

H.616

Introduced by Representatives Till of Jericho, Burke of Brattleboro, Canfield
of Fair Haven, Clarkson of Woodstock, Dakin of Chester,
Donahue of Northfield, Ellis of Waterbury, Fisher of Lincoln,
Hoyt of Norwich, Krowinski of Burlington, Lenex of Shelburne,
Macaig of Williston, Malcolm of Pawlet, Martin of Springfield,
McCullough of Williston, Mrowicki of Putney, O'Sullivan of
Burlington, Poirier of Barre City, Potter of Clarendon, Spengler
of Colchester, Stevens of Waterbury, Strong of Albany,
Townsend of South Burlington, Waite-Simpson of Essex,
Wizowaty of Burlington, and Woodward of Johnson

Referred to Committee on

Date:

Subject: Health; tobacco; smoking age

Statement of purpose of bill as introduced: This bill proposes to increase the
smoking age from 18 to 21 years except for members of the U.S. Armed
Forces.

An act relating to increasing the smoking age from 18 to 21 years

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

1 Sec. 1. FINDINGS

2 (a) Every day more than 1,200 persons in the United States die due to
3 smoking. And every day at least two youths or young adults become regular
4 smokers.

5 (b) The younger an individual is when he or she begins using tobacco, the
6 more likely he or she will become addicted. Among youths who persist in
7 smoking, one-third will die prematurely due to smoking.

8 (c) Compared with adults, adolescents appear to display evidence of
9 addiction at much lower levels of cigarette consumption, and their attempts to
10 quit smoking thus may be less successful.

11 (d) Persons 18 through 20 years of age are responsible for 90 percent of the
12 cigarettes purchased on behalf of minors less than 18 years of age. If their
13 legal access is curtailed, the benefit will extend to much younger teens.

14 (e) Prevention efforts must focus on young adults 18 through 25 years of
15 age. Almost no one starts smoking after 25 years of age. Nearly nine out of
16 10 smokers began smoking by 18 years of age, and 99 percent started by
17 26 years of age. Progression from occasional to daily smoking almost always
18 occurs by 26 years of age.

19 (f) Of all young adults 18 to 25 years of age in Vermont who had never
20 smoked, 12.1 percent smoked a cigarette for the first time in 2008-2009.

1 Vermont ranked 49th in the nation, with a range of 4.2 percent to 14.7 percent
2 among the states.

3 Sec. 2. 7 V.S.A. § 1003 is amended to read:

4 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
5 TOBACCO PARAPHERNALIA; REQUIREMENTS;
6 PROHIBITIONS

7 (a)(1) A Except as provided in subdivision (2) of this subsection, a person
8 shall not sell or provide tobacco products, tobacco substitutes, or tobacco
9 paraphernalia to any person younger than ~~18~~ 21 years of age.

10 (2) A person shall not sell or provide tobacco products, tobacco
11 substitutes, or tobacco paraphernalia to any current member of the U.S. Armed
12 Forces younger than 18 years of age.

13 * * *

14 Sec. 3. 7 V.S.A. § 1004 is amended to read:

15 § 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS;
16 TOBACCO SUBSTITUTES; TOBACCO PARAPHERNALIA

17 (a) A person shall exhibit proper proof of his or her age upon demand of a
18 person licensed under this chapter, an employee of a licensee, or a law
19 enforcement officer. If the person fails to provide such proof of age, the
20 licensee shall be entitled to refuse to sell tobacco products, tobacco substitutes,
21 or tobacco paraphernalia to the person. The sale or furnishing of tobacco

1 products, tobacco substitutes, or tobacco paraphernalia to a person exhibiting
2 proper proof shall be prima facie evidence of a licensee's compliance with
3 section 1007 of this title.

4 (b) As used in this section, "proper proof" means a photographic motor
5 vehicle operator's license, a valid passport, a ~~United States~~ U.S. Military
6 identification card or a photographic nondriver motor vehicle identification
7 card obtained from the ~~department of motor vehicles~~ Department of Motor
8 Vehicles. For a person between 18 and 21 years of age purchasing tobacco
9 products, tobacco substitutes, or tobacco paraphernalia pursuant to subdivision
10 1003(a)(2) of this title, "proper proof" means a photographic U.S. Military
11 identification card showing the person is a current member of the U.S. Armed
12 Forces. A U.S. Military dependent's identification and privilege card shall not
13 constitute proper proof under this section.

14 Sec. 4. 7 V.S.A. § 1005 is amended to read:

15 § 1005. PERSONS UNDER ~~THE AGE OF 18~~ 21 YEARS OF AGE;

16 POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING

17 AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

18 (a)(1) ~~A~~ Except as provided in subdivision (2) of this subsection, a person
19 under ~~18~~ 21 years of age shall not possess, purchase, or attempt to purchase
20 tobacco products, tobacco substitutes, or tobacco paraphernalia unless the
21 person is an employee of a holder of a tobacco license and is in possession of

1 tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale
2 in the course of employment. A person under ~~18~~ 21 years of age shall not
3 misrepresent his or her age to purchase or attempt to purchase tobacco
4 products, tobacco substitutes, or tobacco paraphernalia. A person who
5 possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in
6 violation of this subsection shall be subject to having the tobacco products,
7 tobacco substitutes, or tobacco paraphernalia immediately confiscated and
8 shall be further subject to a civil penalty of \$25.00. In the case of failure to
9 pay a penalty, the Judicial Bureau shall mail a notice to the person at the
10 address in the complaint notifying the person that failure to pay the penalty
11 within 60 days of the notice will result in either the suspension of the person's
12 operator's license for a period of not more than 90 days or the delay of the
13 initial licensing of the person for a period of not more than one year. A copy
14 of the notice shall be sent to the Commissioner of Motor Vehicles, who, after
15 expiration of 60 days from the date of notice and unless notified by the Judicial
16 Bureau that the penalty has been paid shall either suspend the person's
17 operator's license or cause initial licensing of the person to be delayed for the
18 periods set forth in this subsection and the rules. An action under this
19 subsection shall be brought in the same manner as a traffic violation pursuant
20 to 23 V.S.A. chapter 24. The Commissioner of Motor Vehicles shall adopt
21 rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement

1 the provisions of this subsection, which may provide for incremental
2 suspension or delays not exceeding cumulatively the maximum periods
3 established by this subsection.

4 (2) For current members of the U.S. Armed Forces, the provisions of
5 subdivision (1) of this subsection shall apply to persons under 18 years of age.

6 (b) A person under ~~18~~ 21 years of age, or, for a current member of the U.S.
7 Armed Forces, under 18 years of age, who misrepresents his or her age by
8 presenting false identification to purchase tobacco products, tobacco
9 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or
10 provide up to 10 hours of community service, or both.

11 Sec. 5. 7 V.S.A. § 1007 is amended to read:

12 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~EIGHTEEN~~

13 THE LEGAL AGE

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

2 § 1102. JUDICIAL BUREAU; JURISDICTION

5 (b) The Judicial Bureau shall have jurisdiction of the following matters:

(4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco products by a person ~~less than 18~~ under 21 years of age.

9 (5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco
10 products to a person under the age of ~~18~~ 21 years of age.

12 Sec. 7. 7 V.S.A. § 667(c) is amended to read:

(c) The provisions of subsection (b) of this section shall not apply to a violation of subsection 1005(a) of this title, relating to purchase of tobacco products by a person ~~less than 18~~ under 21 years of age.

16 Sec. 8. EFFECTIVE DATE

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