

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 in accessible only to sales personnel 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 of lighted tobacco products and tobacco substitutes is
11 prohibited in any workplace.

12 * * *

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

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

18 § 1741. DEFINITIONS

19 As used in this chapter:

20 * * *

1 (5) “Tobacco substitutes” shall have the same meaning as in 7 V.S.A.

2 § 1001.

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

4 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

5 (a) The possession of lighted tobacco products or **use of** tobacco substitutes
6 in any form is prohibited in:

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

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

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

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

19 (b) The possession of lighted tobacco products or **use of** tobacco substitutes
20 in any form is prohibited on the grounds of any hospital or secure residential

1 recovery facility owned or operated by the State, including all enclosed places
2 in the hospital or facility and the surrounding outdoor property.

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

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

8 § 1743. EXCEPTIONS

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

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

13 § 1745. ENFORCEMENT

14 A proprietor, or the agent or employee of a proprietor, who observes a
15 person in possession of lighted tobacco products or **using** tobacco substitutes
16 in apparent violation of this chapter shall ask the person to extinguish all
17 lighted tobacco products or **cease using the** tobacco substitutes. If the person
18 persists in the possession of lighted tobacco products or **use of** tobacco
19 substitutes, the proprietor, agent, or employee shall ask the person to leave the
20 premises.

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

2 § 1134b. SMOKING IN MOTOR VEHICLE WITH CHILD PRESENT

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

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

10 Sec. 8. EFFECTIVE DATE

11 This act shall take effect on July 1, 2016.

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14 (Committee vote: _____)

15

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Representative _____

17

FOR THE COMMITTEE