

1 H.93

2 Representative Helm of Fair Haven moves that the report of the Committee  
3 on Human Services, as amended, be further amended as follows:

4 First: By adding a reader assistance heading and two new sections to be  
5 Secs. 16 and 17 to read as follows:

6 \* \* \* Maintaining Smoking Age at 18 Years of Age for Military \* \* \*

7 Sec. 16. 7 V.S.A. § 1013 is added to read:

8 § 1013. SMOKING AGE FOR MEMBERS OF THE U.S. ARMED FORCES

9 (a) As used in this section, “U.S. Armed Forces” means the U.S. Army,  
10 Navy, Marine Corps, Air Force, or Coast Guard, a reserve component thereof,  
11 or the National Guard of this State or another state.

12 (b) Notwithstanding any provision of section 1003 of this title to the  
13 contrary, a person shall not sell or provide tobacco products, tobacco  
14 substitutes, or tobacco paraphernalia to any current or former member of the  
15 U.S. Armed Forces younger than 18 years of age.

16 (c) For current or former members of the U.S. Armed Forces under 21  
17 years of age purchasing tobacco products, tobacco substitutes, or tobacco  
18 paraphernalia, proper proof of age pursuant to section 1004 of this title shall be  
19 a photographic U.S. Military identification card showing the person is a current  
20 member of the U.S. Armed Forces or a photographic identification card issued  
21 by the U.S. Department of Veterans Affairs showing the person is a veteran of

1 the U.S. Armed Forces. A U.S. Military dependent's identification and  
2 privilege card shall not constitute proper proof under this subsection.

3 (d)(1) Notwithstanding any provision of section 1005 of this title to the  
4 contrary, a current or former member of the U.S. Armed Forces under 18 years  
5 of age shall not possess, purchase, or attempt to purchase tobacco products,  
6 tobacco substitutes, or tobacco paraphernalia unless the person is an employee  
7 of a holder of a tobacco license and is in possession of tobacco products,  
8 tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of  
9 employment. A current or former member of the U.S. Armed Forces under 18  
10 years of age who possesses tobacco products, tobacco substitutes, or tobacco  
11 paraphernalia in violation of this subdivision is subject to having the tobacco  
12 products, tobacco substitutes, or tobacco paraphernalia immediately  
13 confiscated and shall be further subject to a civil penalty of \$25.00.

14 (2) Notwithstanding any provision of section 1005 of this title to the  
15 contrary, a current or former member of the U.S. Armed Forces under 18 years  
16 of age shall not misrepresent his or her age to purchase or attempt to purchase  
17 tobacco products, tobacco substitutes, or tobacco paraphernalia. A current or  
18 former member of the U.S. Armed Forces under 18 years of age who  
19 misrepresents his or her age by presenting false identification to purchase  
20 tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined  
21 not more than \$50.00 or provide up to 10 hours of community service, or both.

1           (3) An action under subdivision (1) or (2) of this subsection shall be  
2           brought in the same manner as a traffic violation pursuant to 23 V.S.A.  
3           chapter 24.

4           (e) Notwithstanding any provision of section 1007 of this title to the  
5           contrary, an individual who sells or furnishes tobacco products, tobacco  
6           substitutes, or tobacco paraphernalia to a current or former member of the U.S.  
7           Armed Forces under 18 years of age shall be subject to a civil penalty of not  
8           more than \$100.00 for the first offense and not more than \$500.00 for any  
9           subsequent offense. An action under this section shall be brought in the same  
10          manner as for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be  
11          brought within 24 hours of the occurrence of the alleged violation.

12          Sec. 17. 4 V.S.A. § 1102(b) is amended to read:

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

14   \* \* \*

15           (27) Violations of 7 V.S.A. § 1013, relating to possession of tobacco  
16           products by a current or former member of the U.S. Armed Forces under 18  
17           years of age and to furnishing tobacco products to a current or former member  
18           of the U.S. Armed Forces under 18 years of age.

19           and by renumbering the existing Sec. 16, effective dates, to be Sec. 18

20           Second: By striking out Sec. 5, 7 V.S.A. § 667(c), in its entirety and  
21           inserting in lieu thereof a new Sec. 5 to read as follows:

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

2 (c) The provisions of subsection (b) of this section shall not apply to a  
3 violation of subsection 1005(a) or 1013(d) of this title, relating to purchase of  
4 tobacco products by a person ~~less than 18 years of~~ under the legal age.

5 Third: By striking out Secs. 10 and 15 in their entirety and inserting in lieu  
6 thereof “[Deleted.]”

7 Fourth: In the renumbered Sec. 18, effective dates, in subsection (a),  
8 following the parenthetical, by inserting “, Secs. 16–17 (smoking age for  
9 military).”; in subsection (b), by striking out “Secs. 6–10” and inserting in lieu  
10 thereof “Secs. 6–9”; and in subsection (c), by striking out “Secs. 11–15” and  
11 inserting in lieu thereof “Secs. 11–14”