

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.
3 171 entitled “An act relating to restrictions on the use of electronic cigarettes”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 7 V.S.A. § 1003(d) is amended to read:

8 ~~(d)(1) No person holding a tobacco license shall display or store tobacco~~
9 ~~products or tobacco substitutes where those products are accessible to~~
10 ~~consumers without direct assistance by the sales personnel~~ Persons holding a
11 tobacco license may only display or store tobacco products or tobacco
12 substitutes:

13 (A) behind a sales counter or in any other area of the establishment
14 that is inaccessible to the public; or

15 (B) in a locked container that is not located on a sales counter.

16 (2) This subsection shall not apply to the following:

17 ~~(1)(A) A~~ a display of tobacco products that is located in a commercial
18 establishment in which by law no person younger than 18 years of age is
19 permitted to enter at any time.;

20 ~~(2)(B) Cigarettes~~ cigarettes in unopened cartons and smokeless tobacco
21 in unopened multipack containers of 10 or more packages, any of which shall

1 be displayed in plain view and under the control of a responsible employee so
2 that removal of the cartons or multipacks from the display can be readily
3 observed by that employee; or

4 ~~(3)(C)~~ Cigars cigars and pipe tobacco stored in a humidor on the sales
5 counter in plain view and under the control of a responsible employee so that
6 the removal of these products from the humidor can be readily observed by
7 that employee.

8 Sec. 2. 18 V.S.A. § 1421 is amended to read:

9 § 1421. SMOKING IN THE WORKPLACE; PROHIBITION

10 (a) The ~~use~~ possession of lighted tobacco products or use of tobacco
11 substitutes is prohibited in any workplace.

12 (b)(1) As used in this subchapter, "workplace" means an enclosed structure
13 where employees perform services for an employer, including restaurants,
14 bars, and other establishments in which food or drinks, or both, are served. In
15 the case of an employer who assigns employees to departments, divisions, or
16 similar organizational units, "workplace" means the enclosed portion of a
17 structure to which the employee is assigned.

18 * * *

19 (5) The prohibition on using tobacco substitutes in a workplace shall not
20 apply to a business that does not sell food or beverages but is established for

1 the sole purpose of providing a setting for patrons to purchase and use tobacco
2 substitutes and related paraphernalia.

3 (c) Nothing in this section shall be construed to restrict the ability of
4 residents of the Vermont ~~veterans' home~~ Veterans' Home to ~~use~~ possess
5 lighted tobacco products or use tobacco substitutes in the indoor area of the
6 facility in which smoking is permitted.

7 Sec. 3. 18 V.S.A. § 1741 is amended to read:

8 § 1741. DEFINITIONS

9 As used in this chapter:

10 * * *

11 (5) “Tobacco substitutes” shall have the same meaning as in 7 V.S.A.
12 § 1001.

13 Sec. 4. 18 V.S.A. § 1742 is amended to read:

14 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

15 (a) The possession of lighted tobacco products or use of tobacco substitutes
16 in any form is prohibited in:

17 (1) the common areas of all enclosed indoor places of public access and
18 publicly owned buildings and offices;

19 (2) all enclosed indoor places in lodging establishments used for
20 transient traveling or public vacationing, such as resorts, hotels, and motels,
21 including sleeping quarters and adjoining rooms rented to guests;

1 (3) designated smoke-free areas of property or grounds owned by or
2 leased to the State; and

3 (4) any other area within 25 feet of State-owned buildings and offices,
4 except that to the extent that any portion of the 25-foot zone is not on State
5 property, smoking is prohibited only in that portion of the zone that is on State
6 property unless the owner of the adjoining property chooses to designate his or
7 her property smoke-free.

8 (b) The possession of lighted tobacco products or use of tobacco substitutes
9 in any form is prohibited on the grounds of any hospital or secure residential
10 recovery facility owned or operated by the State, including all enclosed places
11 in the hospital or facility and the surrounding outdoor property.

12 (c) Nothing in this section shall be construed to restrict the ability of
13 residents of the Vermont Veterans' Home to ~~use~~ possess lighted tobacco
14 products or use tobacco substitutes in the indoor area of the facility in which
15 smoking is permitted.

16 (d) Nothing in this chapter shall be construed to prohibit the use of tobacco
17 substitutes in a business that does not sell food or beverages but is established
18 for the sole purpose of providing a setting for patrons to purchase and use
19 tobacco substitutes and related paraphernalia.

1 Sec. 5. 18 V.S.A. § 1743 is amended to read:

2 § 1743. EXCEPTIONS

3 The restrictions in this chapter on possession of lighted tobacco products
4 and use of tobacco substitutes do not apply to areas not commonly open to the
5 public of owner-operated businesses with no employees.

6 Sec. 6. 18 V.S.A. § 1745 is amended to read:

7 § 1745. ENFORCEMENT

8 A proprietor, or the agent or employee of a proprietor, who observes a
9 person in possession of lighted tobacco products or using tobacco substitutes in
10 apparent violation of this chapter shall ask the person to extinguish all lighted
11 tobacco products or cease using the tobacco substitutes. If the person persists
12 in the possession of lighted tobacco products or use of tobacco substitutes, the
13 proprietor, agent, or employee shall ask the person to leave the premises.

14 Sec. 7. 23 V.S.A. § 1134b is amended to read:

15 § 1134b. SMOKING IN MOTOR VEHICLE WITH CHILD PRESENT

16 (a) A person shall not possess a lighted tobacco product or use a tobacco
17 substitute in a motor vehicle that is occupied by a child required to be properly
18 restrained in a federally approved child passenger restraining system pursuant
19 to subdivision 1258(a)(1) or (2) of this title.

1 (b) A person who violates subsection (a) of this section shall be subject to a
2 fine of not more than \$100.00. No points shall be assessed for a violation of
3 this section.

4 Sec. 8. EFFECTIVE DATE

5 (a) Sec. 1 (7 V.S.A. § 1003(d)) shall take effect on January 1, 2017.

6 (b) The remaining sections shall take effect on July 1, 2016.

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8

9 (Committee vote: _____)

10

11

Representative _____

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FOR THE COMMITTEE