

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 13 entitled “An act relating to alcoholic beverages”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Permitting Holders of an E-2 Visa to Acquire a Liquor License * * *

8 Sec. 1. 7 V.S.A. § 2 is amended to read:

9 § 2. DEFINITIONS

10 As used in this title:

11 * * *

12 (30) “Person,” as applied to licensees, means an individual who is a
13 citizen ~~or~~ a lawful permanent resident of the United States, or a holder of an
14 E-2 Visa; a partnership composed of individuals, a majority of whom are
15 citizens ~~or~~ lawful permanent residents of the United States, or holders of an E-
16 2 Visa; a corporation organized under the laws of this State or another state in
17 which a majority of the directors are citizens ~~or~~ lawful permanent residents of
18 the United States, or holders of an E-2 Visa; or a limited liability company
19 organized under the laws of this State or another state in which a majority of
20 the members or managers are citizens ~~or~~ lawful permanent residents of the
21 United States, or holders of an E-2 Visa.

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* * * Modernization of Penalties for Violations of Alcoholic Beverage and
Tobacco Laws * * *

Sec. 2. 7 V.S.A. § 63 is amended to read:

§ 63. IMPORTATION OR TRANSPORTATION OF ALCOHOL;
PROHIBITIONS; PERSONAL IMPORT LIMIT; PENALTY

(a)(1) All spirits and fortified wines imported or transported into this State shall be imported or transported by and through the Board of Liquor and Lottery. A person importing or transporting or causing to be imported or transported into this State any spirits or fortified wines, or both, in violation of this section shall be imprisoned not more than one year or fined not more than ~~\$1,000.00~~ \$5,000.00, or both.

* * *

Sec. 3. 7 V.S.A. § 64 is amended to read:

§ 64. SALE OF MALT BEVERAGES AND VINOUS BEVERAGES IN
KEGS

* * *

(c) Any person, other than a wholesale dealer or manufacturer, who intentionally removes or defaces the label attached to a keg shall be imprisoned not more than ~~two years~~ one year or fined not more than \$1,000.00, or both.

1 Sec. 4. 7 V.S.A. § 65 is amended to read:

2 § 65. PURCHASE OF KEGS

3 Any individual who, within 60 days of purchase, fails to return a keg sold
4 pursuant to section 64 of this chapter to the second-class or fourth-class
5 licensee from which the keg was purchased shall be fined ~~not more than~~
6 \$200.00.

7 Sec. 5. 7 V.S.A. § 210 is amended to read:

8 § 210. SUSPENSION OR REVOCATION OF LICENSE OR PERMIT;

9 ADMINISTRATIVE PENALTY

10 * * *

11 (b)(1) ~~As an alternative to and in lieu of~~ In addition to the authority to
12 suspend or revoke any permit or license, the Board of Liquor and Lottery ~~shall~~
13 ~~also have the power to~~ may impose an administrative penalty of up to
14 ~~\$2,500.00~~ \$7,500.00 per violation against a holder of a wholesale dealer's
15 license or a holder of a first-, second-, or third-class license for a violation of
16 the conditions of the license or of this title or of any rule adopted by the Board.

17 * * *

18 (3) The Board may also impose an administrative penalty under this
19 subsection against a holder of a tobacco license ~~for~~ of up to ~~\$100.00~~ \$250.00
20 for a first violation and up to ~~\$1,000.00~~ \$2,500.00 for subsequent violations.

21 * * *

1 Sec. 6. 7 V.S.A. § 213 is amended to read:

2 § 213. LICENSEE EDUCATION

3 * * *

4 (c)(1) Each licensee, permittee, or common carrier certificate holder shall
5 ensure that every employee who is involved in the delivery, sale, or serving of
6 alcoholic beverages completes a training program approved by the Division of
7 Liquor Control before the employee begins delivering, serving, or selling
8 alcoholic beverages and at least once every 24 months thereafter. Each
9 licensee shall maintain written documentation, signed by each employee
10 trained, of each training program conducted.

11 (2) A licensee may comply with this requirement by conducting its own
12 training program on its premises, using information and materials furnished or
13 approved by the Division of Liquor Control. A licensee who fails to comply
14 with the requirements of this subsection shall be subject to a suspension of the
15 license issued under this title for not less than one day or a fine of not more
16 than \$100.00, or both.

17 * * *

18 Sec. 7. 7 V.S.A. § 274 is amended to read:

19 § 274. CERTIFICATE OF APPROVAL FOR DISTRIBUTION OF MALT
20 OR VINOUS BEVERAGES

21 * * *

1 (e) A person who violates a provision of this section shall be fined not
2 more than ~~\$300.00~~ \$750.00 or imprisoned not more than one year, or both, for
3 each offense and shall forfeit any license issued under the provisions of this
4 title.

5 Sec. 8. 7 V.S.A. § 281 is amended to read:

6 § 281. PROHIBITIONS

7 (a)(1) Except as otherwise provided in section 226 of this title, direct
8 shipments of malt or vinous beverages are prohibited if the shipment is not
9 specifically authorized and in compliance with sections 277-280 of this
10 subchapter.

11 (2) Any person who knowingly makes, participates in, imports, or
12 receives a direct shipment of malt or vinous beverages from a person who does
13 not hold a license, permit, or certificate pursuant to sections 226 or 277-280 of
14 this title may be fined not more than ~~\$1,000.00~~ \$2,500.00 or imprisoned not
15 more than one year, or both.

16 * * *

17 Sec. 9. 7 V.S.A. § 651 is amended to read:

18 § 651. SOLICITING ORDERS

19 A person who, for himself or herself or as agent, takes or solicits orders for
20 the sale of malt or vinous beverages, except for licensees or from agencies of
21 the U.S. Armed Forces as specified in section 421 of this title, or of spirits or

1 fortified wines shall be imprisoned not more than six months ~~nor less than~~
2 ~~three months~~ or fined not more than \$500.00 nor less than \$100.00, or both.

3 Sec. 10. 7 V.S.A. § 652 is amended to read:

4 § 652. TRANSPORTATION

5 A person who, by himself or herself, or through a clerk or agent, brings into
6 the State, or conveys or transports over or along a railroad or public highway,
7 or by land, air, or water, alcoholic beverages or alcohol ~~which~~ that the person
8 knows or has reason to believe is to be unlawfully kept, sold, or furnished shall
9 be imprisoned not more than six months nor less than three months or fined not
10 more than ~~\$500.00~~ \$2,500.00 nor less than \$100.00, or both.

11 Sec. 11. 7 V.S.A. § 655 is amended to read:

12 § 655. BARTER

13 (a) A licensee or permittee shall be imprisoned not more than ~~42~~ six
14 months nor less than ~~six months~~ 30 days or fined not more than ~~\$1,000.00~~
15 \$1,500.00 nor less than ~~\$300.00~~ \$500.00, or both, if the licensee or permittee:

16 (1) purchases or receives apparel, tools, implements of trade or
17 husbandry, household goods, furniture, or provisions, directly or indirectly, by
18 way of sale or barter, the consideration for which is, in whole or in part,
19 alcoholic beverages or alcohol or the price of the alcoholic beverages or
20 alcohol; or

1 less than six months or fined not more than ~~\$2,000.00~~ \$5,000.00 nor less than
2 \$500.00, or both.

3 (b) A person that willfully violates a provision of this title for which no
4 other penalty is prescribed or that willfully violates a rule of the Board of
5 Liquor and Lottery shall be imprisoned not more than three months nor less
6 than one month or fined not more than ~~\$200.00~~ \$500.00 nor less than ~~\$50.00~~
7 \$100.00, or both.

8 * * *

9 Sec. 14. 7 V.S.A. § 1002a is amended to read:

10 § 1002a. LICENSEE EDUCATION

11 * * *

12 (b) The holder of a tobacco license that does not also hold a liquor license
13 issued pursuant to this title for the same premises shall:

14 (1) Complete the Division’s in-person or online enforcement seminar at
15 least once every two years. A corporation, partnership, or association shall
16 designate a director, partner, or manager to comply with this subdivision.

17 (2) Ensure that every employee involved in the sale of tobacco products
18 completes a Division of Liquor Control in-person or online training program or
19 other training programs approved by the Division before the employee begins
20 selling or providing tobacco products, and at least once every 24 months
21 thereafter. A licensee may comply with this subdivision by conducting its own

1 training program on its premises using information and materials furnished by
2 the Division of Liquor Control. A licensee that fails to comply with the
3 requirements of this subsection shall be subject to suspension of its tobacco
4 license for not less than one day or a fine of not more than \$100.00, or both.

5 * * *

6 Sec. 15. 7 V.S.A. § 1005 is amended to read:

7 § 1005. PERSONS UNDER 18 YEARS OF AGE; POSSESSION OF
8 TOBACCO PRODUCTS; MISREPRESENTING AGE OR
9 PURCHASING TOBACCO PRODUCTS; PENALTY

10 (a)(1) A person under 18 years of age shall not possess, purchase, or
11 attempt to purchase tobacco products, tobacco substitutes, or tobacco
12 paraphernalia unless the person is an employee of a holder of a tobacco license
13 and is in possession of tobacco products, tobacco substitutes, or tobacco
14 paraphernalia to effect a sale in the course of employment.

15 (2) A person under 18 years of age shall not misrepresent his or her age
16 to purchase or attempt to purchase tobacco products, tobacco substitutes, or
17 tobacco paraphernalia.

18 (b)(1) A person who possesses tobacco products, tobacco substitutes, or
19 tobacco paraphernalia in violation of subsection (a) of this section shall be
20 subject to having the tobacco products, tobacco substitutes, or tobacco

1 paraphernalia immediately confiscated and shall be further subject to a civil
2 ~~penalty of \$25.00;~~

3 (A) for a first violation, a civil penalty of \$75.00 or be required to
4 provide up to 10 hours of community service, or both;

5 (B) for a second violation, a civil penalty of \$100.00 or be required to
6 provide up to 10 hours of community service, or both; and

7 (C) for subsequent violations, a civil penalty of \$200.00 or be
8 required to provide up to 10 hours of community service, or both.

9 (2) An action under this subsection shall be brought in the same manner
10 as a traffic violation pursuant to 23 V.S.A. chapter 24.

11 (c) A person under 18 years of age who knowingly misrepresents his or her
12 age by presenting false identification to purchase tobacco products, tobacco
13 substitutes, or tobacco paraphernalia ~~shall be fined not more than \$50.00 or~~
14 ~~provide up to 10 hours of community service, or both~~ commits a civil
15 violation.

16 (1) For a first violation of this subsection, a person shall be subject to a
17 civil penalty of \$75.00 or required to provide up to 10 hours of community
18 service, or both.

19 (2) For a second or subsequent violation of this subsection, a person
20 shall be subject to a civil penalty of \$100.00 or required to provide up to 10
21 hours of community service, or both.

1 Sec. 16. 7 V.S.A. § 1007 is amended to read:

2 § 1007. FURNISHING TOBACCO TO PERSONS UNDER 18 YEARS OF
3 AGE; REPORT

4 * * *

5 (b)(1) The Division of Liquor Control shall conduct or contract for
6 compliance tests of tobacco licensees as frequently and as comprehensively as
7 necessary to ensure consistent statewide compliance with the prohibition on
8 sales to persons under 18 years of age of at least 90 percent for buyers who are
9 16 or 17 years of age. An individual under 18 years of age participating in a
10 compliance test shall not be in violation of section 1005 of this title.

11 (2) Any violation by a tobacco licensee of subsection 1003(a) of this
12 title and this section after a ~~first~~ sale violation or during a compliance test
13 conducted within six months of a previous violation shall be considered a
14 multiple violation and shall result in the minimum license suspension in
15 addition to any other penalties available under this title. Minimum license
16 suspensions for multiple violations shall be assessed as follows:

- 17 (A) Two violations ~~one weekday~~ two weekdays;
- 18 (B) Three violations ~~two weekdays~~ 15-day suspension;
- 19 (C) Four violations ~~three weekdays~~ 90-day suspension;
- 20 (D) Five violations ~~three weekend days, Friday through Sunday~~
21 one-year suspension.

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Sec. 17. 7 V.S.A. § 1009 is amended to read:

§ 1009. CONTRABAND AND SEIZURE

(a) Any cigarettes or other tobacco products that have been sold, offered for sale, or possessed for sale in violation of section 1003 of this title, 20 V.S.A. § 2757, 32 V.S.A. § 7786, or 33 V.S.A. § 1919, and any commercial cigarette rolling machines possessed or utilized in violation of section 1011 of this title, shall be deemed contraband and shall be subject to seizure by the Commissioner, the Commissioner’s agents or employees, the Commissioner of Taxes or any agent or employee of the Commissioner of Taxes, or by any law enforcement officer of this State when directed to do so by the Commissioner. All cigarettes or other tobacco products seized shall be destroyed.

(b)(1) Any person in possession of property considered contraband under this section shall be fined not more than \$1,000.00 nor less than \$500.00.
(2) Any vehicle, aircraft or watercraft, or other conveyance in which property considered contraband under this section is found may be seized and subject to forfeiture and condemnation pursuant to sections 570 and 572–574 of this title.

* * * Solicitor’s License * * *

Sec. 18. 7 V.S.A. § 275 is amended to read:

§ 275. SOLICITOR’S LICENSE

1 (a) The Board of Liquor and Lottery may grant an individual a solicitor's
2 license if he or she does all of the following:

3 (1) Submits an application to the Board of Liquor and Lottery on a form
4 prescribed by the Board. The application shall include, at a minimum, the
5 name, residence, and business address of the applicant, the name and address
6 of the vendor, manufacturer, or employer to be represented by the applicant,
7 and an agreement by the applicant to comply with the rules of the Board.

8 (2) Submits to the Board a recommendation by the vendor,
9 manufacturer, or employer to be represented by the applicant that indicates the
10 applicant is qualified to hold a solicitor's license.

11 * * *

12 (b) A solicitor's license holder may, by canvassing or interviewing holders
13 of licenses issued under the provisions of this title:

14 (1) solicit orders for and promote the sale of malt or vinous beverages
15 ~~by canvassing or interviewing holders of licenses issued under the provisions~~
16 ~~of this title;~~ and

17 (2) promote the sale of spirits and fortified wines.

18 * * *

19 (d) A person who solicits, or attempts to solicit, orders for malt or vinous
20 beverages, or promotes, or attempts to promote, the sale of malt or vinous
21 beverages, ~~or attempts to solicit or promote the sale of malt or vinous~~

1 ~~beverages~~ spirits, or fortified wines by canvassing or interviewing a holder of a
2 license issued under the provisions of this title, without having first obtained a
3 solicitor’s license as provided in this section, or who makes a false or
4 fraudulent statement or representation in an application for the license or in
5 connection with an application shall be imprisoned not more than six months
6 or fined not more than \$500.00, or both.

7 * * * Technical Corrections Related to Department of Liquor and Lottery * * *
8 Sec. 19. 3 V.S.A. § 455 is amended to read:

9 § 455. DEFINITIONS

10 (a) As used in this subchapter:

11 * * *

12 (9) “Employee” shall mean:

13 * * *

14 (B) Any regular officer or employee of the Department of Public
15 Safety assigned to police and law enforcement duties, including the
16 Commissioner of Public Safety appointed before July 1, 2001; but, irrespective
17 of the member’s classification, shall not include any member of the General
18 Assembly as such, any person who is covered by the Vermont Teachers’
19 Retirement System, any person engaged under retainer or special agreement or
20 C beneficiary employed by the Department of Public Safety for not more than
21 208 hours per year, or any person whose principal source of income is other

1 than State employment. In all cases of doubt, the Retirement Board shall
2 determine whether any person is an employee as defined in this subchapter.
3 Also included under this subdivision are employees of the Department of
4 ~~Liquor Control~~ and Lottery who exercise law enforcement powers, employees
5 of the Department of Fish and Wildlife assigned to law enforcement duties,
6 motor vehicle inspectors, full-time deputy sheriffs compensated by the State of
7 Vermont whose primary function is transports, full-time members of the
8 Capitol Police force, investigators employed by the Criminal Division of the
9 Office of the Attorney General, Department of State's Attorneys, Department
10 of Health, or Office of the Secretary of State, who have attained Level III law
11 enforcement officer certification from the Vermont Criminal Justice Training
12 Council, who are required to perform law enforcement duties as the primary
13 function of their employment, and who may be subject to mandatory
14 retirement permissible under 29 U.S.C. § 623(j), who are first included in
15 membership of the system on or after July 1, 2000. Also included under this
16 subdivision are full-time firefighters employed by the State of Vermont and the
17 Defender General.

18 * * *

19 Sec. 20. 7 V.S.A. § 752 is amended to read:

20 § 752. DEFINITIONS

21 As used in this subchapter:

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(2) “Certificate of approval holder” means a holder of a certificate of approval issued by the ~~Liquor Control~~ Board of Liquor and Lottery pursuant to section 274 of this title that produces or distributes a total annual volume of not more than 50,000 barrels of malt beverages and whose products comprise three percent or less of a wholesale dealer’s total annual sales of malt beverages by volume.

* * *

Sec. 21. 10 V.S.A. § 1524 is amended to read:

§ 1524. LABELING

* * *

(b) The Commissioner of ~~Liquor Control~~ and Liquor and Lottery may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the Commissioner. The stickers shall be affixed to the bottles by the manufacturer, except that liquor that is sold in the State in quantities less than 100 cases per year may have stickers affixed by personnel employed by the ~~Department~~ Division of Liquor Control.

* * *

1 Sec. 22. 10 V.S.A. § 1528 is amended to read:

2 § 1528. BEVERAGE REGISTRATION

3 No distributor or manufacturer shall sell a beverage container in the State of
4 Vermont without the manufacturer registering the beverage container with the
5 Agency of Natural Resources prior to sale, unless distributed by the
6 Department of Liquor ~~Control~~ and Lottery. This registration shall take place
7 on a form provided by the Secretary and include the following:

8 * * *

9 Sec. 23. 13 V.S.A. § 7043 is amended to read:

10 § 7043. RESTITUTION

11 * * *

12 (n)(1) Any monies owed by the State to an offender who is under a
13 restitution order, including ~~lottery~~ Vermont Lottery winnings, unclaimed
14 property, and tax refunds, shall be used to discharge the restitution order to the
15 full extent of the unpaid total financial losses, regardless of the payment
16 schedule established by the courts.

17 * * *

18 (4)(A) For all Vermont ~~lottery~~ Lottery games, the ~~Lottery Commission~~
19 Commissioner of Liquor and Lottery shall, before issuing prize money of
20 \$500.00 or more to a winner, determine whether the winner has an outstanding
21 restitution order. If the winner owes restitution, the ~~Lottery Commission~~

1 Commissioner of Liquor and Lottery shall withhold the entire amount of
2 restitution owed and pay it to the Restitution Unit. The remainder of the
3 winnings, if any, shall be sent to the winner. The winner shall be notified by
4 the Restitution Unit of the offset prior to payment to the victim and given a
5 period not to exceed 20 days to contest the accuracy of the information.

6 (B) The Restitution Unit shall inform the ~~Lottery Commission~~
7 Commissioner of Liquor and Lottery of persons with outstanding restitution
8 orders upon request. Each person subject to such an order shall be identified
9 by name, address, and Social Security number.

10 (C) If a ~~lottery~~ Vermont Lottery winner has an outstanding restitution
11 order and an outstanding child support order, the ~~lottery~~ Lottery winnings shall
12 be offset first pursuant to 15 V.S.A. § 792 by the amount of child support
13 owed, and second pursuant to this subsection by the amount of restitution
14 owed. The remainder of the winnings, if any, shall be sent to the winner.

15 * * *

16 Sec. 24. 15 V.S.A. § 792 is amended to read:

17 § 792. LOTTERY OFFSET

18 (a) For all Vermont ~~lottery~~ Lottery games, the ~~lottery commission~~
19 Commissioner of Liquor and Lottery shall, before issuing prize money of
20 \$500.00 or more to a winner, determine whether the winner has an outstanding
21 child support arrearage payable to the ~~office of child support~~ Office of Child

1 Support. If the winner has a child support arrearage, the ~~lottery commission~~
2 Commissioner of Liquor and Lottery shall withhold the entire amount of
3 winnings and pay the same to the ~~office of child support~~ Office of Child
4 Support. The ~~office of child support~~ Office of Child Support shall offset the
5 winnings by the amount of support arrearages and the remainder of the
6 winnings, if any, shall be sent to the winner. The obligor shall be notified by
7 the ~~office of child support~~ Office of Child Support of the offset prior to
8 payment to the obligee and given a period not to exceed 20 days to contest the
9 accuracy of the information.

10 (b) The ~~office of child support~~ Office of Child Support shall inform the
11 ~~lottery commission~~ Commissioner of Liquor and Lottery of persons with child
12 support arrearages upon request. Each liable person shall be identified by
13 name, address, and Social Security number.

14 (c) This section shall apply to ~~tri-state lottery~~ Tri-State Lottery games at
15 such time as the same or similar provisions become law in Maine and New
16 Hampshire in accordance with the ~~tri-state lotto compact~~ Tri-State Lotto
17 Compact.

18 Sec. 25. 15 V.S.A. § 1151 is amended to read:

19 § 1151. DEFINITIONS

20 Unless the context clearly requires otherwise, the definitions in this section
21 apply throughout the subchapter.

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(5) “Law enforcement agency” means the Department of Public Safety, a municipal police department, a sheriff’s department, the Attorney General’s Office, a State’s Attorney’s Office, or certified law enforcement officers of the Department of Motor Vehicles, Agency of Natural Resources, or Department of Liquor ~~Control~~ and Lottery. “Law enforcement agency” shall also mean the Department for Children and Families when engaged in:

* * *

Sec. 26. 18 V.S.A. § 9503 is amended to read:

§ 9503. VERMONT TOBACCO PREVENTION AND TREATMENT

* * *

(c) The Department of Liquor ~~Control~~ and Lottery shall administer the component of the program that relates to enforcement activities.

* * *

Sec. 27. 18 V.S.A. § 9505 is amended to read:

§ 9505. GENERAL POWERS AND DUTIES

The Board shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of this section, and shall:

* * *

1 education; one tobacco use researcher; one member representing the health
2 care community; and one tobacco industry countermarketing expert. The
3 public members shall serve for three-year terms, beginning on July 1 of the
4 year in which the appointment is made, except that the first members appointed
5 by the Governor to the Board shall be appointed, two for a term of two years,
6 one for a term of three years, and one for a term of four years. Vacancies shall
7 be filled in the same manner as the original appointment for the unexpired
8 portion of the term vacated.

9 * * *

10 Sec. 29. 18 V.S.A. § 9507 is amended to read:

11 § 9507. ANNUAL REPORT

12 (a) On or before January 15 of each year, the Board shall submit a report
13 concerning its activities under this chapter to the Governor and the General
14 Assembly. The report shall include, to the extent possible, the following:

15 * * *

16 (2) a full financial report of the activities of the Departments of Health
17 and of Liquor ~~Control~~ and Lottery, the Agency of Education, and the Board,
18 including a special accounting of all activities from July 1 through
19 December 31 of the year preceding the legislative session during which the
20 report is submitted;

21 * * *

1 § 1936a and who is trained in compliance with section 2358 of this title, and a
2 certified law enforcement officer employed by a State branch, agency, or
3 department, including the Department of Motor Vehicles, the Agency of
4 Natural Resources, the Office of the Attorney General, the Department of
5 State’s Attorney, the Secretary of State, and the Department of Liquor Control
6 and Lottery.

7 * * *

8 Sec. 33. 20 V.S.A. § 2757 is amended to read:

9 § 2757. CIGARETTES; REDUCED IGNITION PROPENSITY

10 (a) As used in this section:

11 * * *

12 (8) “Wholesale dealer” means any person that sells cigarettes or tobacco
13 products to retail dealers or other persons for resale, and includes ~~any person~~
14 ~~that owns, operates, or maintains one or more cigarette or tobacco product~~
15 ~~vending machines wherever located.~~ “Wholesale dealer” also includes the
16 dealer’s agent.

17 * * *

18 (c) Each manufacturer shall submit to the Commissioner written
19 certification attesting that each cigarette has been tested in accordance with and
20 has met the performance standard required under subsection (b) of this section.
21 The description of each cigarette listed in the certification shall include the

1 brand; style; length in millimeters; circumference in millimeters; flavor, if
2 applicable; filter or nonfilter; package description, such as a soft pack or box;
3 and the mark approved pursuant to subsection (d) of this section. Upon
4 request, this certification shall be made available to the Attorney General and
5 Department of Liquor ~~Control~~ and Lottery. Each cigarette certified under this
6 subsection shall be recertified every three years. For the certification or
7 recertification of each brand style, the fee shall be \$1,000.00. The fees shall be
8 paid into the Fire Prevention and Building Inspection Special Fund established
9 in 20 V.S.A. § 2738.

10 * * *

11 (e) A manufacturer shall provide a copy of certifications to all wholesale
12 dealers and stamping agents to which the manufacturer sells cigarettes and
13 shall provide sufficient copies of an illustration of the packaging marking
14 approved and used by the manufacturer pursuant to subsection (d) of this
15 section for each of the retail dealers that purchases cigarettes from any of those
16 wholesale dealers and stamping agents. Wholesale dealers and stamping
17 agents shall provide a copy of the illustration to all retail dealers to which they
18 sell cigarettes. Wholesale dealers, stamping agents, and retail dealers shall
19 permit the Commissioner of Public Safety or the Commissioner of Liquor
20 ~~Control~~ and Lottery or their designees to inspect markings on cigarette
21 packaging at any time.

- 1 (f) The Commissioner:
- 2 (1) may adopt rules necessary to implement and administer this section;
- 3 (2) in consultation with the Commissioner of Liquor ~~Control~~ and
- 4 Lottery, may adopt rules regarding the conduct of random inspections of
- 5 wholesale dealers, importers, retail dealers, and stamping agents to ensure
- 6 compliance with this section; and
- 7 (3) shall ~~assure~~ ensure that the implementation and substance of this
- 8 section is in accordance with the implementation and substance of the New
- 9 York Fire Safety Standards for Cigarettes.

10 * * *

11 Sec. 34. 20 V.S.A. § 4621 is amended to read:

12 § 4621. DEFINITIONS

13 As used in this chapter:

14 * * *

15 (3) “Law enforcement agency” means:

16 * * *

17 (G) the Department of Liquor ~~Control~~ and Lottery;

18 * * *

1 Sec. 35. 21 V.S.A. § 494b is amended to read:

2 § 494b. EMPLOYERS PERMITTED TO REQUIRE POLYGRAPH
3 EXAMINATIONS

4 The following employers may require that an applicant for employment
5 take or submit to a polygraph examination, or administer or cause to be
6 administered a polygraph examination to an applicant for employment:

7 (1) the Department of Public Safety; the Department of Motor Vehicles,
8 for applicants for law enforcement positions; the Department of Fish and
9 Wildlife, for applicants for law enforcement positions; the Department of
10 ~~Liquor Control and Lottery~~ and the ~~Liquor Control~~ Board of Liquor and
11 Lottery, for applicants for investigator positions; municipal police departments
12 and county sheriffs, as to sworn police officers and deputy sheriffs;

13 * * *

14 Sec. 36. 26 V.S.A. § 5305 is amended to read:

15 § 5305. EXEMPTIONS

16 (a) Generally.

17 * * *

18 (2)(A) Persons employed by the Judiciary, including judges, Superior
19 Court clerks, court operations managers, Probate registers, case managers,
20 docket clerks, assistant judges, county clerks, and after-hours relief from abuse
21 contract employees.

1 of revenue realized by the nonprofit organization, and the amounts accounted
2 for under subdivisions (e)(2)(A)–(D) of this section. The nonprofit
3 organization shall also identify an individual from the organization responsible
4 for the reporting requirements under this subsection. If the Department of
5 ~~Liquor Control~~ and Lottery determines that a nonprofit organization has failed
6 to comply with the requirements of this subsection, the Department of Liquor
7 ~~Control~~ and Lottery shall notify the nonprofit organization and any licensed
8 distributors of this failure, and any licensed distributor that continues to sell
9 break-open tickets to that nonprofit organization after notice shall be
10 considered in violation of the requirements of this chapter until the Department
11 of Liquor ~~Control~~ and Lottery has determined the nonprofit organization is
12 back in compliance with this subsection.

13 * * *

14 Sec. 39. 31 V.S.A. § 1205 is amended to read:

15 § 1205. RECORDS; REPORT

16 * * *

17 (d) Notwithstanding subsection (c) of this section, the Commissioner of
18 ~~Liquor Control~~ and Lottery shall provide the records and reports filed under
19 this section to the Attorney General, upon request.

1 rate of adjustment available to classified employees under the collective
2 bargaining agreement then in effect.

3 (1) Heads of the following Departments and Agencies:

	Base Salary	Base Salary
	as of	as of
	July 7, 2019	January 5, 2020

7 * * *

8 (W)	Liquor Control <u>and Lottery</u>	93,155	94,413
9 (X)	<u>Lottery</u>	93,155	94,413 <u>[Repealed.]</u>

10 * * *

11 Sec. 43. 32 V.S.A. § 3102 is amended to read:

12 § 3102. CONFIDENTIALITY OF TAX RECORDS

13 * * *

14 (e) The Commissioner may, in his or her discretion and subject to such
15 conditions and requirements as he or she may provide, including any
16 confidentiality requirements of the Internal Revenue Service, disclose a return
17 or return information:

18 * * *

19 (15) To the ~~Department~~ Division of Liquor Control, provided that the
20 information is limited to information concerning the sales and use tax and

1 meals and rooms tax filing history with respect to the most recent five years of
2 a person seeking a liquor license or a renewal of a liquor license.

3 * * *

4 Sec. 44. 32 V.S.A. § 3113b is amended to read:

5 § 3113b. LOTTERY WINNINGS; SATISFACTION OF TAX LIABILITIES

6 For all Vermont ~~lottery~~ Lottery games, the ~~Lottery~~ Commissioner of Liquor
7 and Lottery may, before issuing prize money to a winner, determine whether
8 the winner has an outstanding tax liability payable to the Department of Taxes.
9 If any such winner owes taxes to the State, the Commissioner of Taxes, after
10 notice to the owner, may request and the ~~Lottery Commission~~ Department of
11 Liquor and Lottery shall transfer the amount of ~~such~~ the tax liability to the
12 Department for setoff of the taxes owed. The notice shall advise the winner of
13 the action being taken and the right to appeal the setoff if the tax debt is not the
14 winner's debt; or if the debt has been paid; or if the tax debt was appealed
15 within 60 days from the date of the assessment and the appeal has not been
16 finally determined; or if the debt was discharged in bankruptcy. Any offset of
17 ~~lottery~~ Lottery winnings for taxes shall be third in priority to the offset of
18 ~~lottery~~ Lottery winnings to the Office of Child Support pursuant to 15 V.S.A. §
19 792 and the offset of ~~lottery~~ Lottery winnings for restitution pursuant to 13
20 V.S.A. § 7043.

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* * * Effective Date * * *

Sec. 45. EFFECTIVE DATE

This act shall take effect on July 1, 2019.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous amendments to alcoholic beverage and tobacco laws”

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE