

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 § 2161. DEFINITIONS

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           § 2162. TOBACCO ORDINANCE

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 in 7 V.S.A. § 1007(a).



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.