

SUMMARY OF H.11 AS INTRODUCED:

AN ACT RELATING TO PENALTIES FOR VIOLATIONS OF ALCOHOLIC BEVERAGE AND TOBACCO LAWS AND TO SOLICITOR'S LICENSES

Sec. 1 – 7 V.S.A. § 63 – Importation or Transportation of Alcohol; Prohibitions; Personal Import Limit; Penalty

- Increases fine from \$1,000 to \$5,000 (applies to importation and transportation of spirits and fortified wines).

Sec. 2 – 7 V.S.A. § 64 – Sale of Malt Beverages and Vinous Beverages in Kegs

- Decreases maximum imprisonment time from two years to one year (applies to intentional removal or defacement of label on kegs by persons other than wholesale dealer or manufacturer).

Sec. 3 – 7 V.S.A. § 65 – Purchase of Kegs

- Establishes fixed amount fine of \$200 (applies to failure to return keg within 60 days of purchase).

Sec. 4 – 7 V.S.A. § 210 – Suspension or Revocation of License or Permit; Administrative Penalty

- Against alcohol license holders (applies to violations of: the conditions of the license, Title 7, or any rule adopted by the Board):
 - Fine can be in addition to suspension or revocation of permit or license, rather than as an alternative and in lieu of.
 - Increases administrative penalty from \$2,500 to \$7,500.
- Against tobacco license holders: Increases fine from \$100 to \$250 for first violation, and from \$1,000 to \$2,500 for subsequent violations.

Sec. 5 – 7 V.S.A. § 213 – Licensee Education

- Failure to comply with section can now, in addition to currently available suspension of license, lead to a fine of not more than \$100, or both.

Sec. 6 – 7 V.S.A. § 274 – Certificate of Approval for Distribution of Malt or Vinous Beverages

- Increases fine from \$300 to \$750 (section concerns certificate granted to manufacturers or distributors that are not licensed, so that they may export product or sell it to holders of packagers' or wholesale dealers' licenses).

Sec. 7 – 7 V.S.A. § 275 – Solicitor's License

- Expands application of solicitor's license to solicitors of spirits and fortified wines.
- Solicitors of spirits and fortified wines would be able to promote or attempt to promote spirits or fortified wines.

Sec. 8 – 7 V.S.A. § 281 – Prohibitions

- Increases fine from \$1,000 to \$2,500 for violations of sections related to retail delivery permits and shipping licenses.

Sec. 9 – 7 V.S.A. § 651 – Soliciting Orders

- Eliminates three months minimum imprisonment.
- Keeps maximum of six months imprisonment for soliciting orders without a license.

Sec. 10 – 7 V.S.A. § 652 – Transportation

- Increases maximum fine from \$500 to \$2,500 for unlawful transportation of alcoholic beverages.

Sec. 11 – 7 V.S.A. § 655 – Barter

- Lowers imprisonment term from maximum of 12 months and minimum of six months to maximum of six months and minimum of 30 days for bartering for alcoholic beverages.
- Increases fine range from \$300 to \$1,000 to range of \$500 to \$1,500.

Sec. 12 – 7 V.S.A. § 658 – Sale or Furnishing to Minors; Enabling Consumption by Minors; Minors Causing Death or Serious Bodily Injury

- Increases civil penalty range maximum from \$500 to \$1,000 for second violation that occurs within one year of first violation (applies to employees who violate section during compliance check).

Sec. 13 – 7 V.S.A. § 661 – Violations of Title

- Increases maximum fine from \$1,000 to \$2,500.
- Increases maximum fine from \$2,000 to \$5,000 for subsequent violation within one year of first violation.
- Increases fine range from \$50 to \$200 to range of \$100 to \$500 (applies to willful violation of Title 7 that do not have a prescribed penalty and to willful violations of Board's rules).

Sec. 14 – 7 V.S.A. § 1002a – Licensee Education

- Adds fine of not more than \$100, as alternative to, or in combination with, suspension of tobacco license, or both, for violations to licensee education.

Sec. 15 – 7 V.S.A. § 1005 – Persons Under 18 Years of Age; Possession of Tobacco Products; Misrepresenting Age or Purchasing Tobacco Products; Penalty

- Changes civil penalties for violations to section (currently just fine of \$25):
 - First violation – civil penalty of \$75.00 or up to 10 hours of community service, or both.
 - Second violation – civil penalty of \$100.00 or up to 10 hours of community service, or both.
 - Subsequent violations – civil penalty of \$200.00 or up to 10 hours of community service, or both.
- Changes penalties for knowingly misrepresenting age with false identification (currently \$50 or 10 hours of community service, or both):

- First violation – civil penalty of \$75.00 or up to 10 hours of community service, or both.
- Second and subsequent violation – referral to the Court Diversion Program; failure to complete the program successfully shall be subject to a suspension of the person’s operator’s license and privilege to operate a motor vehicle for a period of 30 days, and be required to pay a civil penalty of \$100.00 or to provide up to 10 hours of community service, or both.
- Establishes procedure followed for second and subsequent violations:
 - Law enforcement officer issues notice of violation which notifies of requirement to contact Diversion Program within 15 days and effects of failure to contact Diversion Program.
 - Enforcement officer, when issuing notice of violation, must complete summons and complaint, and send it to Diversion Program.
 - If person does not contact Diversion Program within 15 days, summons and complaint is filed with the Judicial Bureau.
 - If person completes all the conditions, summons and complaint are voided with no penalty due.
 - Judicial Bureau has power to suspend license and impose civil penalty.
 - Review procedure under Rule 75 of Civil Procedure (Review of Governmental Action).

Sec. 16 – 7 V.S.A. § 1007 – Furnishing Tobacco to Persons under 18 Years of Age; Report

- Increases minimum license suspension for multiple violations.
- Two violations: from one weekday to two weekdays.
- Three violations: from two weekdays to 15-day suspension.
- Four violations: from three weekdays to 90-day suspension.
- Five violations: three weekend days, Friday through Sunday to one-year suspension.
- Penalties apply to violations of section 1003(a) (sale to person under 18) and 1007 (sale to person under 18, compliance tests).

Sec. 17 – 7 V.S.A. § 1009 – Contraband and Seizure

- Adds fine of not less than \$500 nor more than \$1000 for violations to section (currently only seizure and destruction of contraband) (contraband includes cigarettes, tobacco products and commercial cigarette rolling machines).
- Also adds seizure, forfeiture and condemnation of vehicles used to transport contraband.

Sec. 18 – Effective Date

- July 1, 2019