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H.823

Introduced by Representatives Brumsted of Shelburne, Till of Jericho, Ancel
of Calais, Anthony of Barre City, Austin of Colchester,
Bartholomew of Hartland, Bock of Chester, Christensen of
Weathersfield, Colston of Winooski, Conlon of Cornwall,
Durfee of Shaftsbury, Gamache of Swanton, Gannon of
Wilmington, Gardner of Richmond, Hango of Berkshire,
Houghton of Essex, Jerome of Brandon, Kitzmiller of
Montpelier, Lippert of Hinesburg, McCarthy of St. Albans City,
Notte of Rutland City, Noyes of Wolcott, Pajala of
Londonderry, Patt of Worcester, Rachelson of Burlington,
Redmond of Essex, Scheu of Middlebury, Sheldon of
Middlebury, Sibia of Dover, Sullivan of Burlington,
Townsend of South Burlington, Troiano of Stannard, Wood of
Waterbury, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Health; tobacco products; flavored tobacco products; e-liquids

Statement of purpose of bill as introduced: This bill proposes to ban the sale or
possession of flavored cigarettes, flavored e-cigarettes, and flavored substances
that contain nicotine or are otherwise intended for use with an e-cigarette. It

1 would also expand the applicability of provisions for the seizure and
2 destruction of contraband tobacco products to include contraband tobacco
3 substitutes, e-liquids, and tobacco paraphernalia.

4 An act relating to banning flavored tobacco products and e-liquids

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

6 Sec. 1. 7 V.S.A. § 1001 is amended to read:

7 § 1001. DEFINITIONS

8 As used in this chapter:

9 * * *

10 (9) “E-liquid” means the solution, substance, or other material used in or
11 with a tobacco substitute that is heated to produce an aerosol, vapor, or
12 emission to be inhaled by the user, regardless of whether the liquid contains
13 nicotine.

14 Sec. 2. 7 V.S.A. § 1009 is amended to read:

15 § 1009. CONTRABAND AND SEIZURE

16 (a) Any cigarettes or other tobacco products, tobacco substitutes, e-liquids,
17 or tobacco paraphernalia that have been sold, offered for sale, or possessed for
18 sale in violation of section 1003, 1010, or 1013 of this title, 20 V.S.A. § 2757,
19 32 V.S.A. § 7786, or 33 V.S.A. § 1919, and any commercial cigarette rolling
20 machines possessed or utilized in violation of section 1011 of this title, shall be

1 deemed contraband and shall be subject to seizure by the Commissioner, the
2 Commissioner's agents or employees, the Commissioner of Taxes or any agent
3 or employee of the Commissioner of Taxes, or by any law enforcement officer
4 of this State when directed to do so by the Commissioner. All ~~cigarettes or~~
5 ~~other tobacco products~~ items seized under this subsection shall be destroyed.

6 * * *

7 Sec. 3. 7 V.S.A. § 1013 is added to read:

8 § 1013. FLAVORED TOBACCO PRODUCTS, FLAVORED TOBACCO
9 SUBSTITUTES, AND FLAVORED E-LIQUIDS PROHIBITED

10 (a) As used in this section:

11 (1) “Characterizing flavor” means a taste or aroma, other than the taste
12 or aroma of tobacco, imparted either prior to or during consumption of a
13 tobacco product or tobacco substitute or of a component part or byproduct of a
14 tobacco product or tobacco substitute. The term includes tastes or aromas
15 relating to any fruit, chocolate, vanilla, honey, maple, candy, cocoa, dessert,
16 alcoholic beverage, mint, menthol, wintergreen, herb or spice, or other food or
17 drink, or to any conceptual flavor that imparts a taste or aroma that is
18 distinguishable from tobacco flavor but may not relate to any particular known
19 flavor.

20 (2) “Flavored e-liquid” means any e-liquid with a characterizing flavor.

21 An e-liquid shall be presumed to be a flavored e-liquid if a licensee, a

1 manufacturer, or a licensee's or manufacturer's agent or employee has made a
2 statement or claim directed to consumers or the public, whether express or
3 implied, that the product has a distinguishable taste or aroma other than the
4 taste or aroma of tobacco.

5 (3) "Flavored tobacco product" means any tobacco product with a
6 characterizing flavor. A tobacco product shall be presumed to be a flavored
7 tobacco product if a licensee, a manufacturer, or a licensee's or manufacturer's
8 agent or employee has made a statement or claim directed to consumers or the
9 public, whether express or implied, that the product has a distinguishable taste
10 or aroma other than the taste or aroma of tobacco.

11 (4) "Flavored tobacco substitute" means any tobacco substitute with a
12 characterizing flavor. A tobacco substitute shall be presumed to be a flavored
13 tobacco substitute if a licensee, a manufacturer, or a licensee's or
14 manufacturer's agent or employee has made a statement or claim directed to
15 consumers or the public, whether express or implied, that the product has a
16 distinguishable taste or aroma other than the taste or aroma of tobacco.

17 (b) A person shall not sell, offer for sale, give, provide, transport,
18 manufacture, or otherwise distribute one or more flavored tobacco products,
19 flavored e-liquids, or flavored tobacco substitutes.

1 (c) A person shall not possess, purchase, or attempt to purchase one or
2 more flavored tobacco products, flavored e-liquids, or flavored tobacco
3 substitutes.

4 Sec. 4. EFFECTIVE DATE

5 This act shall take effect on passage.