

OVERVIEW OF VERMONT'S SMOKING LAWS

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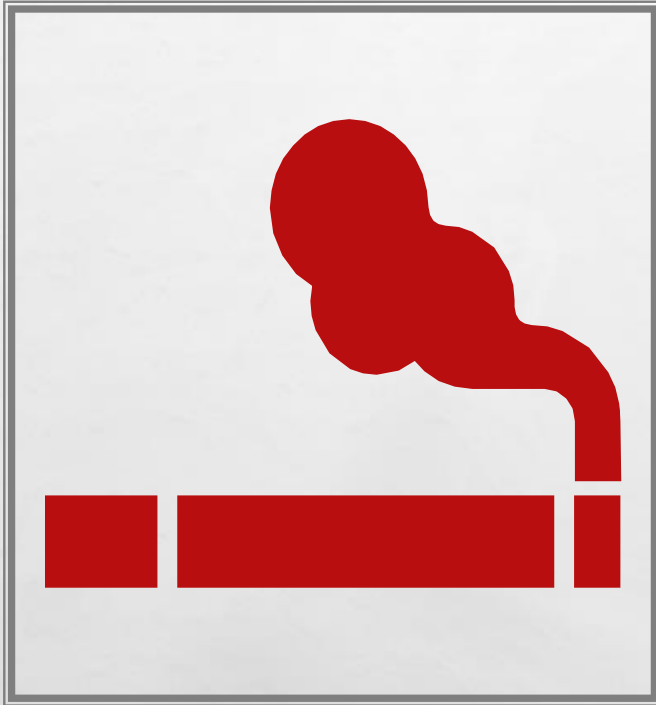
JANUARY 24, 2019



**WHERE TO
FIND
VERMONT'S
SMOKING/
TOBACCO
LAWS**

- **7 V.S.A. Chapter 40: Tobacco Products**
- **18 V.S.A. Chapter 28: Occupational Health**
- **18 V.S.A. Chapter 37: Smoking in Public Places**

DEFINITIONS FROM 7 V.S.A. § 1001



“Tobacco products”

- **Cigarettes**
- **Little cigars**
- **Roll-your-own tobacco**
- **Snuff**
- **Cigars**
- **New smokeless tobacco**
- **Any other product manufactured from, derived from, or containing tobacco that is intended for human consumption by smoking, chewing, or in any other manner**

DEFINITIONS FROM 7 V.S.A. § 1001

“Tobacco paraphernalia”

- **Any device used, intended for use, or designed for use in smoking, inhaling, ingesting, or otherwise introducing tobacco products into the human body, or for preparing tobacco for smoking, inhaling, ingesting, or otherwise introducing into the human body**
- **Includes:**
 - **Devices for holding tobacco**
 - **Rolling paper**
 - **Wraps**
 - **Cigarette rolling machines**
 - **Pipes**
 - **Water pipes**
 - **Carburetion devices, bongos**
 - **Hookahs**

DEFINITIONS FROM 7 V.S.A. § 1001

“Tobacco substitute”

- **Products, including electronic cigarettes or other electronic or battery-powered devices, that contain and are designed to deliver nicotine or other substances into the body through the inhalation of vapor *and* that have not been approved by the U.S. Food and drug administration for tobacco cessation or other medical purposes**
- **Products that have been approved by the U.S. Food and drug administration for tobacco cessation or other medical purposes are not tobacco substitutes**

RESTRICTIONS ON SALE OF TOBACCO PRODUCTS, SUBSTITUTES, PARAPHERNALIA

- **Prohibition on selling or providing tobacco products, tobacco substitutes, or tobacco paraphernalia to anyone under 18 years old**
- **Prohibition on vending machines that sell tobacco products**
- **Tobacco products and substitutes can only be displayed or stored (some exceptions apply):**
 - **Behind a sales counter or in other area inaccessible to the public**
 - **In a locked container**
- **Prohibition on sale or purchase of bidis***
- **Prohibition on selling cigarettes or little cigars individually or in packs of fewer than 20**

*** Bidis are small, thin, hand-rolled cigarettes imported to the U.S., primarily from India and other Southeast Asian countries; defined in statute as “a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*)”**

POSSESSION OR PURCHASE BY MINOR

- **A person under 18 years old shall not possess, purchase, or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia**
- **A person under 18 years old shall not misrepresent his/her age to purchase or attempt to purchase tobacco products, tobacco substitutes, or tobacco paraphernalia**
- **A person under 18 years old who possess these items is subject to have the items immediately confiscated and is subject to a \$25 civil penalty**
- **A person under 18 years old who misrepresents his/her age by presenting false identification to purchase these items will be fined up to \$50 or must provide up to 10 hours of community service, or both**

FURNISHING TOBACCO TO A MINOR

- **A person who sells or furnishes tobacco products, tobacco substitutes, or tobacco paraphernalia to a person under 18 years old is subject to civil penalty as follows:**
 - **Not more than \$100 for a first offense**
 - **Not more than \$500 for any subsequent offense**
- **Division of Liquor Control conducts or contracts for compliance tests of tobacco licensees**
 - **Goal is to maintain at least 90 percent statewide compliance for buyers who are 16 or 17 years old**
- **Multiple violations lead to short-term suspension of tobacco license**

INTERNET SALES

- **Illegal to cause cigarettes, roll-your-own tobacco, little cigars, or snuff, ordered or purchased by mail or through a computer network, telephonic network, or other electronic network, to be shipped to anyone in Vermont other than a licensed wholesale dealer or retail dealer**
 - **Also illegal to provide substantial assistance to someone in violating this prohibition**
- **Violations are punishable as follows:**
 - **Knowing or intentional violation – imprisonment for up to 5 years, fine of up to \$5,000, or both**
 - **Attorney General may also impose a civil penalty of up to \$5,000 for each violation**
 - **Violation is considered an unfair and deceptive trade practice in violation of Vermont's Consumer Protection Act**

SMOKING IN THE WORKPLACE

- **Smoking cigarettes and using e-cigarettes is prohibited in any workplace**
- **“Workplace” means an enclosed structure where employees perform services for an employer**
 - **Includes restaurants, bars, and other establishments serving food and/or drinks**
 - **Except for schools, workplace does not include areas commonly open to the public or any part of a structure that also serves as employee’s or employer’s personal residence**
 - **For schools, workplace includes any enclosed location where instruction or other school-sponsored functions occur**
 - **For resorts, hotels, and motels, workplace includes hotel rooms and suites**
- **Exceptions to ban on smoking in the workplace:**
 - **Vaping lounges**
 - **Designated indoor smoking area at Vermont Veterans’ Home**
- **Enforcement is by employee complaint to Department of Health; prohibition on retaliation for enforcing ban**
- **Does not restrict municipal smoking ordinances as long as they are at least as protective of the rights of nonsmokers**

SMOKING IN PUBLIC PLACES

- **Smoking cigarettes and using e-cigarettes is prohibited in all enclosed indoor places of public access and publicly owned buildings and offices**
- **“A place of public access” means any place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses**
- **Place of public access includes:**
 - **Buildings and offices**
 - **Means of transportation and common carrier waiting rooms**
 - **Arcades, restaurants, bars, and cabarets**
 - **Retail stores and grocery stores**
 - **Libraries, theatres, concert halls, auditoriums, and arenas**
 - **Barber shops, hair salons, laundromats, and shopping malls**
 - **Museums, art galleries, sports and fitness facilities, planetariums, and historical sites**
 - **Common areas of nursing homes and hospitals, including lobbies, hallways, elevators, restaurants, restrooms, and cafeterias**
 - **Buildings or facilities owned or operated by a social, fraternal, or religious club**

SMOKING IN PUBLIC PLACES

- **Smoking cigarettes and using e-cigarettes is also prohibited in:**
 - **All enclosed indoor places in lodging establishments, such as resorts, hotels, and motels, including sleeping quarters and adjoining rooms rented to guests**
 - **Designated smoke-free areas of property or grounds owned by or lease to the State or to a municipality**
 - **Any other area within 25 feet of State-owned buildings and offices**
 - **On the grounds of any hospital or secure residential recovery facility owned or operated by the State, including all enclosed places in the hospital or facility and the surrounding outdoor property**
- **Exceptions to ban on smoking in public places:**
 - **Vaping lounges**
 - **Designated indoor smoking area at Vermont Veterans' Home**
 - **Areas not commonly open to the public of an owner-operated businesses with no employees**



SMOKING IN PUBLIC PLACES

- **Enforcement: Proprietor or employee who sees someone smoking or using an e-cigarette must ask the person to stop; if the person persists, the proprietor must ask the person to leave the premises**
- **State law does not restrict municipal smoking ordinances as long as they are at least as protective of the rights of nonsmokers**

QUESTIONS?