

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

S.139

Representatives Jewett of Ripton, Frank of Underhill, Komline of Dorset, Krowinski of Burlington, McCullough of Williston, Morris of Bennington, Mrowicki of Putney, Nuovo of Middlebury, and Till of Jericho move that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 30a, 32 V.S.A. § 7811, in the second sentence, after “the wholesale price for all tobacco products except” by inserting tobacco substitutes, which shall be taxed at a rate of 46 percent of the wholesale price,

Second: By adding eight new sections to be Secs. 31a–31h and a reader assistance heading to read as follows:

* * * Electronic Cigarettes * * *

Sec. 31a. 7 V.S.A. § 1003(d) is amended to read:

~~(d)(1) No person holding a tobacco license shall display or store tobacco products or tobacco substitutes where those products are accessible to consumers without direct assistance by the sales personnel~~ Persons holding a tobacco license may only display or store tobacco products or tobacco substitutes:

(A) behind a sales counter in an area accessible only to sales personnel; or

(B) in a locked container that is not located on a sales counter.

1 tobacco products or tobacco substitutes in the indoor area of the facility in
2 which smoking is permitted.

3 Sec. 31c. 18 V.S.A. § 1741 is amended to read:

4 § 1741. DEFINITIONS

5 As used in this chapter:

6 * * *

7 (5) “Tobacco substitutes” shall have the same meaning as in 7 V.S.A.
8 § 1001.

9 Sec. 31d. 18 V.S.A. § 1742 is amended to read:

10 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

11 (a) The possession of lighted tobacco products or use of tobacco substitutes
12 in any form is prohibited in:

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

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

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

20 (4) any other area within 25 feet of State-owned buildings and offices,
21 except that to the extent that any portion of the 25-foot zone is not on State

1 property, smoking is prohibited only in that portion of the zone that is on State
2 property unless the owner of the adjoining property chooses to designate his or
3 her property smoke-free.

4 (b) The possession of lighted tobacco products or use of tobacco substitutes
5 in any form is prohibited on the grounds of any hospital or secure residential
6 recovery facility owned or operated by the State, including all enclosed places
7 in the hospital or facility and the surrounding outdoor property.

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

12 Sec. 31e. 18 V.S.A. § 1743 is amended to read:

13 § 1743. EXCEPTIONS

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

17 Sec. 31f. 18 V.S.A. § 1745 is amended to read:

18 § 1745. ENFORCEMENT

19 A proprietor, or the agent or employee of a proprietor, who observes a
20 person in possession of lighted tobacco products or using tobacco substitutes in
21 apparent violation of this chapter shall ask the person to extinguish all lighted

1 tobacco products or cease using the tobacco substitutes. If the person persists
2 in the possession of lighted tobacco products or use of tobacco substitutes, the
3 proprietor, agent, or employee shall ask the person to leave the premises.

4 Sec. 31g. 23 V.S.A. § 1134b is amended to read:

5 § 1134b. SMOKING IN MOTOR VEHICLE WITH CHILD PRESENT

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

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

13 Sec. 31h. 32 V.S.A. § 7702(15) is amended to read:

14 (15) “Other tobacco products” means any product manufactured from,
15 derived from, or containing tobacco that is intended for human consumption by
16 smoking, chewing, or in any other manner, including products sold as a
17 tobacco substitute, as defined in 7 V.S.A. § 1001(8); but shall not include
18 cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco
19 as defined in this section.

1 Third: In Sec. 33, effective dates, in subsection (e), by striking out “and 30i
2 (property tax)” and inserting in lieu thereof 30i (property tax), 31a–31g
3 (electronic cigarettes), and 31h (tax on electronic cigarettes).