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H.511

Representative Till of Jericho moves that the House concur in the Senate Proposal of Amendment with further amendment by adding seven new sections to be Secs. 16a–16g to read as follows:

Sec. 16a. 7 V.S.A. § 1003 is amended to read:

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

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

(b) All vending machines selling tobacco products are prohibited.

(c)(1) Persons holding a tobacco license may only display or store tobacco products or tobacco substitutes:

(A) behind a sales counter or in any other area of the establishment that is inaccessible to the public; or

(B) in a locked container.

(2) This subsection shall not apply to the following:

(A) a display of tobacco products that is located in a commercial establishment in which by law no person under ~~18~~ 21 years of age is permitted to enter at any time;

* * *

1 Sec. 16b. 7 V.S.A. § 1005 is amended to read:

2 § 1005. PERSONS UNDER ~~18~~ 21 YEARS OF AGE; POSSESSION OF
3 TOBACCO PRODUCTS; MISREPRESENTING AGE OR
4 PURCHASING TOBACCO PRODUCTS; PENALTY

5 (a)(1) A person under ~~18~~ 21 years of age shall not possess, purchase, or
6 attempt to purchase tobacco products, tobacco substitutes, or tobacco
7 paraphernalia unless the person is an employee of a holder of a tobacco license
8 and is in possession of tobacco products, tobacco substitutes, or tobacco
9 paraphernalia to effect a sale in the course of employment.

10 (2) A person under ~~18~~ 21 years of age shall not misrepresent his or her
11 age to purchase or attempt to purchase tobacco products, tobacco substitutes,
12 or tobacco paraphernalia.

13 (b) A person who possesses tobacco products, tobacco substitutes, or
14 tobacco paraphernalia in violation of subsection (a) of this section shall be
15 subject to having the tobacco products, tobacco substitutes, or tobacco
16 paraphernalia immediately confiscated and shall be further subject to a civil
17 penalty of \$25.00. An action under this subsection shall be brought in the
18 same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

19 (c) A person under ~~18~~ 21 years of age who misrepresents his or her age by
20 presenting false identification to purchase tobacco products, tobacco

1 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or
2 provide up to 10 hours of community service, or both.

3 Sec. 16c. 7 V.S.A. § 1006 is amended to read:

4 § 1006. POSTING OF SIGNS

5 (a) A person licensed under this chapter shall post in a conspicuous place
6 on the premises identified in the tobacco license a warning sign stating that the
7 sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to
8 persons under ~~18~~ 21 years of age is prohibited. The Board shall prepare the
9 sign and make it available with the license forms issued under this chapter.

10 The sign may include information about the health effects of tobacco and
11 tobacco cessation services. The Board, in consultation with a representative of
12 the licensees when appropriate, is authorized to change the design of the sign
13 as needed to maintain its effectiveness.

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

16 Sec. 16d. 7 V.S.A. § 1007 is amended to read:

17 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~18~~ 21 YEARS
18 OF AGE; REPORT

19 (a) A person that sells or furnishes tobacco products, tobacco substitutes, or
20 tobacco paraphernalia to a person under ~~18~~ 21 years of age shall be subject to a
21 civil penalty of not more than \$100.00 for the first offense and not more than

1 \$500.00 for any subsequent offense. An action under this section shall be
2 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.
3 chapter 24 and shall be brought within 24 hours of the occurrence of the
4 alleged violation.

5 (b)(1) The Department of Liquor Control shall conduct or contract for
6 compliance tests of tobacco licensees as frequently and as comprehensively as
7 necessary to ensure consistent statewide compliance with the prohibition on
8 sales to persons under ~~18~~ 21 years of age of at least 90 percent for buyers who
9 are between 16 ~~or 17~~ and 20 years of age. An individual under ~~18~~ 21 years of
10 age participating in a compliance test shall not be in violation of section 1005
11 of this title.

12 * * *

13 Sec. 16e. 4 V.S.A. § 1102(b) is amended to read:

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

15 * * *

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

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

20 * * *

1 Sec. 16f. 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) of this title, relating to purchase of tobacco
4 products by a person under ~~18~~ 21 years of age.

5 Sec. 16g. EXEMPTIONS; PERSONS ATTAINING 18 YEARS OF AGE ON
6 OR BEFORE JULY 1, 2018

7 (a) Notwithstanding any provision of this act to the contrary, the
8 prohibition on the sale or furnishing of tobacco products, tobacco substitutes,
9 or tobacco paraphernalia to a person under 21 years of age shall not apply to
10 any person who attained 18 years of age on or before July 1, 2018.

11 (b) Notwithstanding any provision of this act to the contrary, the
12 prohibition on the possession of, purchase of, or attempt to purchase tobacco
13 products, tobacco substitutes, or tobacco paraphernalia by a person under 21
14 years of age shall not apply to any person who attained 18 years of age on or
15 before July 1, 2018.