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H.27

Introduced by Representatives Till of Jericho, Brumsted of Shelburne,
Donovan of Burlington, Houghton of Essex, Lanpher of
Vergennes, Macaig of Williston, McCullough of Williston,
Mrowicki of Putney, Potter of Clarendon, Rachelson of
Burlington, Squirrell of Underhill, Sullivan of Burlington,
Troiano of Stannard, 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

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

Sec. 1. FINDINGS

The General Assembly finds that:

- (1) An estimated 10,000 children under 18 years of age who are alive in Vermont today will die prematurely from smoking-related illnesses.

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

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

6 (4) Compared with adults, adolescents appear to display evidence of
7 addiction at much lower levels of cigarette consumption, and their attempts to
8 quit smoking thus may be less successful.

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

12 (6) Prevention efforts must focus on young adults 18 through 25 years
13 of age. Almost no one starts smoking after 25 years of age. Nearly nine out of
14 10 smokers began smoking by 18 years of age, and 99 percent started by
15 26 years of age. Progression from occasional to daily smoking almost always
16 occurs by 26 years of age.

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

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)(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. 4. 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. 5. 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 Division 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 ~~16 or~~ between 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. 6. 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. 7. 7 V.S.A. § 661(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. 8. EXEMPTIONS; PERSONS ATTAINING 18 YEARS OF AGE ON
6 OR BEFORE JULY 1, 2019

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, 2019.

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, 2019.

16 Sec. 9. EFFECTIVE DATE

17 This act shall take effect on July 1, 2019.