18

1	H.52
2	Introduced by Representatives Till of Jericho, Canfield of Fair Haven, Christie
3	of Hartford, Donovan of Burlington, Dunn of Essex, Gonzalez
4	of Winooski, Joseph of North Hero, Juskiewicz of Cambridge,
5	LaLonde of South Burlington, Lanpher of Vergennes, Lucke of
6	Hartford, Macaig of Williston, McCullough of Williston, Miller
7	of Shaftsbury, Morris of Bennington, Partridge of Windham,
8	Poirier of Barre City, Potter of Clarendon, Rachelson of
9	Burlington, Squirrell of Underhill, Sullivan of Burlington,
10	Townsend of South Burlington, Troiano of Stannard, Walz of
11	Barre City, Webb of Shelburne, Yacovone of Morristown, and
12	Yantachka of Charlotte
13	Referred to Committee on
14	Date:
15	Subject: Health; tobacco; smoking age
16	Statement of purpose of bill as introduced: This bill proposes to increase the
17	smoking age from 18 to 21 years of age.

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

1	It is hereby enacted by the General Assembly of the State of Vermont:
2	Sec. 1. FINDINGS
3	(a) Every day more than 1,200 persons in the United States die due to
4	smoking.
5	(b) The younger an individual is when he or she begins using tobacco, the
6	more likely he or she will become addicted. Among youths who persist in
7	smoking, one-third will die prematurely due to smoking.
8	(c) Compared with adults, adolescents appear to display evidence of
9	addiction at much lower levels of cigarette consumption, and their attempts to
10	quit smoking thus may be less successful.
11	(d) Persons 18 through 20 years of age are responsible for 90 percent of the
12	cigarettes purchased on behalf of minors under 18 years of age. If their legal
13	access is curtailed, the benefit will extend to much younger teens.
14	(e) Prevention efforts must focus on young adults 18 through 25 years of
15	age. Almost no one starts smoking after 25 years of age. Nearly nine out of
16	10 smokers began smoking by 18 years of age, and 99 percent started by
17	26 years of age. Progression from occasional to daily smoking almost always
18	occurs by 26 years of age.
19	(f) Of all young adults 18 to 25 years of age in Vermont who had never
20	smoked, 12.1 percent smoked a cigarette for the first time in 2008–2009.

1	Vermont ranked 49th in the nation, with a range of 4.2 to 14.7 percent among
2	the states.
3	Sec. 2. 7 V.S.A. § 1003 is amended to read:
4	§ 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
5	TOBACCO PARAPHERNALIA; REQUIREMENTS;
6	PROHIBITIONS
7	(a) A person shall not sell or provide tobacco products, tobacco substitutes,
8	or tobacco paraphernalia to any person younger than 18 21 years of age.
9	(b) Beginning August 28, 1997, vending machines selling tobacco
10	products, tobacco substitutes, or tobacco paraphernalia are prohibited. This
11	subsection shall not apply to a vending machine that is located in a commercial
12	establishment in which by law no person younger than 18 21 years of age is
13	permitted to enter at any time. A single vending machine may not be used to
14	sell other commodities in combination with tobacco products, tobacco
15	substitutes, or tobacco paraphernalia. A violation of this subsection shall result
16	in the seizure of the vending machine.
17	(c) Beginning January 1, 2001, and subject to receiving any necessary
18	exemption from preemption from the U.S. Food and Drug Administration, all
19	vending machines selling tobacco products are prohibited.
20	(d)(1) Persons holding a tobacco license may only display or store tobacco
21	products or tobacco substitutes:

1	(A) behind a sales counter or in any other area of the establishment
2	that is inaccessible to the public; or
3	(B) in a locked container.
4	(2) This subsection shall not apply to the following:
5	(A) a display of tobacco products that is located in a commercial
6	establishment in which by law no person younger than 18 21 years of age is
7	permitted to enter at any time;
8	***
9	Sec. 3. 7 V.S.A. § 1005 is amended to read:
10	§ 1005. PERSONS UNDER 48 21 YEARS OF AGE; POSSESSION OF
11	TOBACCO PRODUCTS; MISREPRESENTING AGE OR
12	PURCHASING TOBACCO PRODUCTS; PENALTY
13	(a) A person under $\frac{18}{21}$ years of age shall not possess, purchase, or
14	attempt to purchase tobacco products, tobacco substitutes, or tobacco
15	paraphernalia unless the person is an employee of a holder of a tobacco license
16	and is in possession of tobacco products, tobacco substitutes, or tobacco
17	paraphernalia to effect a sale in the course of employment. A person under 18
18	21 years of age shall not misrepresent his or her age to purchase or attempt to
19	purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A
20	person who possesses tobacco products, tobacco substitutes, or tobacco
21	paraphernalia in violation of this subsection shall be subject to having the

18

19

20

21

1	tobacco products, tobacco substitutes, or tobacco paraphernalia immediately
2	confiscated and shall be further subject to a civil penalty of \$25.00. An action
3	under this subsection shall be brought in the same manner as a traffic violation
4	pursuant to 23 V.S.A. chapter 24.
5	(b) A person under 18 21 years of age who misrepresents his or her age by
6	presenting false identification to purchase tobacco products, tobacco
7	substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or
8	provide up to 10 hours of community service, or both.
9	Sec. 4. 7 V.S.A. § 1006 is amended to read:
10	§ 1006. POSTING OF SIGNS
11	(a) A person licensed under this chapter shall post in a conspicuous place
12	on the premises identified in the tobacco license a warning sign stating that the
13	sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to
14	minors persons under 21 years of age is prohibited. The Board shall prepare
15	the sign and make it available with the license forms issued under this chapter.
16	The sign may include information about the health effects of tobacco and
17	tobacco cessation services. The Board, in consultation with a representative of

(b) A person violating this section shall be guilty of a misdemeanor and fined not more than \$100.00.

the licensees when appropriate, is authorized to change the design of the sign

as needed to maintain its effectiveness.

20

1	Sec. 5. 7 V.S.A. § 1007 is amended to read:
2	§ 1007. FURNISHING TOBACCO TO PERSONS UNDER 48 21 YEARS
3	OF AGE; REPORT
4	(a) An individual who sells or furnishes tobacco products, tobacco
5	substitutes, or tobacco paraphernalia to a person under 18 21 years of age shall
6	be subject to a civil penalty of not more than \$100.00 for the first offense and
7	not more than \$500.00 for any subsequent offense. An action under this
8	section shall be brought in the same manner as for a traffic violation pursuant
9	to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence
10	of the alleged violation.
11	(b)(1) The Department of Liquor Control shall conduct or contract for
12	compliance tests of tobacco licensees as frequently and as comprehensively as
13	necessary to ensure consistent statewide compliance with the prohibition on
14	sales to minors persons under 21 years of age of at least 90 percent for buyers
15	between 17 and 20 years of age. An individual under 18 21 years of age
16	participating in a compliance test shall not be in violation of 7 V.S.A. § 1005.
17	* * *
18	Sec. 6. 4 V.S.A. § 1102(b) is amended to read:
19	(b) The Judicial Bureau shall have jurisdiction of the following matters:

* * *

1	(4) Violations of 7 V.S.A. § 1005(a), relating to possession of tobacco
2	products by a person less than 18 under 21 years of age.
3	(5) Violations of 7 V.S.A. § 1007, relating to furnishing tobacco
4	products to a person under the age of 18 21 years of age.
5	* * *
6	Sec. 7. 7 V.S.A. § 667(c) is amended to read:
7	(c) The provisions of subsection (b) of this section shall not apply to a
8	violation of subsection 1005(a) of this title, relating to purchase of tobacco
9	products by a person less than 18 under 21 years of age.
10	Sec. 8. EXEMPTIONS; PERSONS ATTAINING 18 YEARS OF AGE ON
11	OR BEFORE JULY 1, 2017
12	(a) Notwithstanding any provision of this act to the contrary, the
13	prohibition on the sale or furnishing of tobacco products, tobacco substitutes,
14	or tobacco paraphernalia to a person under 21 years of age shall not apply to
15	any person who attained 18 years of age on or before July 1, 2017.
16	(b) Notwithstanding any provision of this act to the contrary, the
17	prohibition on the possession of, purchase of, or attempt to purchase tobacco
18	products, tobacco substitutes, or tobacco paraphernalia by a person under 21
19	years of age shall not apply to any person who attained 18 years of age on or
20	before July 1, 2017.

- 1 Sec. 9. EFFECTIVE DATE
- 2 This act shall take effect on July 1, 2017.