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H.632

Introduced by Representatives Koch of Barre Town, Grad of Moretown, and
Krowinski of Burlington

Referred to Committee on

Date:

Subject: Alcoholic beverages; tobacco products; electronic cigarettes

Statement of purpose of bill as introduced: This bill proposes to ban the sale or
possession of electronic cigarettes.

An act relating to banning the sale or possession of electronic cigarettes

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

Sec. 1. 7 V.S.A. § 1012 is added to read:

§ 1012. TOBACCO SUBSTITUTES; ELECTRONIC CIGARETTES

(a) A person shall not sell or possess tobacco substitutes.

(b) A person who violates subsection (a) of this section shall be subject to a
civil penalty of not more than \$100.00 for a first offense and not more than
\$500.00 for a second or subsequent offense.

1 licensee shall be entitled to refuse to sell tobacco products, ~~tobacco substitutes,~~
2 or tobacco paraphernalia to the person. The sale or furnishing of tobacco
3 products, ~~tobacco substitutes,~~ or tobacco paraphernalia to a person exhibiting
4 proper proof shall be prima facie evidence of a licensee's compliance with
5 section 1007 of this title.

6 * * *

7 § 1005. PERSONS UNDER ~~THE AGE OF~~ 18 YEARS OF AGE;
8 POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING
9 AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

10 (a) A person under 18 years of age shall not possess, purchase, or attempt
11 to purchase tobacco products, ~~tobacco substitutes,~~ or tobacco paraphernalia
12 unless the person is an employee of a holder of a tobacco license and is in
13 possession of tobacco products, ~~tobacco substitutes,~~ or tobacco paraphernalia
14 to effect a sale in the course of employment. A person under 18 years of age
15 shall not misrepresent his or her age to purchase or attempt to purchase tobacco
16 products, ~~tobacco substitutes,~~ or tobacco paraphernalia. A person who
17 possesses tobacco products, ~~tobacco substitutes,~~ or tobacco paraphernalia in
18 violation of this subsection shall be subject to having the tobacco products,
19 ~~tobacco substitutes,~~ or tobacco paraphernalia immediately confiscated and
20 shall be further subject to a civil penalty of \$25.00. In the case of failure to
21 pay a penalty, the Judicial Bureau shall mail a notice to the person at the

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

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

20 * * *

1 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~EIGHTEEN~~
2 18 YEARS OF AGE

3 An individual who sells or furnishes tobacco products, ~~tobacco substitutes,~~
4 or tobacco paraphernalia to a person under 18 years of age shall be subject to a
5 civil penalty of not more than \$100.00 for the first offense and not more than
6 \$500.00 for any subsequent offense. An action under this section shall be
7 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.
8 chapter 24 and shall be brought within 24 hours of the occurrence of the
9 alleged violation.

10 * * *

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on passage.