

1 S.261

2 Senator Lyons moves that the bill be amended by inserting Secs. 19- 26  
3 after Sec. 18 as follows:

4 \* \* \* Increasing the Smoking Age from 18 to 21 Years of Age \* \* \*

5 Sec. 19. FINDINGS

6 The General Assembly finds that:

7 (1) Every day more than 1,200 persons in the United States die due to  
8 smoking.

9 (2) The younger an individual is when he or she begins using tobacco,  
10 the more likely he or she will become addicted. Among youths who persist in  
11 smoking, one-third will die prematurely due to smoking.

12 (3) Compared with adults, adolescents appear to display evidence of  
13 addiction at much lower levels of cigarette consumption, and their attempts to  
14 quit smoking thus may be less successful.

15 (4) Persons 18 through 20 years of age are responsible for 90 percent of  
16 the cigarettes purchased on behalf of minors under 18 years of age. If their  
17 legal access is curtailed, the benefit will extend to much younger teens.

18 (5) Prevention efforts must focus on young adults 18 through 25 years  
19 of age. Almost no one starts smoking after 25 years of age. Nearly nine out of  
20 10 smokers began smoking by 18 years of age, and 99 percent started by

1     26 years of age. Progression from occasional to daily smoking almost always  
2     occurs by 26 years of age.

3             (6) A 2015 National Academy of Medicine report found that increasing  
4     the minimum age of legal access to tobacco products from 18 to 21 years of  
5     age would reduce the rate of tobacco use by 12 percent and would decrease  
6     smoking-related deaths by 10 percent.

7     Sec. 20. 7 V.S.A. § 1003 is amended to read:

8     § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;

9             TOBACCO PARAPHERNALIA; REQUIREMENTS;

10            PROHIBITIONS

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

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

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

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

18                 (B) in a locked container.

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

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

4 \* \* \*

5 Sec. 21. 7 V.S.A. § 1005 is amended to read:

6 § 1005. PERSONS UNDER ~~18~~ 21 YEARS OF AGE; POSSESSION OF  
7 TOBACCO PRODUCTS; MISREPRESENTING AGE OR  
8 PURCHASING TOBACCO PRODUCTS; PENALTY

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

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

17 (b) A person who possesses tobacco products, tobacco substitutes, or  
18 tobacco paraphernalia in violation of subsection (a) of this section shall be  
19 subject to having the tobacco products, tobacco substitutes, or tobacco  
20 paraphernalia immediately confiscated and shall be further subject to a civil

1 penalty of \$25.00. An action under this subsection shall be brought in the  
2 same manner as a traffic violation pursuant to 23 V.S.A. chapter 24.

3 (c) A person under ~~18~~ 21 years of age who misrepresents his or her age by  
4 presenting false identification to purchase tobacco products, tobacco  
5 substitutes, or tobacco paraphernalia shall be fined not more than \$50.00 or  
6 provide up to 10 hours of community service, or both.

7 Sec. 22. 7 V.S.A. § 1006 is amended to read:

8 § 1006. POSTING OF SIGNS

9 (a) A person licensed under this chapter shall post in a conspicuous place  
10 on the premises identified in the tobacco license a warning sign stating that the  
11 sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to  
12 persons under ~~18~~ 21 years of age is prohibited. The Board shall prepare the  
13 sign and make it available with the license forms issued under this chapter.  
14 The sign may include information about the health effects of tobacco and  
15 tobacco cessation services. The Board, in consultation with a representative of  
16 the licensees when appropriate, is authorized to change the design of the sign  
17 as needed to maintain its effectiveness.

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

1 Sec. 23. 7 V.S.A. § 1007 is amended to read:

2 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~18~~ 21 YEARS  
3 OF AGE; REPORT

4 (a) A person that sells or furnishes tobacco products, tobacco substitutes, or  
5 tobacco paraphernalia to a person under ~~18~~ 21 years of age shall be subject to a  
6 civil penalty of not more than \$100.00 for the first offense and not more than  
7 \$500.00 for any subsequent offense. An action under this section shall be  
8 brought in the same manner as for a traffic violation pursuant to 23 V.S.A.  
9 chapter 24 and shall be brought within 24 hours ~~of~~ after the occurrence of the  
10 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 persons under ~~18~~ 21 years of age of at least 90 percent for buyers who  
15 are between 16 ~~or 17~~ and 20 years of age. An individual under ~~18~~ 21 years of  
16 age participating in a compliance test shall not be in violation of section 1005  
17 of this title.

18 \* \* \*

19 Sec. 24. 4 V.S.A. § 1102(b) is amended to read:

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

21 \* \* \*

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. 25. 7 V.S.A. § 661(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 ~~under 18~~ 21 years of age.

10 Sec. 26. EXEMPTIONS; PERSONS ATTAINING 18 YEARS OF AGE ON  
 11 OR BEFORE JULY 1, 2018

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, 2018.

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  
 19 21 years of age shall not apply to any person who attained 18 years of age on  
 20 or before July 1, 2018.

21 and by renumbering the existing Sec. 19 (effective date) to be Sec. 27