



General Assembly

Substitute Bill No. 5228

February Session, 2026



**AN ACT CONCERNING ELECTRONIC NICOTINE DELIVERY SYSTEM
AND VAPOR PRODUCT DEALERS.**

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

1 Section 1. Section 21a-415 of the 2026 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2026*):

4 (a) As used in this chapter:

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

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

12 (3) "Cigarette" has the same meaning as provided in subsection (b) of
13 section 12-285;

14 (4) "Dealer registration" means an electronic nicotine delivery system
15 certificate of dealer registration issued by the Commissioner of
16 Consumer Protection pursuant to this section;

17 (5) "Deliver" or "delivering" means transferring, or offering or
18 attempting to transfer, physical possession or control of an electronic
19 nicotine delivery system or vapor product by any person, whether done
20 as principal, proprietor, agent, servant or employee;

21 (6) "Drug paraphernalia" has the same meaning as provided in
22 section 21a-240;

23 (7) "Electronic cigarette liquid" means a liquid that, when used in an
24 electronic nicotine delivery system or vapor product, produces a vapor
25 that may or may not include nicotine and is inhaled by the user of such
26 electronic nicotine delivery system or vapor product;

27 (8) "Electronic nicotine delivery system" means an electronic device
28 used in the delivery of nicotine or other substances to an individual
29 inhaling from the device, and includes, but is not limited to, an
30 electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe
31 or electronic hookah and any related device and any cartridge or other
32 component of such device, including, but not limited to, electronic
33 cigarette liquid;

34 (9) "Manufacturer registration" means an electronic nicotine delivery
35 system certificate of manufacturer registration issued by the
36 Commissioner of Consumer Protection pursuant to section 21a-415a to
37 any person who mixes, compounds, repackages or resizes any nicotine-
38 containing electronic nicotine delivery system or vapor product;

39 (10) "Sale" or "sell" means transferring, or offering or attempting to
40 transfer, for consideration, including bartering or exchanging, or
41 offering to barter or exchange by any person, whether done as principal,
42 proprietor, agent, servant or employee;

43 (11) "Tobacco products" has the same meaning as provided in section
44 12-330a; and

45 (12) "Vapor product" means any product that employs a heating
46 element, power source, electronic circuit or other electronic, chemical or

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

59 (b) (1) No person in this state may sell or possess with intent to sell
60 an electronic nicotine delivery system or a vapor product unless such
61 person is employed by, an agent of or directly affiliated with a business
62 entity that maintains a dealer registration issued by the Commissioner
63 of Consumer Protection pursuant to this section. A separate dealer
64 registration shall be required for each place of business where such
65 system or product is sold, offered for sale or possessed with the intent
66 to sell. A dealer registration shall allow the sale of electronic nicotine
67 delivery systems or vapor products at such place of business. A holder
68 of a dealer registration shall post such registration in a prominent
69 location adjacent to electronic nicotine delivery system products or
70 vapor products offered for sale.

71 (2) The holder of a dealer registration shall maintain a sign, in a form
72 and manner prescribed by the commissioner and posted on the
73 Department of Consumer Protection's Internet web site, on all external
74 entry doors of the location operated under such dealer registration,
75 which shall clearly disclose that cannabis may not be sold at such
76 location.

77 (3) Each holder of a dealer registration that derives at least fifty per
78 cent of its annual gross revenue from sales of cigarettes, drug
79 paraphernalia, electronic nicotine delivery systems, nicotine products,

80 synthetic nicotine, tobacco products and vapor products shall verify,
81 with a valid government-issued driver's license or identity card, the age
82 of each individual entering the location operated under such dealer
83 registration, and shall prohibit any individual younger than twenty-one
84 years of age from entering such location.

85 (4) Each holder of a dealer registration shall maintain a complete set
86 of records required pursuant to this section, and all financial records
87 necessary to verify whether such holder derives at least fifty per cent of
88 its annual gross revenue from sales of cigarettes, drug paraphernalia,
89 electronic nicotine delivery systems, nicotine products, synthetic
90 nicotine, tobacco products and vapor products, for the then current tax
91 year and the three immediately preceding tax years. Such holder shall
92 make such records immediately available to the department, upon a
93 request made by the department, for inspection and copying by the
94 department. Such holder shall produce such records to the department
95 not later than three days after the department requests such records.
96 Such holder shall produce such records to the department in an
97 electronic format, unless it is commercially impractical to produce such
98 records to the department in an electronic format. No person shall use
99 any foreign language, code or symbol in maintaining the records
100 required under this section.

101 (c) (1) Any applicant for a dealer registration or a renewal of a dealer
102 registration shall apply to the Department of Consumer Protection, in a
103 form and manner prescribed by the Commissioner of Consumer
104 Protection, which application shall include, at a minimum:

105 (A) The name, address and electronic mail address of the applicant;

106 (B) The location that is to be operated under such dealer registration;

107 (C) The name of, and contact information for, each individual who
108 has a direct or indirect financial interest in such applicant, unless (i) such
109 applicant is a publicly traded company listed on a national stock
110 exchange, or (ii) the financial interest held by such individual owner and
111 such individual's spouse, parents and children, in the aggregate, does

112 not exceed ten per cent of the total ownership or interest rights in such
113 applicant;

114 (D) A third-party local and national criminal background check for
115 each owner listed on such application, which background check shall (i)
116 be conducted by a third-party consumer reporting agency or
117 background screening company that is in compliance with the federal
118 Fair Credit Reporting Act and accredited by the Professional
119 Background Screening Association, (ii) include a multistate and
120 multijurisdiction criminal record locator or other similar commercial
121 nation-wide database with validation and such other background
122 screening as the commissioner may require, and (iii) be requested by
123 such applicant not more than sixty days prior to submission of such
124 application;

125 (E) The name of the individual who shall serve as the fiduciary agent
126 and guarantor for such applicant, which individual shall be personally
127 liable in the event of any noncompliance that results in a debt owed to
128 the department;

129 (F) A disclosure of any enforcement action against, and any
130 negotiated settlement entered into by, such applicant or any owner
131 disclosed pursuant to this subsection, which action or settlement is
132 related to the sale of cigarettes, electronic nicotine delivery systems,
133 tobacco products or vapor products;

134 (G) The name of a manager or supervisor who is or will be physically
135 present at such applicant's location or proposed location; [and]

136 (H) A certification that an authorized owner or named designee of
137 such applicant has successfully completed the online prevention
138 education program administered by the Department of Mental Health
139 and Addiction Services pursuant to section 17a-719;

140 (I) In the case of an application for an initial dealer registration
141 submitted on or after October 1, 2026, such information as the
142 department requires to determine that (i) such applicant's annual gross

143 revenue from sales of cigarettes, drug paraphernalia, electronic nicotine
144 delivery systems, nicotine products, synthetic nicotine, tobacco
145 products and vapor products will not exceed fifty per cent of such
146 applicant's annual gross revenue from all sales at the location that is to
147 be operated under such dealer registration, and (ii) not more than
148 twenty-five per cent of the total floor area dedicated to sales at the
149 location that is to be operated under such dealer registration will be
150 dedicated to sales of cigarettes, drug paraphernalia, electronic nicotine
151 delivery systems, nicotine products, synthetic nicotine, tobacco
152 products and vapor products; and

153 (J) In the case of an application for renewal of a dealer registration
154 initially issued on or after October 1, 2026, such information as the
155 department requires to determine that, during the registration period
156 immediately preceding such renewal, (i) such applicant's annual gross
157 revenue from sales of cigarettes, drug paraphernalia, electronic nicotine
158 delivery systems, nicotine products, synthetic nicotine, tobacco
159 products and vapor products did not exceed fifty per cent of such
160 applicant's annual gross revenue from all sales at the location operated
161 under such dealer registration, and (ii) not more than twenty-five per
162 cent of the total floor area dedicated to sales at the location operated
163 under such dealer registration was dedicated to sales of cigarettes, drug
164 paraphernalia, electronic nicotine delivery systems, nicotine products,
165 synthetic nicotine, tobacco products and vapor products.

166 (2) The Department of Consumer Protection: (A) May require that an
167 applicant submit documents sufficient to establish that state and local
168 building, fire and zoning requirements will be met at the location of any
169 sale; (B) may, in the department's discretion, conduct an investigation to
170 determine whether a dealer registration shall be issued to an applicant;
171 and (C) shall not issue a dealer registration or a renewal of a dealer
172 registration to an applicant unless the applicant certifies that an
173 authorized owner or named designee of the applicant has successfully
174 completed the online prevention education program administered by
175 the Department of Mental Health and Addiction Services pursuant to
176 section 17a-719.

177 (3) The commissioner shall issue a dealer registration to any such
178 applicant not later than thirty days after the date of application, unless
179 the commissioner finds: (A) The applicant has made a materially false
180 or misleading statement in such application or in any other application
181 made to the commissioner; (B) the applicant has neglected to pay any
182 taxes due to this state; (C) the authorized owner or named designee of
183 the applicant has not successfully completed the online prevention
184 education program administered by the Department of Mental Health
185 and Addiction Services pursuant to section 17a-719; (D) the applicant
186 has a criminal history that is a sufficient basis for denial under section
187 46a-80; [or] (E) in the case of an application for a dealer registration
188 submitted on or after October 1, 2026, that (i) such applicant does not
189 satisfy the criteria established in subparagraph (I) of subdivision (1) of
190 this subsection, or (ii) the commissioner has already issued one dealer
191 registration for every two thousand five hundred residents of the town
192 in which the location that is to be operated under such dealer
193 registration will be located, as determined by the most recently
194 completed decennial census; or (F) the applicant has violated any other
195 provision of this section.

196 (4) A dealer registration issued under this section shall be renewed
197 annually, [and] except the department shall not renew a dealer
198 registration initially issued on or after October 1, 2026, if the department
199 determines that the applicant for renewal of such dealer registration
200 does not satisfy the criteria established in subparagraph (J) of
201 subdivision (1) of this subsection. A dealer registration issued under this
202 section may be suspended or revoked at the discretion of the
203 Department of Consumer Protection. A dealer registration shall not
204 constitute property, nor shall it be subject to attachment and execution,
205 nor shall it be alienable. Each holder of a dealer registration shall
206 annually attest in each renewal application as to whether such holder
207 derived at least fifty per cent of its annual gross revenue from sales of
208 cigarettes, drug paraphernalia, electronic nicotine delivery systems,
209 nicotine products, synthetic nicotine, tobacco products and vapor
210 products.

211 (5) The applicant shall pay to the department a nonrefundable
212 application fee of one thousand dollars, which fee shall be in addition to
213 the annual fee prescribed in subsection (d) of this section. An application
214 fee shall not be charged for an application to renew a dealer registration.

215 (d) The annual fee for a dealer registration shall be eight hundred
216 dollars.

217 (e) The Department of Consumer Protection may renew a dealer
218 registration issued under this section that has expired if the applicant
219 pays to the department any late fee imposed by the Commissioner of
220 Consumer Protection pursuant to subsection (d) of section 21a-4, which
221 late fee shall be in addition to the fees prescribed in this section for the
222 dealer registration applied for.

223 (f) (1) Any business entity in the state that sells, offers for sale or
224 possesses with intent to sell an electronic nicotine delivery system or
225 vapor product without a dealer registration as required under this
226 section shall, after a hearing conducted pursuant to chapter 54, be fined
227 not more than five thousand dollars per violation.

228 (2) Notwithstanding the provisions of subdivision (1) of this
229 subsection, any business entity with a dealer registration that has
230 expired for a period of ninety calendar days or less and that, during such
231 ninety-day period, sells, offers for sale or possesses with intent to sell an
232 electronic nicotine delivery system or vapor product shall be fined not
233 more than five hundred dollars for each day such business entity is in
234 violation of the provisions of this subdivision.

235 (3) A person holding a dealer registration shall update, through the
236 Department of Consumer Protection's online licensing system, any
237 application information such person has provided to the department
238 pursuant to this section, including, but not limited to, any contact
239 information, ownership information or criminal histories of the
240 individual owners of the business entity, not later than thirty days after
241 any change in such information.

242 (g) (1) For sufficient cause found as set forth in subdivision (2) of this
243 subsection, the Commissioner of Consumer Protection may suspend or
244 revoke a dealer registration, issue fines of not more than ten thousand
245 dollars per violation, accept an offer in compromise or refuse to grant or
246 renew a dealer registration, or place the registrant on probation, place
247 conditions on such registrant or take other actions authorized by law.
248 No information derived from an inspection or investigation conducted
249 by the Department of Consumer Protection related to an administrative
250 complaint or case shall be subject to disclosure under the Freedom of
251 Information Act, as defined in section 1-200, unless the department has
252 entered into a settlement agreement, or otherwise concluded its
253 investigation or inspection as evidenced by case closure. Nothing in this
254 subdivision shall be construed to prevent the department from sharing
255 any information with another state or federal agency or law
256 enforcement insofar as such information relates to an investigation of
257 any suspected violation of applicable law.

258 (2) Any of the following shall constitute sufficient cause for the
259 purposes of subdivision (1) of this subsection:

260 (A) Furnishing any false or fraudulent information in an application
261 or any failure to comply with the representations made in an
262 application;

263 (B) A civil judgment against, or conviction of, an owner or applicant,
264 after review and application of the denial criteria set forth in section 46a-
265 80;

266 (C) Any failure to maintain effective controls against diversion, theft
267 or loss of electronic nicotine delivery systems and vapor products;

268 (D) Any denial, suspension or revocation of a license or registration
269 related to the sale of cigarettes, electronic nicotine delivery systems,
270 tobacco products or vapor products, or any denial of a renewal of a
271 license or registration related to the sale of cigarettes, electronic nicotine
272 delivery systems, tobacco products or vapor products, by any federal,
273 state or local government or a foreign jurisdiction;

274 (E) Any false, misleading or deceptive representation made to the
275 public or to the department;

276 (F) Any involvement in a fraudulent or deceitful practice or
277 transaction;

278 (G) The possession, offer or sale of any illegal or controlled substance,
279 unless otherwise permitted by applicable law;

280 (H) Any failure to register a trade name of the business entity with
281 the town in which the registrant engages in business;

282 (I) Any failure to notify the department of any change in the
283 information concerning the business entity, owners, ownership
284 information or designated manager or supervisor;

285 (J) Any adverse administrative decision or delinquency assessment
286 against the registrant by the Department of Revenue Services;

287 (K) Any failure to cooperate, provide unfettered access to the location
288 or provide information to the department, local law enforcement
289 authorities or any other enforcement agency concerning any matter
290 arising out of conduct in connection with a licensee or registrant;

291 (L) Advertising an electronic nicotine delivery system or vapor
292 product in any manner that (i) is designed to appeal to individuals who
293 are younger than twenty-one years of age by, among other things, (I)
294 making use of any spokesperson or celebrity who appeals to individuals
295 who are under the legal age to purchase electronic nicotine delivery
296 systems or vapor products, (II) depicting any individual who is younger
297 than twenty-five years of age using an electronic nicotine delivery
298 system or vapor product, (III) including any object, such as a toy,
299 character or cartoon character, that suggests the presence of an
300 individual who is younger than twenty-one years of age, or (IV) making
301 use of any other depiction or method that is designed in any manner to
302 be appealing to an individual who is younger than twenty-one years of
303 age, or (ii) claims or implies that (I) any electronic nicotine delivery

304 system or vapor product has any curative or therapeutic effect, or (II)
305 any medical claim is true;

306 (M) Allowing an employee to promote any electronic nicotine
307 delivery system or vapor product for a wellness purpose; or

308 (N) Any failure to comply with any provision of this chapter or any
309 regulation adopted pursuant to this chapter.

310 (h) Upon refusal to issue or renew a dealer registration, the
311 Commissioner of Consumer Protection shall notify the applicant of the
312 denial and of the applicant's right to request a hearing not later than ten
313 days after the applicant receives the notice of denial. If the applicant
314 requests a hearing within such ten-day period, the commissioner shall
315 give notice of the grounds for the commissioner's refusal and shall
316 conduct a hearing concerning such refusal in accordance with the
317 provisions of chapter 54 concerning contested cases. If the
318 commissioner's denial is sustained after such hearing, the applicant
319 shall not apply for a new dealer registration for a period of one year after
320 the date on which such denial was sustained.

321 (i) No person whose dealer registration has been revoked, including
322 the owners of such registrant, shall apply for a dealer registration under
323 this section for a period of one year after the date of such revocation.

324 (j) The voluntary surrender of a dealer registration, or the failure to
325 renew a dealer registration, shall not prevent the Commissioner of
326 Consumer Protection from suspending or revoking such dealer
327 registration or imposing other penalties permitted by applicable law.

328 (k) All fees, settlement amounts and fines collected under this section
329 shall be deposited in the consumer protection enforcement account
330 established in section 21a-8a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	21a-415

Statement of Legislative Commissioners:

In Subsec. (c)(1)(I), "a dealer registration" was changed to "an initial dealer registration" for clarity; and in Subsec. (c)(1)(J)(ii), "registration" was changed to "dealer registration" for internal consistency.

GL *Joint Favorable Subst.*