

1 S.18

2 Representative Donahue of Northfield moves that the report of the
3 Committee on Human Services be amended as follows:

4 First: In Sec. 2, 7 V.S.A. chapter 40, by striking out § 1005 in its entirety and
5 inserting in lieu thereof a new § 1005 to read as follows:

6 § 1005. PERSONS UNDER 21 YEARS OF AGE; POSSESSION OF
7 TOBACCO PRODUCTS, TOBACCO SUBSTITUTES, E-LIQUIDS,
8 OR TOBACCO PARAPHERNALIA; MISREPRESENTING AGE
9 ~~OR PURCHASING TOBACCO PRODUCTS~~; PENALTY

10 (a)(1) A person under 21 years of age shall not possess, purchase, or
11 attempt to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco
12 paraphernalia unless:

13 (A) the person is an employee of a holder of a tobacco license and is
14 in possession of tobacco products, tobacco substitutes, e-liquids, or tobacco
15 paraphernalia to effect a sale in the course of employment; or

16 (B) the person is in possession of tobacco products or tobacco
17 paraphernalia in connection with Indigenous cultural tobacco practices.

18 (2) A person under 21 years of age shall not misrepresent ~~his or her~~ the
19 person's age to purchase or attempt to purchase tobacco products, tobacco
20 substitutes, e-liquids, or tobacco paraphernalia.

1 (b) A person who possesses tobacco products, tobacco substitutes, e-
2 liquids, or tobacco paraphernalia in violation of subsection (a) of this section
3 shall be subject to having the tobacco products, tobacco substitutes, e-liquids,
4 or tobacco paraphernalia immediately confiscated and shall be further subject
5 to a civil penalty of \$25.00. An action under this subsection shall be brought
6 in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

7 (c) A person under 21 years of age who misrepresents ~~his or her~~ the
8 person's age by presenting false identification to purchase tobacco products,
9 tobacco substitutes, e-liquids, or tobacco paraphernalia shall be fined not more
10 than \$50.00 or provide up to 10 hours of community service, or both.

11 Second: By striking out Sec. 14, Department of Health; school-based usage
12 and cessation efforts; report, it its entirety and inserting in lieu thereof a new
13 Sec. 14 to read as follows:

14 Sec. 14. DEPARTMENT OF HEALTH; SCHOOL-BASED USAGE AND
15 CESSATION EFFORTS; DIVERSION TO TOBACCO
16 CESSATION PROGRAM; REPORT

17 (a) The Department of Health shall collaborate with relevant school and
18 community partners to survey and report on the use of tobacco products,
19 tobacco substitutes, and e-liquids, as well as on nicotine and tobacco cessation
20 efforts, in Vermont's schools.

1 (b) The Department of Health, in consultation with the Division of Liquor
2 Control and the Court Diversion Program, shall develop one or more options
3 for diversion to a tobacco cessation program as an alternative to the existing
4 civil penalties and fines for a person under 21 years of age who possesses,
5 purchases, or uses of false identification to purchase tobacco products, tobacco
6 substitutes, e-liquids, or tobacco paraphernalia under 7 V.S.A. § 1005.

7 (c) On or before January 15, 2026, the Department shall report to the
8 House Committees on Human Services, on Education, and on Judiciary and the
9 Senate Committees on Health and Welfare, on Education, and on Judiciary
10 with its findings and recommendations regarding the use of tobacco products,
11 tobacco substitutes, and e-liquids in schools; cessation efforts in schools; and
12 options for one or more diversion programs as set forth in subsections (a) and
13 (b) of this section.