

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Human Services to which was referred House Bill No.  
3 93 entitled “An act relating to increasing the smoking age from 18 to 21 years  
4 of age” respectfully reports that it has considered the same and recommends  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 \* \* \* Increasing Smoking Age to 19 Years of Age \* \* \*

8 Sec. 1. 7 V.S.A. § 1003 is amended to read:

9 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;  
10 TOBACCO PARAPHERNALIA; REQUIREMENTS;  
11 PROHIBITIONS

12 (a) A person shall not sell or provide tobacco products, tobacco substitutes,  
13 or tobacco paraphernalia to any person younger than ~~18~~ 19 years of age.

14 (b) Beginning August 28, 1997, vending machines selling tobacco  
15 products, tobacco substitutes, or tobacco paraphernalia are prohibited. This  
16 subsection shall not apply to a vending machine that is located in a commercial  
17 establishment in which by law no person younger than ~~18~~ 19 years of age is  
18 permitted to enter at any time. A single vending machine may not be used to  
19 sell other commodities in combination with tobacco products, tobacco  
20 substitutes, or tobacco paraphernalia. A violation of this subsection shall result  
21 in the seizure of the vending machine.

1 (c) Beginning January 1, 2001, and subject to receiving any necessary  
2 exemption from preemption from the U.S. Food and Drug Administration, all  
3 vending machines selling tobacco products are prohibited.

4 (d) No person holding a tobacco license shall display or store tobacco  
5 products or tobacco substitutes where those products are accessible to  
6 consumers without direct assistance by the sales personnel. This subsection  
7 shall not apply to the following:

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

11 (2) ~~Cigarettes~~ cigarettes in unopened cartons and smokeless tobacco in  
12 unopened multipack containers of 10 or more packages, any of which shall be  
13 displayed in plain view and under the control of a responsible employee so that  
14 removal of the cartons or multipacks from the display can be readily observed  
15 by that employee; or

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

1 Sec. 2. 7 V.S.A. § 1005 is amended to read:

2 § 1005. PERSONS UNDER ~~18~~ 19 YEARS OF AGE; POSSESSION OF  
3 TOBACCO PRODUCTS; MISREPRESENTING AGE OR  
4 PURCHASING TOBACCO PRODUCTS; PENALTY

5 (a) A person under ~~18~~ 19 years of age shall not possess, purchase, or  
6 attempt to purchase tobacco products, tobacco substitutes, or tobacco  
7 paraphernalia unless the person is an employee of a holder of a tobacco license  
8 and is in possession of tobacco products, tobacco substitutes, or tobacco  
9 paraphernalia to effect a sale in the course of employment. A person under ~~18~~  
10 19 years of age shall not misrepresent his or her age to purchase or attempt to  
11 purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A  
12 person who possesses tobacco products, tobacco substitutes, or tobacco  
13 paraphernalia in violation of this subsection shall be subject to having the  
14 tobacco products, tobacco substitutes, or tobacco paraphernalia immediately  
15 confiscated and shall be further subject to a civil penalty of \$25.00. In the case  
16 of failure to pay a penalty, the Judicial Bureau shall mail a notice to the person  
17 at the address in the complaint notifying the person that failure to pay the  
18 penalty within 60 days of the notice will result in either the suspension of the  
19 person's operator's license for a period of not more than 90 days or the delay  
20 of the initial licensing of the person for a period of not more than one year. A  
21 copy of the notice shall be sent to the Commissioner of Motor Vehicles, who,

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

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

15 Sec. 3. 7 V.S.A. § 1007 is amended to read:

16 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~18~~ 19 YEARS  
17 OF AGE

18 An individual who sells or furnishes tobacco products, tobacco substitutes,  
19 or tobacco paraphernalia to a person under ~~18~~ 19 years of age shall be subject  
20 to a civil penalty of not more than \$100.00 for the first offense and not more  
21 than \$500.00 for any subsequent offense. An action under this section shall be

1 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.  
2 chapter 24 and shall be brought within 24 hours of the occurrence of the  
3 alleged violation.

4 Sec. 4. 4 V.S.A. § 1102(b) is amended to read:

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

6 \* \* \*

7 (4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco  
8 products by a person ~~less than 18~~ under 19 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~~ 19 years of age.

11 \* \* \*

12 Sec. 5. 7 V.S.A. § 667(c) is amended to read:

13 (c) The provisions of subsection (b) of this section shall not apply to a  
14 violation of subsection 1005(a) of this title, relating to purchase of tobacco  
15 products by a person less than ~~18~~ 19 years of age.

16 \* \* \* Increasing Smoking Age to 20 Years of Age \* \* \*

17 Sec. 6. 7 V.S.A. § 1003 is amended to read:

18 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;  
19 TOBACCO PARAPHERNALIA; REQUIREMENTS;  
20 PROHIBITIONS

1 (a) A person shall not sell or provide tobacco products, tobacco substitutes,  
2 or tobacco paraphernalia to any person younger than ~~19~~ 20 years of age.

3 (b) Beginning August 28, 1997, vending machines selling tobacco  
4 products, tobacco substitutes, or tobacco paraphernalia are prohibited. This  
5 subsection shall not apply to a vending machine that is located in a commercial  
6 establishment in which by law no person younger than ~~19~~ 20 years of age is  
7 permitted to enter at any time. A single vending machine may not be used to  
8 sell other commodities in combination with tobacco products, tobacco  
9 substitutes, or tobacco paraphernalia. A violation of this subsection shall result  
10 in the seizure of the vending machine.

11 (c) Beginning January 1, 2001, and subject to receiving any necessary  
12 exemption from preemption from the U.S. Food and Drug Administration, all  
13 vending machines selling tobacco products are prohibited.

14 (d) No person holding a tobacco license shall display or store tobacco  
15 products or tobacco substitutes where those products are accessible to  
16 consumers without direct assistance by the sales personnel. This subsection  
17 shall not apply to the following:

18 (1) a display of tobacco products that is located in a commercial  
19 establishment in which by law no person younger than ~~19~~ 20 years of age is  
20 permitted to enter at any time;

21 \* \* \*

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

2 § 1005. PERSONS UNDER ~~19~~ 20 YEARS OF AGE; POSSESSION OF  
3 TOBACCO PRODUCTS; MISREPRESENTING AGE OR  
4 PURCHASING TOBACCO PRODUCTS; PENALTY

5 (a) A person under ~~19~~ 20 years of age shall not possess, purchase, or  
6 attempt to purchase tobacco products, tobacco substitutes, or tobacco  
7 paraphernalia unless the person is an employee of a holder of a tobacco license  
8 and is in possession of tobacco products, tobacco substitutes, or tobacco  
9 paraphernalia to effect a sale in the course of employment. A person under ~~19~~  
10 20 years of age shall not misrepresent his or her age to purchase or attempt to  
11 purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A  
12 person who possesses tobacco products, tobacco substitutes, or tobacco  
13 paraphernalia in violation of this subsection shall be subject to having the  
14 tobacco products, tobacco substitutes, or tobacco paraphernalia immediately  
15 confiscated and shall be further subject to a civil penalty of \$25.00. In the case  
16 of failure to pay a penalty, the Judicial Bureau shall mail a notice to the person  
17 at the address in the complaint notifying the person that failure to pay the  
18 penalty within 60 days of the notice will result in either the suspension of the  
19 person's operator's license for a period of not more than 90 days or the delay  
20 of the initial licensing of the person for a period of not more than one year. A  
21 copy of the notice shall be sent to the Commissioner of Motor Vehicles, who,

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

11 (b) A person under ~~19~~ 20 years of age who misrepresents his or her age by  
12 presenting false identification to purchase tobacco products, tobacco  
13 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or  
14 provide up to 10 hours of community service, or both.

15 Sec. 8. 7 V.S.A. § 1007 is amended to read:

16 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~19~~ 20 YEARS  
17 OF AGE

18 An individual who sells or furnishes tobacco products, tobacco substitutes,  
19 or tobacco paraphernalia to a person under ~~19~~ 20 years of age shall be subject  
20 to a civil penalty of not more than \$100.00 for the first offense and not more  
21 than \$500.00 for any subsequent offense. An action under this section shall be



1 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.  
2 chapter 24 and shall be brought within 24 hours of the occurrence of the  
3 alleged violation.

4 Sec. 9. 4 V.S.A. § 1102(b) is amended to read:

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

6 \* \* \*

7 (4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco  
8 products by a person under ~~19~~ 20 years of age.

9 (5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco  
10 products to a person under ~~19~~ 20 years of age.

11 \* \* \*

12 Sec. 10. 7 V.S.A. § 667(c) is amended to read:

13 (c) The provisions of subsection (b) of this section shall not apply to a  
14 violation of subsection 1005(a) of this title, relating to purchase of tobacco  
15 products by a person less than ~~19~~ 20 years of age.

16 \* \* \* Increasing Smoking Age to 21 Years of Age \* \* \*

17 Sec. 11. 7 V.S.A. § 1003 is amended to read:

18 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;  
19 TOBACCO PARAPHERNALIA; REQUIREMENTS;  
20 PROHIBITIONS

1 (a) A person shall not sell or provide tobacco products, tobacco substitutes,  
2 or tobacco paraphernalia to any person younger than ~~20~~ 21 years of age.

3 (b) Beginning August 28, 1997, vending machines selling tobacco  
4 products, tobacco substitutes, or tobacco paraphernalia are prohibited. This  
5 subsection shall not apply to a vending machine that is located in a commercial  
6 establishment in which by law no person younger than ~~20~~ 21 years of age is  
7 permitted to enter at any time. A single vending machine may not be used to  
8 sell other commodities in combination with tobacco products, tobacco  
9 substitutes, or tobacco paraphernalia. A violation of this subsection shall result  
10 in the seizure of the vending machine.

11 (c) Beginning January 1, 2001, and subject to receiving any necessary  
12 exemption from preemption from the U.S. Food and Drug Administration, all  
13 vending machines selling tobacco products are prohibited.

14 (d) No person holding a tobacco license shall display or store tobacco  
15 products or tobacco substitutes where those products are accessible to  
16 consumers without direct assistance by the sales personnel. This subsection  
17 shall not apply to the following:

18 (1) a display of tobacco products that is located in a commercial  
19 establishment in which by law no person younger than ~~20~~ 21 years of age is  
20 permitted to enter at any time;

21 \* \* \*

1 Sec. 12. 7 V.S.A. § 1005 is amended to read:

2 § 1005. PERSONS UNDER ~~20~~ 21 YEARS OF AGE; POSSESSION OF  
3 TOBACCO PRODUCTS; MISREPRESENTING AGE OR  
4 PURCHASING TOBACCO PRODUCTS; PENALTY

5 (a) A person under ~~20~~ 21 years of age shall not possess, purchase, or  
6 attempt to purchase tobacco products, tobacco substitutes, or tobacco  
7 paraphernalia unless the person is an employee of a holder of a tobacco license  
8 and is in possession of tobacco products, tobacco substitutes, or tobacco  
9 paraphernalia to effect a sale in the course of employment. A person under ~~20~~  
10 21 years of age shall not misrepresent his or her age to purchase or attempt to  
11 purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A  
12 person who possesses tobacco products, tobacco substitutes, or tobacco  
13 paraphernalia in violation of this subsection shall be subject to having the  
14 tobacco products, tobacco substitutes, or tobacco paraphernalia immediately  
15 confiscated and shall be further subject to a civil penalty of \$25.00. In the case  
16 of failure to pay a penalty, the Judicial Bureau shall mail a notice to the person  
17 at the address in the complaint notifying the person that failure to pay the  
18 penalty within 60 days of the notice will result in either the suspension of the  
19 person's operator's license for a period of not more than 90 days or the delay  
20 of the initial licensing of the person for a period of not more than one year. A  
21 copy of the notice shall be sent to the Commissioner of Motor Vehicles, who,

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

11 (b) A person under ~~20~~ 21 years of age who misrepresents his or her age by  
12 presenting false identification to purchase tobacco products, tobacco  
13 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or  
14 provide up to 10 hours of community service, or both.

15 Sec. 13. 7 V.S.A. § 1007 is amended to read:

16 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~20~~ 21 YEARS  
17 OF AGE

18 An individual who sells or furnishes tobacco products, tobacco substitutes,  
19 or tobacco paraphernalia to a person under ~~20~~ 21 years of age shall be subject  
20 to a civil penalty of not more than \$100.00 for the first offense and not more  
21 than \$500.00 for any subsequent offense. An action under this section shall be

1 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.  
2 chapter 24 and shall be brought within 24 hours of the occurrence of the  
3 alleged violation.

4 Sec. 14. 4 V.S.A. § 1102(b) is amended to read:

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

6 \* \* \*

7 (4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco  
8 products by a person under ~~20~~ 21 years of age.

9 (5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco  
10 products to a person under ~~20~~ 21 years of age.

11 \* \* \*

12 Sec. 15. 7 V.S.A. § 667(c) is amended to read:

13 (c) The provisions of subsection (b) of this section shall not apply to a  
14 violation of subsection 1005(a) of this title, relating to purchase of tobacco  
15 products by a person less than ~~20~~ 21 years of age.

16 \* \* \* Effective Dates \* \* \*

17 Sec. 16. EFFECTIVE DATES

18 (a) Secs. 1–5 (increasing smoking age to 19) and this section shall take  
19 effect on January 1, 2017.

20 (b) Secs. 6–10 (increasing smoking age to 20) shall take effect on  
21 January 1, 2018.

1           (c) Secs. 11–15 (increasing smoking age to 21) shall take effect on  
2           January 1, 2019.

3

4

5           (Committee vote: \_\_\_\_\_)

6

\_\_\_\_\_

7

Representative \_\_\_\_\_

8

FOR THE COMMITTEE