



**P.A. 19-13: An Act Prohibiting the Sale of Cigarettes, Tobacco Products,
Electronic Nicotine Delivery Systems and Vapor Products to Persons
Under Age Twenty-One**

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Update Mailing No. 4

July 31, 2019

This Act raises, from 18 to 21, the legal age to purchase cigarettes, other tobacco products, and e-cigarettes (i.e., electronic nicotine delivery systems and vapor products). It makes corresponding changes to the laws regarding the sale, giving, and delivery of such products to individuals under the legal age (e.g., updating the age on the required sign that cigarette dealers and distributors must display at the point of sale).

Additionally, the legislation:

1. requires dealers who sell e-cigarettes and ship them directly to consumers (e.g., through online sales) to obtain the signature of a person aged 21 or older at the shipping address prior to delivery and require the signer to show proof of age (§19);
2. Increases the annual license fee for cigarette dealers (§§3 & 5); and the annual registration fee for e-cigarette dealers; and retains the \$400 fee for dealers with multiple registrations (§9);
3. generally increases certain penalties for cigarette, tobacco product, and e-cigarette sales and purchases involving individuals under the legal age (§§7, 12, & 14-16)
4. requires the Department of Mental Health and Addiction Services (DMHAS) Commissioner to conduct unannounced compliance checks on e-cigarette dealers and refer non-compliant dealers to the Department of Revenue Services (DRS) Commissioner who may impose civil penalties (§12);

5. bans smoking and e-cigarettes on the grounds of child care centers and schools (§§17 & 18).

The Act excludes from the definition of “vapor product,” biological products used to prevent, treat, or cure diseases or injuries that are authorized for sale by the federal Food and Drug Administration.

**§§17 & 18 – Smoking and E-Cigarette
Ban at Child Care Centers and Schools**

Existing law generally prohibits smoking and e-cigarette use in various locations, such as restaurants, health care institutions, and state or municipal buildings. The Act adds to the law’s prohibited locations by including all school property, inside or outside, instead of only within a school building while school is in session or during student activities. It specifies that the ban applies to public and private schools.

It also (1) expands current law’s prohibition on e-cigarette use to include the grounds of a child care facility, instead of only inside the facility and (2) extends the prohibition to include cigarette and other tobacco product use. Under the Act, as under current law for e-cigarette use, the prohibition applies to family child care homes (i.e., private homes caring for up to six children) only when a child enrolled in the home is present.

Policy Implications

Policy #1331, “Smoke Free Environment” has been revised to reflect this legislation and follows for your consideration. This is an optional policy for inclusion in a district’s policy manual.

July 2019

An optional sample policy to consider.

Community Relations

Use of School Facilities

Smoke Free Environment

The possession, use, sale or distribution of alcoholic beverages by any person at any time within the buildings or on the grounds of the public schools is prohibited.

In accordance with law and to promote the health and safety of all students and staff, the District prohibits all employees, students and patrons from smoking using tobacco or tobacco products in all school facilities, buildings, **and all school property, both inside and outside**, and buses or other District transportation at all times, including athletic events and meetings. This prohibition extends to all facilities the district owns/operates, contracts for or leases to provide educational services, routine health care, daycare or early childhood development services to children, as well as facilities in which services are not provided to children.

A sign shall be posted on school premises indicating that smoking, including the use of e-cigarettes is prohibited by state law.

Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine delivering systems, vapor products, chemicals or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco or nicotine innovations.

Electronic cigarette liquid means a liquid that, when used in an electronic nicotine delivery system or vapor product, produces a vapor that may or may not include nicotine and is inhaled by the user of such electronic nicotine delivery system or vapor product.

Electronic nicotine delivery system means an electronic device ~~that may be used to simulate smoking~~ in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device, including, but not limited to, **electronic cigarette liquid**.

Liquid nicotine container means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

Vapor product means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product.

(cf. 1120 - Board of Education Meetings)

(cf. 1330 - Use of School Facilities)

(cf. 5131.6 - Drugs and Alcohol)

Community Relations

Use of School Facilities

Smoke Free Environment

Legal Reference: Connecticut General Statutes
10-233a(h) Definitions, "School-sponsored activity"
19a-342 Smoking prohibited in certain places. Signs required. Penalties.
(as amended by PA 19-13)
21a-242 Schedules of controlled substances
P.A. 14-76 An Act Concerning the Governor's Recommendations
Regarding Electronic Nicotine Delivery Systems and Youth Smoking
Prevention.
P.A. 15-206 An Act Regulating Electronic Nicotine Delivery Systems and
Vapor Products
PL 107-110, Section 4303, "Nonsmoking Policy for Children's Services"
20 U.S.C. 7181-7184 The Pro Children Act of 2001, PL 107-1101 Sate
1174
20 U.S.C. 7181-7184 The Pro Children Act of 2001

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