

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

H.52

Introduced by Representatives Till of Jericho, Canfield of Fair Haven, Christie of Hartford, Donovan of Burlington, Dunn of Essex, Gonzalez of Winooski, Joseph of North Hero, Juskiewicz of Cambridge, LaLonde of South Burlington, Lanpher of Vergennes, Lucke of Hartford, Macaig of Williston, McCullough of Williston, Miller of Shaftsbury, Morris of Bennington, Partridge of Windham, Poirier of Barre City, Potter of Clarendon, Rachelson of Burlington, Squirrell of Underhill, Sullivan of Burlington, Townsend of South Burlington, Troiano of Stannard, Walz of Barre City, Webb of Shelburne, Yacovone of Morristown, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Health; tobacco; smoking age

Statement of purpose of bill as introduced: This bill proposes to increase the 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 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
18 the licensees when appropriate, is authorized to change the design of the sign
19 as needed to maintain its effectiveness.

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

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.