

\* \* \* Electronic Cigarette Licenses \* \* \*

**Sec 40.** 7 V.S.A. § 1002 is amended to read:

§ 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

(a) No person shall engage in the retail sale of tobacco products, ~~tobacco substitutes,~~ or tobacco paraphernalia, or provide a vending machine for their sale in his or her place of business without a tobacco license obtained from the Department of Liquor Control. Tobacco licenses shall expire midnight, April 30, of each year.

\* \* \*

(d) A person applying simultaneously for a tobacco license and a liquor license shall apply to the legislative body of the municipality and shall pay to the Department only the fee required to obtain the liquor license. A person applying for a tobacco license shall submit a fee of ~~\$100.00~~ \$110.00 to the legislative body of the municipality for each tobacco license or renewal. The municipal clerk shall forward the application to the Department, and the Department shall issue the tobacco license. The tobacco license fee shall be forwarded to the Commissioner for deposit in the Liquor Control Enterprise Fund.

(e) A person who sells tobacco products, ~~tobacco substitutes,~~ or tobacco paraphernalia without obtaining a tobacco license in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.

(f) No individual under the age of 16 may sell tobacco products, ~~tobacco~~ substitutes, or tobacco paraphernalia.

(g) No person shall engage in the retail sale of tobacco products in the State unless the person is a licensed wholesale dealer as defined in 32 V.S.A. § 7702 or has purchased the tobacco products from a licensed wholesale dealer.

**Sec. 41.** 7 V.S.A. § 1002a is amended to read:

§ 1002a. LICENSEE EDUCATION

(a) An applicant for a tobacco license or an electronic cigarette license that does not hold a liquor license issued under this title shall be granted a tobacco license or an electronic cigarette license pursuant to sections 1002 and 1002b of this title only after the applicant has ~~met with a liquor control investigator~~ attended a Department of Liquor Control in-person seminar or completed the appropriate Department of Liquor Control online training program for the purpose of being informed about the Vermont tobacco laws pertaining to the purchase, storage, and sale of tobacco products and tobacco substitutes, including electronic cigarettes. A corporation, partnership or association shall designate a director, partner, or manager to comply with the requirements of this subsection.

(b) The holder of a tobacco license or an electronic cigarette license that does not also hold a liquor license issued pursuant to this title for the same premises shall:

(1) Complete the ~~department's~~ Department's in-person or online enforcement seminar at least once every ~~three~~ two years. A corporation,

partnership, or association shall designate a director, partner, or manager to comply with this subdivision.

(2) Ensure that every employee involved in the sale of tobacco products or tobacco substitutes, including electronic cigarettes completes a Department of Liquor Control in-person or online training program or other training programs approved by the ~~department of liquor control~~ Department before the employee begins selling or providing tobacco products or tobacco substitutes, including electronic cigarettes, and at least once every 24 months thereafter. ~~A licensee may comply with this subdivision by conducting its own training program on its premises using information and materials furnished by the department of liquor control.~~ A licensee who fails to comply with the requirements of this subsection shall be subject to suspension of the tobacco license or the electronic cigarette license for no less than one day.

(3) Fees for Department of Liquor Control in-person and online seminars for tobacco or electronic cigarettes only will be \$10.00 per person.

**Sec. 42.** 7 V.S.A. § 1002b is added to read:

§ 1002b. ELECTRONIC CIGARETTES; LICENSE REQUIRED; FEE

(a) No person shall engage in the retail sale of tobacco substitutes, including electronic cigarettes, in his or her place of business without an electronic cigarette license obtained from the Department of Liquor Control. Electronic cigarette licenses shall expire midnight, April 30, of each year.

(b) The Board shall prepare and issue electronic cigarette license forms and applications. These shall be incorporated into the liquor license forms and

applications prepared and issued under this title. The licenses issued under this section shall be entitled “LIQUOR LICENSE,” “LIQUOR-ELECTRONIC CIGARETTE LICENSE” or “ELECTRONIC CIGARETTE LICENSE,” as applicable. The Board shall also provide simple instructions for licensees designed to assist them in complying with the provisions of this chapter.

(c) Each electronic cigarette license shall be prominently displayed on the premises identified in the license.

(d) A person applying simultaneously for an electronic cigarette license and a liquor license shall apply to the legislative body of the municipality and shall pay to the Department only the fee required to obtain the liquor license. A person applying for an electronic cigarette license shall submit a fee of \$110.00 to the legislative body of the municipality for each electronic cigarette license or renewal. The municipal clerk shall forward the application to the Department, and the Department shall issue the electronic cigarette license. The electronic cigarette license fee shall be forwarded to the Commissioner for deposit in the Liquor Control Enterprise Fund.

(e) A person who sells tobacco substitutes, including electronic cigarettes, without obtaining an electronic cigarette license in violation of this section shall be guilty of a misdemeanor and fined not more than \$200.00 for the first offense and not more than \$500.00 for each subsequent offense.

(f) No individual under the age of 16 may sell tobacco substitutes, including electronic cigarettes.

**Sec. 43.** 7 V.S.A. § 1003 is amended to read:

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

\* \* \*

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

\* \* \*

**Sec. 44.** 7 V.S.A. § 1006 is amended to read:

§ 1006. POSTING OF SIGNS

(a) A person licensed under this chapter shall post in a conspicuous place on the premises identified in the tobacco license or in the electronic cigarette license a warning sign stating that the sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to minors is prohibited. The Board shall prepare the sign and make it available with the license forms issued under this chapter. The sign may include information about the health effects of tobacco and tobacco cessation services. The Board, in consultation with a representative of the licensees when appropriate, is authorized to change the design of the sign as needed to maintain its effectiveness.

(b) A person violating this section shall be guilty of a misdemeanor and fined not more than \$100.00.