

**Amendment to be offered by Rep. Wright of Burlington to H. 93**

First: By striking out Sec. 2, 7 V.S.A. § 1005, in its entirety and inserting in lieu thereof the following:

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

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

(a)(1) A person under ~~18~~ 19 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.

(2) A person under ~~18~~ 19 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

(3) 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~~. A person who violates subdivision (1) of this subsection shall be further subject to a civil penalty of \$25.00 and a person who violates subdivision (2) of this subsection shall be subject to a civil penalty of not more than \$200.00.

(4) In the case of failure to pay a penalty for a violation of subdivision (2) of this subsection, 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 or a delay of the initial licensing of the person 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 until the penalty is paid, whichever is earlier. 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~~ period set forth in this ~~subsection and the rules~~ subdivision.

(5) 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.~~

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 [Repealed.]~~

Second: By striking out Sec. 7, 7 V.S.A. § 1005, in its entirety and inserting in lieu thereof the following:

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

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

(a)(1) A person under ~~19~~ 20 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.

(2) A person under ~~19~~ 20 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

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Third: By striking out Sec. 12, 7 V.S.A. § 1005 in its entirety and inserting in lieu thereof the following:

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

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

(a)(1) A person under ~~20~~ 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.

(2) A person under ~~20~~ 21 years of age shall not misrepresent his or her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.

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Fourth: By adding a new section to be Sec. 17 and thereto to read:

\* \* \* Relation to Other Law \* \* \*

Sec. 17. RELATION TO OTHER LAW

On its effective date, Sec. 2 of this act, which amends (minor in possession of tobacco or misrepresenting age), conflicting amendments to 7 V.S.A. § 1005 in H.571 of 20 signed by the Governor and amends 7 V.S.A. § 1005 in a prior to the effective date of Sec. 2 of this act. If a previous amends 7 V.S.A. § 1005 takes effect prior to Sec. 2 of this date of Sec. 2, 7 V.S.A. § 1005 as it appears and as amended act shall become the law in Vermont.