

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. An action
16 under this subsection shall be brought in the same manner as a traffic violation
17 pursuant to 23 V.S.A. chapter 24.

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

1 Sec. 10. 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) of this title, relating to purchase of tobacco
4 products by a person less than ~~19~~ 20 years of age.

5 * * * Increasing Smoking Age to 21 Years of Age * * *

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

7 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
8 TOBACCO PARAPHERNALIA; REQUIREMENTS;
9 PROHIBITIONS

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

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

11 * * *

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

13 § 1005. PERSONS UNDER ~~20~~ 21 YEARS OF AGE; POSSESSION OF
14 TOBACCO PRODUCTS; MISREPRESENTING AGE OR
15 PURCHASING TOBACCO PRODUCTS; PENALTY

16 (a) A person under ~~20~~ 21 years of age shall not possess, purchase, or
17 attempt to purchase tobacco products, tobacco substitutes, or tobacco
18 paraphernalia unless the person is an employee of a holder of a tobacco license
19 and is in possession of tobacco products, tobacco substitutes, or tobacco
20 paraphernalia to effect a sale in the course of employment. A person under ~~20~~
21 21 years of age shall not misrepresent his or her age to purchase or attempt to

1 purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A
2 person who possesses tobacco products, tobacco substitutes, or tobacco
3 paraphernalia in violation of this subsection shall be subject to having the
4 tobacco products, tobacco substitutes, or tobacco paraphernalia immediately
5 confiscated and shall be further subject to a civil penalty of \$25.00. An action
6 under this subsection shall be brought in the same manner as a traffic violation
7 pursuant to 23 V.S.A. chapter 24.

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

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

13 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~20~~ 21 YEARS
14 OF AGE

15 An individual who sells or furnishes tobacco products, tobacco substitutes,
16 or tobacco paraphernalia to a person under ~~20~~ 21 years of age shall be subject
17 to a civil penalty of not more than \$100.00 for the first offense and not more
18 than \$500.00 for any subsequent offense. An action under this section shall be
19 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.
20 chapter 24 and shall be brought within 24 hours of the occurrence of the
21 alleged violation.

1

2 (Committee vote: _____)

3

4

Representative _____

5

FOR THE COMMITTEE