

1 H.93

2 Introduced by Representatives Till of Jericho, Berry of Manchester, Branagan
3 of Georgia, Christie of Hartford, Clarkson of Woodstock, Dakin
4 of Chester, Frank of Underhill, Jewett of Ripton, McCullough
5 of Williston, Mrowicki of Putney, O'Sullivan of Burlington,
6 Poirier of Barre City, Russell of Rutland City, Toll of Danville,
7 Townsend of South Burlington, Troiano of Stannard, and Walz
8 of Barre City

9 Referred to Committee on

10 Date:

11 Subject: Health; tobacco; smoking age

12 Statement of purpose of bill as introduced: This bill proposes to increase the
13 smoking age from 18 to 21 years of age.

14 An act relating to increasing the smoking age from 18 to 21 years of age

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. FINDINGS

17 (a) Every day more than 1,200 persons in the United States die due to
18 smoking. And every day at least two youths or young adults become regular
19 smokers.

1 (b) The younger an individual is when he or she begins using tobacco, the
2 more likely he or she will become addicted. Among youths who persist in
3 smoking, one-third will die prematurely due to smoking.

4 (c) Compared with adults, adolescents appear to display evidence of
5 addiction at much lower levels of cigarette consumption, and their attempts to
6 quit smoking thus may be less successful.

7 (d) Persons 18 through 20 years of age are responsible for 90 percent of the
8 cigarettes purchased on behalf of minors less than 18 years of age. If their
9 legal access is curtailed, the benefit will extend to much younger teens.

10 (e) Prevention efforts must focus on young adults 18 through 25 years of
11 age. Almost no one starts smoking after 25 years of age. Nearly nine out of
12 10 smokers began smoking by 18 years of age, and 99 percent started by
13 26 years of age. Progression from occasional to daily smoking almost always
14 occurs by 26 years of age.

15 (f) Of all young adults 18 to 25 years of age in Vermont who had never
16 smoked, 12.1 percent smoked a cigarette for the first time in 2008–2009.
17 Vermont ranked 49th in the nation, with a range of 4.2 to 14.7 percent among
18 the states.

1 Sec. 2. 7 V.S.A. § 1003 is amended to read:

2 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
3 TOBACCO PARAPHERNALIA; REQUIREMENTS;
4 PROHIBITIONS

5 (a) A person shall not sell or provide tobacco products, tobacco substitutes,
6 or tobacco paraphernalia to any person younger than ~~18~~ 21 years of age.

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

15 (c) Beginning January 1, 2001, and subject to receiving any necessary
16 exemption from preemption from the U.S. Food and Drug Administration, all
17 vending machines selling tobacco products are prohibited.

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

1 penalty within 60 days of the notice will result in either the suspension of the
2 person's operator's license for a period of not more than 90 days or the delay
3 of the initial licensing of the person for a period of not more than one year. A
4 copy of the notice shall be sent to the Commissioner of Motor Vehicles, who,
5 after expiration of 60 days from the date of notice and unless notified by the
6 Judicial Bureau that the penalty has been paid shall either suspend the person's
7 operator's license or cause initial licensing of the person to be delayed for the
8 periods set forth in this subsection and the rules. An action under this
9 subsection shall be brought in the same manner as a traffic violation pursuant
10 to 23 V.S.A. chapter 24. The Commissioner of Motor Vehicles shall adopt
11 rules in accordance with the provisions of 3 V.S.A. chapter 25 to implement
12 the provisions of this subsection, which may provide for incremental
13 suspension or delays not exceeding cumulatively the maximum periods
14 established by this subsection.

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

1 Sec. 4. 7 V.S.A. § 1006 is amended to read:

2 § 1006. POSTING OF SIGNS

3 (a) A person licensed under this chapter shall post in a conspicuous place
4 on the premises identified in the tobacco license a warning sign stating that the
5 sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to
6 ~~minors~~ persons under 21 years of age is prohibited. The Board shall prepare
7 the sign and make it available with the license forms issued under this chapter.
8 The sign may include information about the health effects of tobacco and
9 tobacco cessation services. The Board, in consultation with a representative of
10 the licensees when appropriate, is authorized to change the design of the sign
11 as needed to maintain its effectiveness.

12 * * *

13 Sec. 5. 7 V.S.A. § 1007 is amended to read:

14 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~18~~ 21 YEARS
15 OF AGE

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

1 chapter 24 and shall be brought within 24 hours of the occurrence of the
2 alleged violation.

3 Sec. 6. 4 V.S.A. § 1102(b) is amended to read:

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

5 * * *

6 (4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco
7 products by a person ~~less than 18~~ under 21 years of age.

8 (5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco
9 products to a person ~~under the age of 18~~ 21 years of age.

10 * * *

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

12 (c) The provisions of subsection (b) of this section shall not apply to a
13 violation of subsection 1005(a) of this title, relating to purchase of tobacco
14 products by a person ~~less than 18~~ under 21 years of age.

15 Sec. 8. EFFECTIVE DATE

16 This act shall take effect on July 1, 2015.