

**Summary of S.288, An act relating to banning flavored tobacco products and e-liquids**  
**Senate Health & Welfare Committee Amendment**  
*February 18, 2020*

**Sec. 1. Findings**

- Legislative findings, including findings about youth use of e-cigarettes and flavored e-cigarettes and the regulation of menthol cigarettes

**Sec. 2. 7 V.S.A. chapter 40 – Tobacco Products**

- Expands definition of “tobacco substitute” to capture emerging products
- Adds “e-liquid” definition – substance used with e-cigarette to produce vapor or aerosol, regardless of whether the substance contains nicotine
- Adds e-liquid terminology throughout tobacco statutes
- Eliminates ban on and penalty for *possession* of cigarettes, e-cigarettes, tobacco paraphernalia by people under 21 years of age
  - Maintains ban on and penalty for purchasing, attempting to purchase, and using false identification to purchase or attempt to purchase these products or e-liquids
- Updates contraband and seizure statute to include e-cigarettes, e-liquids, and tobacco paraphernalia sold, offered for sale, or possessed for sale in violation of Internet sales ban and new flavor ban
- Bans the retail sale (but not possession) of flavored cigarettes, e-cigarettes, and e-liquids
  - Only tobacco-flavored products would be allowed
  - Includes a ban on menthol cigarettes
  - Penalty of up to \$100 first offense/\$500 subsequent offense (same as for sale to a minor) to be assessed on owner, operator, or manager of retail establishment

**Sec. 3. 4 V.S.A. § 1102**

- Gives Judicial Bureau jurisdiction over violations of ban on sale of flavored products

**Sec. 4. 7 V.S.A. § 661**

- Conforming change adding e-liquids to exception in default penalty provision for Title 7

**Sec. 5. 16 V.S.A. § 140**

- Adds e-liquids to ban on use of tobacco products and e-cigarettes on public school grounds

**Sec. 6. 18 V.S.A. § 4803**

- Conforming change to Substance Misuse Prevention Oversight and Advisory Council

**Sec. 7. 32 V.S.A. § 7702**

- Clarifying and conforming changes to definition of “other tobacco products” for taxes on e-cigarettes

**Sec. 8. E-cigarette/vaping-related products; advertising restrictions; report**

- Directs Attorney General’s Office to report by December 1, 2020 on whether/to what extent Vermont can legally restrict advertising and regulate labels for e-cigarettes and other vaping-related products

**Sec. 9. Effective date**

- Act takes effect on September 1, 2020