

House Bill No. 7287

NICOTINE DELIVERY SYSTEM OR VAPOR PRODUCT – SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". Any person engaged in the business of selling electronic nicotine delivery systems or vapor products who ships or causes to be shipped any electronic nicotine delivery system or vapor product to any described person in this state (1) shall require, as a condition of delivery, the customer who is receiving the electronic nicotine delivery system or vapor product to sign an acknowledgment of receipt and provide proper proof of age, and (2) may not sell such electronic nicotine delivery system or vapor product to such customer unless such proof of age is provided.

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

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

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

Sec. 396. Section 53-344b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2025*):

House Bill No. 7287

(a) As used in this section:

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

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

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

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

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

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

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

House Bill No. 7287

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

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

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

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

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

(d) (1) A seller or seller's agent or employee shall request that each

House Bill No. 7287

person intending to purchase an electronic nicotine delivery system or a vapor product present a driver's license, a passport or an identity card to establish that such person is twenty-one years of age or older.

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

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

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

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

House Bill No. 7287

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

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

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

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

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

House Bill No. 7287

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

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

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

Sec. 397. (NEW) (*Effective from passage*) The Secretary of the Office of Policy and Management and the Commissioner of Revenue Services shall develop a pilot program to facilitate the collection of any unpaid taxes and penalties and interest thereon that are due to the state and unpaid from any person to which a state agency, as defined in section