

1 S.88

2 Introduced by Senators Clarkson, Lyons, Branagan, and Pollina

3 Referred to Committee on

4 Date:

5 Subject: Health; tobacco; smoking age

6 Statement of purpose of bill as introduced: This bill proposes to increase the
7 smoking age from 18 to 21 years of age.

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

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. FINDINGS

11 (a) Every day more than 1,200 persons in the United States die due to
12 smoking.

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

16 (c) Compared with adults, adolescents appear to display evidence of
17 addiction at much lower levels of cigarette consumption, and their attempts to
18 quit smoking thus may be less successful.

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

4 (e) Prevention efforts must focus on young adults 18 through 25 years of
5 age. Almost no one starts smoking after 25 years of age. Nearly nine out of
6 10 smokers began smoking by 18 years of age, and 99 percent started by
7 26 years of age. Progression from occasional to daily smoking almost always
8 occurs by 26 years of age.

9 (f) Of all young adults 18 to 25 years of age in Vermont who had never
10 smoked, 12.1 percent smoked a cigarette for the first time in 2008–2009.
11 Vermont ranked 49th in the nation, with a range of 4.2 to 14.7 percent among
12 the states.

13 Sec. 2. 7 V.S.A. § 1003 is amended to read:

14 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;
15 TOBACCO PARAPHERNALIA; REQUIREMENTS;
16 PROHIBITIONS

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

19 (b) Beginning August 28, 1997, vending machines selling tobacco
20 products, tobacco substitutes, or tobacco paraphernalia are prohibited. This
21 subsection shall not apply to a vending machine that is located in a commercial

1 establishment in which by law no person younger than ~~18~~ 21 years of age is
2 permitted to enter at any time. A single vending machine may not be used to
3 sell other commodities in combination with tobacco products, tobacco
4 substitutes, or tobacco paraphernalia. A violation of this subsection shall result
5 in the seizure of the vending machine.

6 (c) Beginning January 1, 2001, and subject to receiving any necessary
7 exemption from preemption from the U.S. Food and Drug Administration, all
8 vending machines selling tobacco products are prohibited.

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

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

13 (B) in a locked container.

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

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

18 * * *

1 Sec. 3. 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) 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. A person under ~~18~~
10 21 years of age shall not misrepresent his or her age to purchase or attempt to
11 purchase tobacco products, tobacco substitutes, or tobacco paraphernalia. A
12 person who possesses tobacco products, tobacco substitutes, or tobacco
13 paraphernalia in violation of this subsection shall be subject to having the
14 tobacco products, tobacco substitutes, or tobacco paraphernalia immediately
15 confiscated and shall be further subject to a civil penalty of \$25.00. An action
16 under this subsection shall be brought in the same manner as a traffic violation
17 pursuant to 23 V.S.A. chapter 24.

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

1 Sec. 4. 7 V.S.A. § 1006 is amended to read:

2 § 1006. POSTING OF SIGNS

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

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

14 Sec. 5. 7 V.S.A. § 1007 is amended to read:

15 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~18~~ 21 YEARS

16 OF AGE; REPORT

17 (a) An individual who sells or furnishes tobacco products, tobacco
18 substitutes, or tobacco paraphernalia to a person under ~~18~~ 21 years of age shall
19 be subject to a civil penalty of not more than \$100.00 for the first offense and
20 not more than \$500.00 for any subsequent offense. An action under this
21 section shall be brought in the same manner as for a traffic violation pursuant

1 to 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence
2 of the alleged violation.

3 (b)(1) The Department of Liquor Control shall conduct or contract for
4 compliance tests of tobacco licensees as frequently and as comprehensively as
5 necessary to ensure consistent statewide compliance with the prohibition on
6 sales to ~~minors~~ persons under 21 years of age of at least 90 percent for buyers
7 between 17 and 20 years of age. An individual under ~~18~~ 21 years of age
8 participating in a compliance test shall not be in violation of 7 V.S.A. § 1005.

9 * * *

10 Sec. 6. 4 V.S.A. § 1102(b) is amended to read:

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

12 * * *

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

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

17 * * *

18 Sec. 7. 7 V.S.A. § 667(c) is amended to read:

19 (c) The provisions of subsection (b) of this section shall not apply to a
20 violation of subsection 1005(a) of this title, relating to purchase of tobacco
21 products by a person ~~less than 18~~ under 21 years of age.

1 Sec. 8. EFFECTIVE DATE

2 This act shall take effect on July 1, 2017.