

1 H.93

2 Representative Helm of Fair Haven moves that the report of the Committee
3 on Human Services, as amended, be further amended as follows:

4 First: By adding a reader assistance heading and two new sections to be
5 Secs. 16 and 17 to read as follows:

6 * * * Maintaining Smoking Age at 18 Years of Age for Military * * *

7 Sec. 16. 7 V.S.A. § 1013 is added to read:

8 § 1013. SMOKING AGE FOR MEMBERS OF THE U.S. ARMED FORCES

9 (a) As used in this section, “U.S. Armed Forces” means the U.S. Army,
10 Navy, Marine Corps, Air Force, or Coast Guard, a reserve component thereof,
11 or the National Guard of this State or another state.

12 (b) Notwithstanding any provision of section 1003 of this title to the
13 contrary, a person shall not sell or provide tobacco products, tobacco
14 substitutes, or tobacco paraphernalia to any current or former member of the
15 U.S. Armed Forces younger than 18 years of age.

16 (c) For current or former members of the U.S. Armed Forces under 21
17 years of age purchasing tobacco products, tobacco substitutes, or tobacco
18 paraphernalia, proper proof of age pursuant to section 1004 of this title shall be
19 a photographic U.S. Military identification card showing the person is a current
20 member of the U.S. Armed Forces or a photographic identification card issued
21 by the U.S. Department of Veterans Affairs showing the person is a veteran of

1 the U.S. Armed Forces. A U.S. Military dependent's identification and
2 privilege card shall not constitute proper proof under this subsection.

3 (d)(1) Notwithstanding any provision of section 1005 of this title to the
4 contrary, a current or former member of the U.S. Armed Forces under 18 years
5 of age shall not possess, purchase, or attempt to purchase tobacco products,
6 tobacco substitutes, or tobacco paraphernalia unless the person is an employee
7 of a holder of a tobacco license and is in possession of tobacco products,
8 tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of
9 employment. A current or former member of the U.S. Armed Forces under 18
10 years of age who possesses tobacco products, tobacco substitutes, or tobacco
11 paraphernalia in violation of this subdivision is subject to having the tobacco
12 products, tobacco substitutes, or tobacco paraphernalia immediately
13 confiscated and shall be further subject to a civil penalty of \$25.00.

14 (2) Notwithstanding any provision of section 1005 of this title to the
15 contrary, a current or former member of the U.S. Armed Forces under 18 years
16 of age shall not misrepresent his or her age to purchase or attempt to purchase
17 tobacco products, tobacco substitutes, or tobacco paraphernalia. A current or
18 former member of the U.S. Armed Forces under 18 years of age who
19 misrepresents his or her age by presenting false identification to purchase
20 tobacco products, tobacco substitutes, or tobacco paraphernalia shall be fined
21 not more than \$50.00 or provide up to 10 hours of community service, or both.

1 Sec. 5. 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) or 1013(d) of this title, relating to purchase of
4 tobacco products by a person ~~less than 18 years of~~ under the legal age.

5 Third: By striking out Secs. 10 and 15 in their entirety and inserting in lieu
6 thereof “[Deleted.]”

7 Fourth: In the renumbered Sec. 18, effective dates, in subsection (a),
8 following the parenthetical, by inserting “, Secs. 16–17 (smoking age for
9 military).”; in subsection (b), by striking out “Secs. 6–10” and inserting in lieu
10 thereof “Secs. 6–9”; and in subsection (c), by striking out “Secs. 11–15” and
11 inserting in lieu thereof “Secs. 11–14”