1	H.130
2	Introduced by Representatives Till of Jericho, Carroll of Bennington, LaLonde
3	of South Burlington, Nicoll of Ludlow, and Townsend of South
4	Burlington
5	Referred to Committee on
6	Date:
7	Subject: Municipal government; regulatory provisions; ordinance authority;
8	tobacco products; persons younger than 21 years of age
9	Statement of purpose of bill as introduced: This bill proposes to authorize a
10	municipality to adopt an ordinance that prohibits within the municipality:
11	(1) a person selling or providing tobacco products, tobacco substitutes, or
12	tobacco paraphernalia to any person under 21 years of age; and
13	(2) a person under 21 years of age possessing, purchasing, or attempting to
14	purchase tobacco products, tobacco substitutes, or tobacco paraphernalia.
15	An act relating to authorizing towns to increase the smoking age to 21
16	It is hereby enacted by the General Assembly of the State of Vermont:
17	Sec. 1. 24 V.S.A. chapter 61, subchapter 6A is added to read:
18	Subchapter 6A. Tobacco
19	<u>§ 2161. DEFINITIONS</u>
20	As used in this subchapter:

1	(1) "Municipality" means a town, city, or incorporated village.
2	(2) "Tobacco license" has the same meaning as in 7 V.S.A. § 1001(5).
3	(3) "Tobacco products" includes "tobacco products," "tobacco
4	paraphernalia," and "tobacco substitute" as defined in 7 V.S.A. § 1001.
5	<u>§ 2162. TOBACCO ORDINANCE</u>
6	(a) The legislative branch of a municipality shall have the power to adopt a
7	civil ordinance, pursuant to chapter 59 of this title, to prohibit the following
8	within the municipality:
9	(1) the sale or provision of tobacco products to a person under 21 years
10	of age; and
11	(2) the possession, purchase, or attempted purchase of tobacco products
12	by a person under 21 years of age unless the person is an employee of a holder
13	of a tobacco license and is in possession of tobacco products to effect a sale in
14	the course of employment.
15	(b) Notwithstanding section 1974a of this title, a municipality shall impose
16	the following penalties for a violation of a civil ordinance adopted pursuant to
17	subsection (a) of this section:
18	(1) For violating an ordinance prohibiting the sale of tobacco products
19	pursuant to subdivision (a)(1) of this section, the penalty shall be the same as
20	<u>in 7 V.S.A. § 1007(a).</u>

## BILL AS INTRODUCED 2019

1	(2) For violating an ordinance prohibiting possession, purchase, or
2	attempted purchase of tobacco products pursuant to subdivision (a)(2) of this
3	section, the penalty shall be the same as in 7 V.S.A. § 1005(b).
4	(c) The clerk of a municipality that adopts an ordinance pursuant to this
5	section shall provide notice of the ordinance to the Commissioner of the
6	Department of Liquor and Lottery.
7	Sec. 2. 7 V.S.A. § 1007 is amended to read:
8	§ 1007. FURNISHING TOBACCO TO PERSONS UNDER 18 YEARS OF
9	AGE; REPORT
10	* * *
11	(b)(1)(A) The Division 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 years of age of at least 90 percent for buyers who are
15	16 or 17 years of age. An individual under 18 years of age participating in a
16	compliance test shall not be in violation of section 1005 of this title.
17	(B) In any municipality that has adopted an ordinance pursuant to 24
18	V.S.A. § 2162, the Division of Liquor Control may conduct or contract for
19	compliance tests of tobacco licensees to ensure compliance with the
20	prohibition on sales to persons under 21 years of age of at least 90 percent for
21	buyers who are 16 to 20 years of age. An individual under 21 years of age

1	participating in a compliance test shall not be in violation of an ordinance
2	adopted pursuant to 24 V.S.A. § 2162.
3	(2) Any violation by a tobacco licensee of subsection 1003(a) of this
4	title, or an ordinance adopted pursuant to 24 V.S.A. § 2162, and this section
5	after a first sale violation or during a compliance test conducted within six
6	months of a previous violation shall be considered a multiple violation and
7	shall result in the minimum license suspension in addition to any other
8	penalties available under this title. Minimum license suspensions for multiple
9	violations shall be assessed as follows:
10	* * *
11	Sec. 3. EFFECTIVE DATE
12	This act shall take effect on July 1, 2019.