

1 H.111

2 Introduced by Representatives French of Randolph, Branagan of Georgia,  
3 Donahue of Northfield, Haas of Rochester, Kitzmiller of  
4 Montpelier, Klein of East Montpelier, Macaig of Williston,  
5 Poirier of Barre City, Pugh of S. Burlington, Townsend of  
6 Randolph and Trombley of Grand Isle

7 Referred to Committee on

8 Date:

9 Subject: Health; tobacco; youth access

10 Statement of purpose: This bill proposes to enhance the prohibition against  
11 children having access to tobacco products.

12 An act relating to children's access to tobacco products

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

14 Sec. 1. 7 V.S.A. § 236(b) is amended to read:

15 (b) ~~As an alternative to and in lieu of the authority to suspend or revoke~~  
16 ~~any permit or license, the~~ The liquor control board ~~shall also have the power to~~  
17 may suspend or revoke a permit or license and impose an administrative  
18 penalty of up to \$2,500.00 per violation against a holder of a wholesale dealer's  
19 license or a holder of a first, second or third class license for a violation of the  
20 conditions under which the license was issued or of this title or of any rule or

1 regulation adopted by the board. The administrative penalty may be imposed  
2 after a hearing before the board or after the licensee has been convicted by a  
3 court of competent jurisdiction of violating the provisions of this title. The  
4 board may also impose an administrative penalty under this subsection against  
5 a holder of a tobacco license for up to \$100.00 for a first violation and up to  
6 \$1,000.00 for subsequent violations. ~~For the first violation during a tobacco or~~  
7 ~~alcohol compliance check during any three-year period, a licensee shall receive~~  
8 ~~a warning and be required to attend a department server training class.~~

9 Sec. 2. 7 V.S.A. § 1003(g) is added to read:

10 (g) Distribution of free samples of tobacco products is prohibited. Any  
11 person who distributes free samples of tobacco products shall be fined not  
12 more than \$100.00 for each tobacco product distributed for free.

13 Sec. 3. 7 V.S.A. § 1005 is amended to read:

14 § 1005. PERSONS UNDER THE AGE OF EIGHTEEN; POSSESSION OF  
15 TOBACCO PRODUCTS; MISREPRESENTING AGE OR  
16 PURCHASING TOBACCO PRODUCTS; PENALTY

17 (a) A person less than 18 years of age shall not possess or purchase or  
18 attempt to purchase tobacco products unless the person is an employee of a  
19 holder of a tobacco license and is in possession of tobacco products to effect a  
20 sale in the course of employment. A person less than 18 years of age shall not  
21 misrepresent his or her age to purchase or attempt to purchase tobacco

1 products. A person who possesses tobacco products in violation of this  
2 subsection shall be subject to having the tobacco products immediately  
3 confiscated and shall be further subject to a civil penalty of ~~\$25.00~~ \$100.00. In  
4 the case of failure to pay a penalty, the judicial bureau shall mail a notice to the  
5 person at the address in the complaint notifying the person that failure to pay  
6 the penalty within 60 days of the notice will result in either the suspension of  
7 the person's operator's license for a period of not more than 90 days or delay  
8 the initial licensing of the person for a period of not more than one year. A  
9 copy of the notice shall be sent to the commissioner of motor vehicles, who  
10 after expiration of 60 days from the date of notice and unless notified by the  
11 judicial bureau that the penalty has been paid, shall either suspend the person's  
12 operator's license or cause initial licensing of the person to be delayed for the  
13 periods set forth in this subsection and the rules. An action under this  
14 subsection shall be brought in the same manner as a traffic violation pursuant  
15 to chapter 24 of Title 23. The commissioner of motor vehicles shall adopt  
16 rules ~~in accordance with the provisions of chapter 25 of Title 3~~ to implement  
17 the provisions of this subsection, which may provide for incremental  
18 suspension or delays not exceeding cumulatively the maximum periods  
19 established by this subsection.

20 (b) A person less than 18 years of age who misrepresents his or her age by  
21 presenting false identification to purchase or attempt to purchase tobacco

1 products shall be fined not more than ~~\$50.00~~ \$100.00 or provide up to 10 hours  
2 of community service, or both.

3 Sec. 4. Sec 13(b) of No. 58 of the Acts of 1997 is amended to read:

4 (b) Any violation by a tobacco licensee of 7 V.S.A. §§ 1003(a) and 1007  
5 after a first sale violation or during a compliance test conducted within ~~six~~  
6 ~~months~~ three years of a previous violation shall be considered a multiple  
7 violation and shall result in the minimum license suspension in addition to any  
8 other penalties available under this title. Minimum license suspensions for  
9 multiple violations shall be assessed as follows:

- |    |                      |                                    |
|----|----------------------|------------------------------------|
| 10 | (1) Two violations   | One weekday                        |
| 11 | (2) Three violations | Two weekdays                       |
| 12 | (3) Four violations  | Three weekdays                     |
| 13 | (4) Five violations  | Three weekend days, Friday through |
| 14 |                      | Sunday                             |

15 Sec. 5. LIQUOR CONTROL BOARD; PROHIBITING YOUTH ACCESS  
16 TO TOBACCO; ALTERNATIVE PENALTIES

17 The liquor control board shall analyze the existing penalties for violations  
18 of tobacco laws and rules to determine the effectiveness and appropriateness of  
19 those laws and rules to discourage and eliminate children's access to tobacco  
20 products. The board shall also make recommendations for retaining existing  
21 penalties or adding alternative penalties that are expected to increase the

1 effectiveness of discouraging children's access to tobacco products. The board  
2 shall issue its analysis and recommendations in a written report to the general  
3 assembly on or before January 1, 2010.