
158 the first offense and not more than] one thousand dollars for each  
159 [subsequent] offense. [on or before twenty-four months after the date of  
160 the first offense.] The provisions of this subsection shall not apply to a  
161 person under twenty-one years of age who is delivering or accepting  
162 delivery of an electronic nicotine delivery system or a vapor product (1)  
163 in such person's capacity as an employee, or (2) as part of a scientific  
164 study being conducted by an organization for the purpose of medical  
165 research to further efforts in tobacco use prevention and cessation,  
166 provided such medical research has been approved by the  
167 organization's institutional review board, as defined in section 21a-408.

168 (c) Any person under twenty-one years of age who misrepresents  
169 such person's age to purchase an electronic nicotine delivery system or

170 a vapor product in any form shall be fined not more than fifty dollars  
171 for the first offense and not less than fifty dollars or more than one  
172 hundred dollars for each subsequent offense.

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

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

182 ~~[(2)]~~ (3) If the information deciphered by the transaction scan  
183 performed under subdivision ~~[(1)]~~ (2) of this subsection fails to match  
184 the information printed on the driver's license, passport or identity card  
185 presented by the cardholder, or if the transaction scan indicates that the  
186 information so printed is false or fraudulent, neither the seller nor any  
187 seller's agent or employee shall sell, give or otherwise deliver any  
188 electronic nicotine delivery system or vapor product to the cardholder.

189 [(3) Subdivision (1) of this subsection does not preclude a seller or  
190 seller's agent or employee from using a transaction scan device to check  
191 the validity of a document other than a driver's license or an identity  
192 card, if the document includes a bar code or magnetic strip that may be  
193 scanned by the device, as a condition for selling, giving or otherwise  
194 delivering an electronic nicotine delivery system or vapor product to the  
195 person presenting the document.]

196 (e) (1) No seller or seller's agent or employee shall electronically or  
197 mechanically record or maintain any information derived from a  
198 transaction scan, except the following: (A) The name and date of birth  
199 of the person listed on the driver's license, passport or identity card  
200 presented by a cardholder; and (B) the expiration date and identification  
201 number of the driver's license, passport or identity card presented by a

202 cardholder.

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

207 (3) No seller or seller's agent or employee shall sell or otherwise  
208 disseminate the information derived from a transaction scan to any third  
209 party, including, but not limited to, selling or otherwise disseminating  
210 that information for any marketing, advertising or promotional  
211 activities, but a seller or seller's agent or employee may release that  
212 information pursuant to a court order.

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

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

220 (f) (1) In any prosecution of a seller or seller's agent or employee for  
221 a violation of subsection (b) of this section, it shall be an affirmative  
222 defense that all of the following occurred: (A) A cardholder attempting  
223 to purchase or receive an electronic nicotine delivery system or a vapor  
224 product presented a driver's license, a passport or an identity card; (B)  
225 a transaction scan of the driver's license, passport or identity card that  
226 the cardholder presented indicated that the driver's license, passport or  
227 identity card was valid and indicated that the cardholder was at least  
228 twenty-one years of age; and (C) the electronic nicotine delivery system  
229 or vapor product was sold, given or otherwise delivered to the  
230 cardholder in reasonable reliance upon the identification presented and  
231 the completed transaction scan.

232 (2) In determining whether a seller or seller's agent or employee has

233 proven the affirmative defense provided by subdivision (1) of this  
234 section, the trier of fact in such prosecution shall consider that  
235 reasonable reliance upon the identification presented and the completed  
236 transaction scan may require a seller or seller's agent or employee to  
237 exercise reasonable diligence and that the use of a transaction scan  
238 device does not excuse a seller or seller's agent or employee from  
239 exercising such reasonable diligence to determine the following: (A)  
240 Whether a person to whom the seller or seller's agent or employee sells,  
241 gives or otherwise delivers an electronic nicotine delivery system or a  
242 vapor product is twenty-one years of age or older; and (B) whether the  
243 description and picture appearing on the driver's license, passport or  
244 identity card presented by a cardholder is that of the cardholder.

245 (g) Each seller of electronic nicotine delivery systems or vapor  
246 products or such seller's agent or employee shall require a person who  
247 is purchasing or attempting to purchase an electronic nicotine delivery  
248 system or a vapor product and appears to be under the age of thirty to  
249 exhibit proper proof of age. If a person fails to provide such proof of age,  
250 such seller or seller's agent or employee shall not sell an electronic  
251 nicotine delivery system or a vapor product to the person. As used in  
252 this subsection, "proper proof" means a motor vehicle operator's license,  
253 a valid passport or an identity card issued in accordance with the  
254 provisions of section 1-1h.

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2025	12-285(b)
Sec. 2	July 1, 2025	21a-418
Sec. 3	July 1, 2025	53-344b

**JUD** 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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 26 \$</b>	<b>FY 27 \$</b>
Department of Revenue Services	GF - Potential Cost	Up to 115,000	Up to 115,000
State Comptroller - Fringe Benefits <sup>1</sup>	GF - Potential Cost	Up to 46,817	Up to 46,817
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below
Judicial Dept. (Probation)	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 impacts.

**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** creates a new unfair trade practice violation concerning the selling and transporting of cigarettes, tobacco, and electronic nicotine delivery systems or vapor products resulting in no fiscal impact to the

<sup>1</sup>The 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.

Department of Consumer Protection as the agency has the expertise and resources to meet the requirements of the bill. This section, 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 \$115,000 and (2) a potential cost to the Office of the State Comptroller Fringe Benefits account of up to \$46,817 associated with the hiring of one Staff Attorney position. 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** also creates (1) a class B misdemeanor for a first offense of improperly transporting e-cigarettes or vape products, (2) a class A misdemeanor for subsequent offenses, and (3) a discretionary civil penalty of up to \$10,000 for each violation, which results in a potential cost<sup>2</sup> to the Judicial Department for probation and a potential revenue gain to the General Fund from fines and civil penalties.<sup>3</sup>

**Section 3** 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***

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.

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<sup>2</sup> Probation 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.

<sup>3</sup> Under the bill, the DRS commissioner may impose a maximum civil penalty of up to \$10,000 for each violation.

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

This bill makes various changes to state laws on cigarettes 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. imposes restrictions and penalties on shipping and transporting electronic nicotine delivery systems and vapor products (e-cigarettes) that are similar to those that apply to cigarettes under existing law and makes any violation of these e-cigarette shipping and transporting provisions a Connecticut Unfair Trade Practices Act (CUTPA) violation;
3. 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
4. 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 & 3 — E-CIGARETTES**

### ***Shipping and Transporting Restrictions (§ 2)***

The bill places restrictions on in-state shipping and transporting of e-cigarettes that are similar to those in law for cigarettes.

**Authorized Recipients.** Specifically, businesses may only ship or transport e-cigarettes to a (1) Department of Consumer Protection

(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, punishable by up to 364 days in prison, up to a \$2,000 fine, or both. 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 (§ 3)**

**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.

**Legislative History**

The House referred the bill to the Judiciary Committee, which reported a substitute that eliminates provisions that (1) generally extend to tobacco products the existing restrictions on shipping and transporting cigarettes in the state and (2) make violations of these shipping and transporting restrictions for both cigarettes and tobacco products a CUTPA violation.

**Related Bill**

sHB 7181, 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)

Judiciary Committee

Joint Favorable Substitute

Yea 32    Nay 0    (05/20/2025)