

1 H.605

2 Introduced by Representatives Frank of Underhill, Krowinski of Burlington,

3 Cross of Winooski, French of Randolph, Koch of Barre Town,

4 McFaun of Barre Town, and Mrowicki of Putney

5 Referred to Committee on

6 Date:

7 Subject: Tobacco; furnishing to and possession by persons under 21 years of

8 age

9 Statement of purpose of bill as introduced: This bill proposes to raise to 21 the  
10 legal age for the purchase, possession, and furnishing of tobacco products and  
11 tobacco substitutes.

12 An act relating to purchase, possession, and furnishing of tobacco to  
13 persons less than 21 years of age

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 7 V.S.A. chapter 40 is amended to read:

16 CHAPTER 40. TOBACCO PRODUCTS

17 \* \* \*

1       § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;  
2                   TOBACCO PARAPHERNALIA; REQUIREMENTS;  
3                   PROHIBITIONS

4           (a) A person shall not sell or provide tobacco products, tobacco substitutes,  
5       or tobacco paraphernalia to any person younger than ~~18~~ 21 years of age.

6           (b) Beginning August 28, 1997, vending machines selling tobacco  
7       products, tobacco substitutes, or tobacco paraphernalia are prohibited. This  
8       subsection shall not apply to a vending machine that is located in a commercial  
9       establishment in which by law no person younger than ~~18~~ 21 years of age is  
10      permitted to enter at any time. A single vending machine may not be used to  
11      sell other commodities in combination with tobacco products, tobacco  
12      substitutes, or tobacco paraphernalia. A violation of this subsection shall result  
13      in the seizure of the vending machine.

14          (c) Beginning January 1, 2001, and subject to receiving any necessary  
15      exemption from preemption from the U.S. Food and Drug Administration, all  
16      vending machines selling tobacco products are prohibited.

17          (d) No person holding a tobacco license shall display or store tobacco  
18      products or tobacco substitutes where those products are accessible to  
19      consumers without direct assistance by the sales personnel. This subsection  
20      shall not apply to the following:



1 person's operator's license for a period of not more than 90 days or the delay  
2 of the initial licensing of the person for a period of not more than one year. A  
3 copy of the notice shall be sent to the Commissioner of Motor Vehicles, who,  
4 after expiration of 60 days from the date of notice and unless notified by the  
5 Judicial Bureau that the penalty has been paid shall either suspend the person's  
6 operator's license or cause initial licensing of the person to be delayed for the  
7 periods set forth in this subsection and the rules. An action under this  
8 subsection shall be brought in the same manner as a traffic violation pursuant  
9 to 23 V.S.A. chapter 24. The Commissioner of Motor Vehicles shall adopt  
10 rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement  
11 the provisions of this subsection, which may provide for incremental  
12 suspension or delays not exceeding cumulatively the maximum periods  
13 established by this subsection.

14 (b) A person under ~~18~~ 21 years of age who misrepresents his or her age by  
15 presenting false identification to purchase tobacco products, tobacco  
16 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or  
17 provide up to 10 hours of community service, or both.

18 § 1006. POSTING OF SIGNS

19 (a) A person licensed under this chapter shall post in a conspicuous place  
20 on the premises identified in the tobacco license a warning sign stating that the  
21 sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to

1 ~~minors~~ persons under 21 years of age is prohibited. The Board shall prepare  
2 the sign and make it available with the license forms issued under this chapter.  
3 The sign may include information about the health effects of tobacco and  
4 tobacco cessation services. The Board, in consultation with a representative of  
5 the licensees when appropriate, is authorized to change the design of the sign  
6 as needed to maintain its effectiveness.

7 (b) A person violating this section shall be guilty of a misdemeanor and  
8 fined not more than \$100.00.

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10 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~EIGHTEEN~~  
11 21 YEARS OF AGE

12 An individual who sells or furnishes tobacco products, tobacco substitutes,  
13 or tobacco paraphernalia to a person under ~~18~~ 21 years of age shall be subject  
14 to a civil penalty of not more than \$100.00 for the first offense and not more  
15 than \$500.00 for any subsequent offense. An action under this section shall be  
16 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.  
17 chapter 24 and shall be brought within 24 hours of the occurrence of the  
18 alleged violation.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2014.