

Amendment to be offered by Rep. Till of Jericho to the recommendation of amendment of the Committee on Human Services to H. 217

By striking out Sec. 7, effective date, and inserting in lieu thereof the following:

Sec. 7. FINDINGS

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

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

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

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

(e) Prevention efforts must focus on young adults 18 through 25 years of

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age. Almost no one starts smoking after 25 years of age. Nearly nine out of 10 smokers began smoking by 18 years of age, and 99 percent started by 26 years of age. Progression from occasional to daily smoking almost always occurs by 26 years of age.

(f) Of all young adults 18 to 25 years of age in Vermont who had never smoked, 12.1 percent smoked a cigarette for the first time in 2008–2009. Vermont ranked 49th in the nation, with a range of 4.2 percent to 14.7 percent among the states.

Sec. 8. 7 V.S.A. § 1003 is amended to read:

**§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
TOBACCO PARAPHERNALIA; REQUIREMENTS;
PROHIBITIONS**

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

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

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Sec. 9. 7 V.S.A. § 1004 is amended to read:

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

(a) A person shall exhibit proper proof of his or her age upon demand of a person licensed under this chapter, an employee of a licensee, or a law enforcement officer. If the person fails to provide such proof of age, the licensee shall be entitled to refuse to sell tobacco products, tobacco substitutes, or tobacco paraphernalia to the person. The sale or furnishing of tobacco products, tobacco substitutes, or tobacco paraphernalia to a person exhibiting proper proof shall be prima facie evidence of a licensee's compliance with section 1007 of this title.

(b) As used in this section, "proper proof" means a photographic motor vehicle operator's license, a valid passport, a United States U.S. Military identification card or a photographic nondriver motor vehicle identification card obtained from the department of

motor vehicles Department of Motor Vehicles. For a person between 18 and 21 years of age purchasing tobacco products, tobacco substitutes, or tobacco paraphernalia pursuant to subdivision 1003(a)(2) of this title, "proper proof" means a photographic U.S. Military identification card showing the person is a current member of the U.S. Armed

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Forces. A U.S. Military dependent's identification and privilege card shall not constitute proper proof under this section.

Sec. 10. 7 V.S.A. § 1005 is amended to read:

§ 1005. PERSONS UNDER THE AGE OF 18 21 YEARS OF AGE; POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

(a)(1) A Except as provided in subdivision (2) of this subsection, a person under 18 21 years of age shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia unless the person is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment. A person under 18 21 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A person who possesses tobacco products, tobacco substitutes, or tobacco paraphernalia in violation of this subsection shall be subject to having the tobacco products, tobacco substitutes, or tobacco paraphernalia immediately confiscated and shall be further subject to a civil penalty of \$25.00. In the case of failure to pay a penalty, the Judicial Bureau shall mail a notice to the person at the address in the complaint notifying the person that failure to pay the penalty within 60 days of the notice will result in either the suspension of the person's operator's license for a period of not more than 90 days or the delay of the initial licensing of the person for a period of not more than one year. A copy of the notice shall be sent to the Commissioner of Motor Vehicles, who, after expiration of 60 days from the date of notice and unless notified by the Judicial Bureau that the penalty has been paid shall either suspend the person's operator's license or cause initial licensing of the person to be delayed for the periods set forth in this subsection and the rules. An action under this subsection shall be brought in the same manner as a traffic violation pursuant to 23 V.S.A. chapter 24. The Commissioner of Motor Vehicles shall adopt rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement the provisions of this subsection, which may provide for incremental suspension or delays not exceeding cumulatively the maximum periods established by this subsection.

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

(b) A person under 18 21 years of age, or, for a current member of the U.S. Armed Forces, under 18 years of age, who misrepresents his or her age by presenting false identification to purchase tobacco products, tobacco

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substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or provide up to 10 hours of community service, or both.

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

§ 1007. FURNISHING TOBACCO TO PERSONS UNDER EIGHTEEN THE LEGAL AGE

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

Sec. 12. 4 V.S.A. § 1102 is amended to read:

§ 1102. JUDICIAL BUREAU; JURISDICTION

(a) A Judicial Bureau is created within the Judicial Branch under the supervision of the supreme court Supreme Court.

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

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(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.

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

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Sec. 13. 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.

Sec. 14. EFFECTIVE DATE

This act shall take effect on July 1, 2014.