



General Assembly

**Amendment**

February Session, 2026

LCO No. 4260



Offered by:

REP. LEMAR, 96<sup>th</sup> Dist.  
REP. TURCO, 27<sup>th</sup> Dist.  
REP. RUTIGLIANO, 123<sup>rd</sup> Dist.  
SEN. MARONEY, 14<sup>th</sup> Dist.  
SEN. CICARELLA, 34<sup>th</sup> Dist.

To: Subst. House Bill No. 5228

File No. 235

Cal. No. 191

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

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

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4 statutes is repealed and the following is substituted in lieu thereof  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

6 (a) As used in this chapter:

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

10 (2) "Business entity" means any corporation, limited liability

11 company, association, partnership, sole proprietorship, government,  
12 governmental subdivision or agency, business trust, estate, trust or any  
13 other legal entity;

14 (3) "Cannabis" has the same meaning as provided in section 21a-420;

15 [(3)] (4) "Cigarette" has the same meaning as provided in subsection  
16 (b) of section 12-285;

17 [(4)] (5) "Dealer registration" means an electronic nicotine delivery  
18 system certificate of dealer registration issued by the Commissioner of  
19 Consumer Protection pursuant to this section;

20 [(5)] (6) "Deliver" or "delivering" means transferring, or offering or  
21 attempting to transfer, physical possession or control of an electronic  
22 nicotine delivery system or vapor product by any person, whether done  
23 as principal, proprietor, agent, servant or employee;

24 [(6)] (7) "Drug paraphernalia" has the same meaning as provided in  
25 section 21a-240;

26 [(7)] (8) "Electronic cigarette liquid" means a liquid that, when used  
27 in an electronic nicotine delivery system or vapor product, produces a  
28 vapor that may or may not include nicotine and is inhaled by the user  
29 of such electronic nicotine delivery system or vapor product;

30 [(8)] (9) "Electronic nicotine delivery system" means an electronic  
31 device used in the delivery of nicotine or other substances to an  
32 individual inhaling from the device, and includes, but is not limited to,  
33 an electronic cigarette, electronic cigar, electronic cigarillo, electronic  
34 pipe or electronic hookah and any related device and any cartridge or  
35 other component of such device, including, but not limited to, electronic  
36 cigarette liquid;

37 [(9)] (10) "Manufacturer registration" means an electronic nicotine  
38 delivery system certificate of manufacturer registration issued by the  
39 Commissioner of Consumer Protection pursuant to section 21a-415a to

40 any person who mixes, compounds, repackages or resizes any nicotine-  
41 containing electronic nicotine delivery system or vapor product;

42 [(10)] (11) "Sale" or "sell" means transferring, or offering or attempting  
43 to transfer, for consideration, including bartering or exchanging, or  
44 offering to barter or exchange by any person, whether done as principal,  
45 proprietor, agent, servant or employee;

46 [(11)] (12) "Tobacco products" has the same meaning as provided in  
47 section 12-330a; and

48 [(12)] (13) "Vapor product" means any product that employs a heating  
49 element, power source, electronic circuit or other electronic, chemical or  
50 mechanical means, regardless of shape or size, to produce a vapor that  
51 may include nicotine and is inhaled by the user of such product. "Vapor  
52 product" does not include a medicinal or therapeutic product that is (A)  
53 used by a licensed health care provider to treat a patient in a health care  
54 setting, (B) used by a patient, as prescribed or directed by a licensed  
55 health care provider in any setting, or (C) any drug or device, as defined  
56 in the federal Food, Drug and Cosmetic Act, 21 USC 321, as amended  
57 from time to time, any combination product, as described in said act, 21  
58 USC 353(g), as amended from time to time, or any biological product, as  
59 described in 42 USC 262, as amended from time to time, and 21 CFR  
60 600.3, as amended from time to time, authorized for sale by the United  
61 States Food and Drug Administration.

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

72 location adjacent to electronic nicotine delivery system products or  
73 vapor products offered for sale.

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

80 (3) Each holder of a dealer registration that derives at least fifty per  
81 cent of its annual gross revenue from sales of cigarettes, drug  
82 paraphernalia, electronic nicotine delivery systems, nicotine products,  
83 synthetic nicotine, tobacco products and vapor products shall verify,  
84 with a valid government-issued driver's license or identity card, the age  
85 of each individual entering the location operated under such dealer  
86 registration, and shall prohibit any individual younger than twenty-one  
87 years of age from entering such location.

88 (4) ~~(A)~~ Each holder of a dealer registration shall maintain a complete  
89 set of records required pursuant to this section, ~~[and] including, but not~~  
90 ~~limited to, (i) all financial records necessary to verify whether such~~  
91 ~~holder derives at least fifty per cent of its annual gross revenue from~~  
92 ~~sales of cigarettes, drug paraphernalia, electronic nicotine delivery~~  
93 ~~systems, nicotine products, synthetic nicotine, tobacco products and~~  
94 ~~vapor products, for the then current tax year and the three immediately~~  
95 ~~preceding tax years, and (ii) for a dealer registration initially issued on~~  
96 ~~or after October 1, 2026, all records necessary to verify that not more~~  
97 ~~than twenty-five per cent of the total floor area dedicated to sales at the~~  
98 ~~location that is operated under such dealer registration is dedicated to~~  
99 ~~sales of cigarettes, drug paraphernalia, electronic nicotine delivery~~  
100 ~~systems, nicotine products, synthetic nicotine, tobacco products and~~  
101 ~~vapor products, including, but not limited to, floor plans depicting the~~  
102 ~~total floor area dedicated to sales and the portions of such total floor~~  
103 ~~area dedicated to sales of cigarettes, drug paraphernalia, electronic~~  
104 ~~nicotine delivery systems, nicotine products, synthetic nicotine, tobacco~~

105 products and vapor products. [Such]

106 (B) Each holder of a dealer registration shall make [such] the records  
107 maintained pursuant to subparagraph (A) of this subdivision  
108 immediately available to the department, upon a request made by the  
109 department, for inspection and copying by the department. Such holder  
110 shall produce such records to the department not later than three days  
111 after the department requests such records. Such holder shall produce  
112 such records to the department in an electronic format, unless it is  
113 commercially impractical to produce such records to the department in  
114 an electronic format. No person shall use any foreign language, code or  
115 symbol in maintaining the records required under this section.

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

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

121 (B) The location that is to be operated, or is operated, under such  
122 dealer registration;

123 (C) The name of, and contact information for, each individual who  
124 has a direct or indirect financial interest in such applicant, unless (i) such  
125 applicant is a publicly traded company listed on a national stock  
126 exchange, or (ii) the financial interest held by such individual owner and  
127 such individual's spouse, parents and children, in the aggregate, does  
128 not exceed [ten] five per cent of the total ownership or interest rights in  
129 such applicant;

130 (D) A third-party local and national criminal background check for  
131 each owner listed on such application, which background check shall (i)  
132 be conducted by a third-party consumer reporting agency or  
133 background screening company that is in compliance with the federal  
134 Fair Credit Reporting Act and accredited by the Professional  
135 Background Screening Association, (ii) include a multistate and

136 multijurisdiction criminal record locator or other similar commercial  
137 nation-wide database with validation and such other background  
138 screening as the commissioner may require, and (iii) be requested by  
139 such applicant not more than sixty days prior to submission of such  
140 application;

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

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

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

152 (H) A certification that (i) an authorized owner or named designee of  
153 such applicant has successfully completed the online prevention  
154 education program administered by the Department of Mental Health  
155 and Addiction Services pursuant to section 17a-719, and (ii) all  
156 electronic nicotine delivery systems and vapor products offered for sale  
157 by the applicant comply with federal and state law, including the federal  
158 Food, Drug and Cosmetic Act, 21 USC 387 et seq., as amended from time  
159 to time;

160 (I) In the case of an application for an initial dealer registration  
161 submitted on or after October 1, 2026, a certification that (i) such  
162 applicant's annual gross revenue from sales of cigarettes, drug  
163 paraphernalia, electronic nicotine delivery systems, nicotine products,  
164 synthetic nicotine, tobacco products and vapor products will not exceed  
165 fifty per cent of such applicant's annual gross revenue from all sales at  
166 the location that is to be operated under such dealer registration, and (ii)

167 not more than twenty-five per cent of the total floor area dedicated to  
168 sales at the location that is to be operated under such dealer registration  
169 will be dedicated to sales of cigarettes, drug paraphernalia, electronic  
170 nicotine delivery systems, nicotine products, synthetic nicotine, tobacco  
171 products and vapor products; and

172 (j) In the case of an application for renewal of a dealer registration  
173 initially issued on or after October 1, 2026, such information as the  
174 department requires to determine that, during the registration period  
175 immediately preceding such renewal, (i) such applicant's annual gross  
176 revenue from sales of cigarettes, drug paraphernalia, electronic nicotine  
177 delivery systems, nicotine products, synthetic nicotine, tobacco  
178 products and vapor products did not exceed fifty per cent of such  
179 applicant's annual gross revenue from all sales at the location operated  
180 under such dealer registration, and (ii) not more than twenty-five per  
181 cent of the total floor area dedicated to sales at the location operated  
182 under such dealer registration was dedicated to sales of cigarettes, drug  
183 paraphernalia, electronic nicotine delivery systems, nicotine products,  
184 synthetic nicotine, tobacco products and vapor products.

185 (2) The Department of Consumer Protection: (A) May require that an  
186 applicant submit documents sufficient to establish that state and local  
187 building, fire and zoning requirements will be met at the location of any  
188 sale; (B) may, in the department's discretion, conduct an investigation to  
189 determine whether a dealer registration shall be issued to an applicant;  
190 and (C) shall not issue a dealer registration or a renewal of a dealer  
191 registration to an applicant unless the applicant certifies that an  
192 authorized owner or named designee of the applicant has successfully  
193 completed the online prevention education program administered by  
194 the Department of Mental Health and Addiction Services pursuant to  
195 section 17a-719.

196 (3) The commissioner shall issue a dealer registration or a renewal of  
197 a dealer registration to any such applicant not later than thirty days after  
198 the date of application, unless the commissioner finds: (A) The  
199 applicant, or any individual named in such application pursuant to

200 subparagraph (C) of subdivision (1) of this subsection, has made a  
201 materially false or misleading statement in such application or in any  
202 other application made to the commissioner; (B) the applicant has  
203 neglected to pay any taxes due to this state; (C) the authorized owner or  
204 named designee of the applicant has not successfully completed the  
205 online prevention education program administered by the Department  
206 of Mental Health and Addiction Services pursuant to section 17a-719;  
207 (D) the third-party local and national criminal background check for any  
208 authorized owner or named designee of the applicant [has a criminal  
209 history that is] affords a sufficient basis for denial under section 46a-80;  
210 [or] (E) the applicant, any authorized owner of the applicant or any  
211 entity owned or managed by any individual named in the applicant's  
212 application pursuant to subparagraph (C) of subdivision (1) of this  
213 subsection (i) has [violated] committed multiple violations of any other  
214 provision of this section, (ii) is the subject of a delinquency assessment  
215 by the Department of Revenue Services, or (iii) is the subject of any other  
216 adverse determination by a government agency; or (F) in the case of an  
217 application for an initial dealer registration submitted on or after  
218 October 1, 2026, that the commissioner has already issued one dealer  
219 registration for every two thousand five hundred residents of the town  
220 in which the location that is to be operated under such dealer  
221 registration will be located, as determined by the most recently  
222 completed decennial census.

223 (4) A dealer registration issued under this section shall be renewed  
224 annually, [and] except the department shall not renew a dealer  
225 registration initially issued on or after October 1, 2026, if the department  
226 determines that the applicant for renewal of such dealer registration  
227 does not satisfy the criteria established in subparagraph (J) of  
228 subdivision (1) of this subsection. A dealer registration issued under this  
229 section may be suspended or revoked at the discretion of the  
230 Department of Consumer Protection. A dealer registration shall not  
231 constitute property, nor shall it be subject to attachment and execution,  
232 nor shall it be alienable. Each holder of a dealer registration shall  
233 annually attest in each renewal application as to whether such holder

234 derived at least fifty per cent of its annual gross revenue from sales of  
235 cigarettes, drug paraphernalia, electronic nicotine delivery systems,  
236 nicotine products, synthetic nicotine, tobacco products and vapor  
237 products.

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

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

244 (e) (1) The Department of Consumer Protection may renew a dealer  
245 registration issued under this section that has expired if the applicant  
246 pays to the department any late fee imposed by the Commissioner of  
247 Consumer Protection pursuant to subsection (d) of section 21a-4, which  
248 late fee shall be in addition to the fees prescribed in this section for the  
249 dealer registration applied for.

250 (2) A person holding a dealer registration shall update, through the  
251 Department of Consumer Protection's online licensing system, any  
252 application information such person has provided to the department  
253 pursuant to this section, including, but not limited to, any contact  
254 information, ownership information or criminal histories of the  
255 individual owners of the business entity, not later than thirty days after  
256 any change in such information.

257 (3) A person holding a dealer registration shall be deemed to have  
258 constructive notice of communications sent by the Commissioner of  
259 Consumer Protection to an electronic mail address provided by such  
260 person.

261 (f) (1) Any business entity in the state that sells, offers for sale or  
262 possesses with intent to sell an electronic nicotine delivery system or  
263 vapor product without a dealer registration as required under this  
264 section shall, after a hearing conducted pursuant to chapter 54, be fined

265 not more than five thousand dollars per violation.

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

273 [(3) A person holding a dealer registration shall update, through the  
274 Department of Consumer Protection's online licensing system, any  
275 application information such person has provided to the department  
276 pursuant to this section, including, but not limited to, any contact  
277 information, ownership information or criminal histories of the  
278 individual owners of the business entity, not later than thirty days after  
279 any change in such information.]

280 (g) (1) For sufficient cause found as set forth in subdivision (2) of this  
281 subsection, the Commissioner of Consumer Protection may suspend or  
282 revoke a dealer registration, issue fines of not more than ten thousand  
283 dollars per violation, accept an offer in compromise or refuse to grant or  
284 renew a dealer registration, [or] place the registrant on probation, place  
285 conditions on such registrant or take other actions authorized by law.  
286 No information derived from an inspection or investigation conducted  
287 by the Department of Consumer Protection related to an administrative  
288 complaint or case shall be subject to disclosure under the Freedom of  
289 Information Act, as defined in section 1-200, unless the department has  
290 entered into a settlement agreement, or otherwise concluded its  
291 investigation or inspection as evidenced by case closure. Nothing in this  
292 subdivision shall be construed to prevent the department from sharing  
293 any information with another state or federal agency or law  
294 enforcement insofar as such information relates to an investigation of  
295 any suspected violation of applicable law.

296 (2) Any of the following shall constitute sufficient cause for the

297 purposes of subdivision (1) of this subsection:

298 (A) Furnishing any false or fraudulent information in an application  
299 or any failure to comply with the representations made in an  
300 application;

301 (B) A civil judgment against, or conviction of, an owner or applicant,  
302 after review and application of the denial criteria set forth in section 46a-  
303 80;

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

306 (D) Any denial, suspension or revocation of a license or registration  
307 related to the sale of cigarettes, electronic nicotine delivery systems,  
308 tobacco products or vapor products, or any denial of a renewal of a  
309 license or registration related to the sale of cigarettes, electronic nicotine  
310 delivery systems, tobacco products or vapor products, by any federal,  
311 state or local government or a foreign jurisdiction;

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

314 (F) Any involvement in a fraudulent or deceitful practice or  
315 transaction;

316 (G) The possession, offer or sale of any illegal or controlled substance  
317 by the registrant, any owner of the registrant or any person with a  
318 financial interest in the registrant, unless otherwise permitted by  
319 applicable law;

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

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

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

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

331 (L) Advertising an electronic nicotine delivery system or vapor  
332 product in any manner that (i) is designed to appeal to individuals who  
333 are younger than twenty-one years of age by, among other things, (I)  
334 making use of any spokesperson or celebrity who appeals to individuals  
335 who are under the legal age to purchase electronic nicotine delivery  
336 systems or vapor products, (II) depicting any individual who is younger  
337 than twenty-five years of age using an electronic nicotine delivery  
338 system or vapor product, (III) including any object, such as a toy,  
339 character or cartoon character, that suggests the presence of an  
340 individual who is younger than twenty-one years of age, or (IV) making  
341 use of any other depiction or method that is designed in any manner to  
342 be appealing to an individual who is younger than twenty-one years of  
343 age, or (ii) claims or implies that (I) any electronic nicotine delivery  
344 system or vapor product has any curative or therapeutic effect, or (II)  
345 any medical claim is true;

346 (M) Allowing an employee to promote any electronic nicotine  
347 delivery system or vapor product for a wellness purpose; [or]

348 (N) Any failure to maintain records, or make records immediately  
349 available to the department, in accordance with the provisions of  
350 subdivision (4) of subsection (b) of this section; or

351 [(N)] (O) Any failure to comply with any provision of this chapter or  
352 any regulation adopted pursuant to this chapter.

353 (h) (1) Upon refusal to issue or renew a dealer registration, the  
354 Commissioner of Consumer Protection shall notify the applicant of the  
355 denial and of the applicant's right to request a hearing not later than ten

356 days after the applicant receives the notice of denial. If the applicant  
357 requests a hearing within such ten-day period, the commissioner shall  
358 give notice of the grounds for the commissioner's refusal and shall  
359 conduct a hearing concerning such refusal in accordance with the  
360 provisions of chapter 54 concerning contested cases. If the  
361 commissioner's denial is sustained after such hearing, the applicant  
362 shall not apply for a new dealer registration for a period of one year after  
363 the date on which such denial was sustained.

364 [(i)] (2) No person whose dealer registration has been revoked,  
365 including the owners of such registrant, and any person with a financial  
366 interest in such registrant, shall apply for a dealer registration or have a  
367 financial interest in an applicant under this section for a period of one  
368 year after the date of such revocation.

369 [(j)] (3) The voluntary surrender of a dealer registration, or the failure  
370 to renew a dealer registration, shall not prevent the Commissioner of  
371 Consumer Protection from suspending or revoking such dealer  
372 registration or imposing other penalties permitted by applicable law.

373 (i) The Commissioner of Consumer Protection may impose a civil  
374 penalty of not more than five thousand dollars for each electronic  
375 nicotine delivery system and vapor product sold, offered for sale or  
376 marketed in violation of this section. For purposes of this subdivision,  
377 each such electronic nicotine delivery system or vapor product shall  
378 constitute a separate violation.

379 (j) (1) Any electronic nicotine delivery system or vapor product sold,  
380 offered for sale or marketed in violation of this section by a registrant  
381 shall be deemed a common nuisance and shall be subject to immediate  
382 seizure by the state or local police. The authorized officer shall hold such  
383 electronic nicotine delivery system or vapor product subject to  
384 confiscation and destruction by order of a court of competent  
385 jurisdiction. All costs of such seizure, confiscation and destruction shall  
386 be borne by the registrant selling, offering for sale or marketing such  
387 electronic nicotine delivery system or vapor product.

388     (2) Any controlled substance or cannabis sold, offered for sale or  
389 marketed by a registrant in violation of chapter 420b, 420f or 420h, as  
390 applicable, or regulations adopted thereunder, shall be subject to the  
391 provisions of subdivision (1) of this subsection.

392     (k) A violation of this section shall be an unfair trade practice  
393 pursuant to subsection (a) of section 42-110b.

394     ~~[(k)]~~ (l) All fees, settlement amounts and fines collected under this  
395 section shall be deposited in the consumer protection enforcement  
396 account 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