

1 S.288

2 Introduced by Senators Lyons, Sirotkin, Campion, Hooker, Ingram, Clarkson
3 and Hardy

4 Referred to Committee on

5 Date:

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

7 Statement of purpose of bill as introduced: This bill proposes to ban the sale or
8 possession of flavored cigarettes, flavored e-cigarettes, and flavored substances
9 that contain nicotine or are otherwise intended for use with an e-cigarette. It
10 would also expand the applicability of provisions for the seizure and
11 destruction of contraband tobacco products to include contraband tobacco
12 substitutes, e-liquids, and tobacco paraphernalia.

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

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

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

16 § 1001. DEFINITIONS

17 As used in this chapter:

18 * * *

19 (9) “E-liquid” means the solution, substance, or other material used in or
20 with a tobacco substitute that is heated to produce an aerosol, vapor, or

1 emission to be inhaled by the user, regardless of whether the liquid contains
2 nicotine.

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

4 § 1009. CONTRABAND AND SEIZURE

5 (a) Any cigarettes or other tobacco products, tobacco substitutes, e-liquids,
6 or tobacco paraphernalia that have been sold, offered for sale, or possessed for
7 sale in violation of section 1003, 1010, or 1013 of this title, 20 V.S.A. § 2757,
8 32 V.S.A. § 7786, or 33 V.S.A. § 1919, and any commercial cigarette rolling
9 machines possessed or utilized in violation of section 1011 of this title; shall be
10 deemed contraband and shall be subject to seizure by the Commissioner, the
11 Commissioner's agents or employees, the Commissioner of Taxes or any agent
12 or employee of the Commissioner of Taxes, or by any law enforcement officer
13 of this State when directed to do so by the Commissioner. ~~All cigarettes or~~
14 ~~other tobacco products~~ items seized under this subsection shall be destroyed.

15 * * *

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

17 § 1013. FLAVORED TOBACCO PRODUCTS, FLAVORED TOBACCO
18 SUBSTITUTES, AND FLAVORED E-LIQUIDS PROHIBITED

19 (a) As used in this section:

20 (1) "Characterizing flavor" means a taste or aroma, other than the taste
21 or aroma of tobacco, imparted either prior to or during consumption of a

1 tobacco product or tobacco substitute, or a component part or byproduct of a
2 tobacco product or tobacco substitute. The term includes tastes or aromas
3 relating to any fruit, chocolate, vanilla, honey, maple, candy, cocoa, dessert,
4 alcoholic beverage, mint, menthol, wintergreen, herb or spice, or other food or
5 drink, or to any conceptual flavor that imparts a taste or aroma that is
6 distinguishable from tobacco flavor but may not relate to any particular known
7 flavor.

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

9 An e-liquid shall be presumed to be a flavored e-liquid if a licensee, a
10 manufacturer, or a licensee’s or manufacturer’s agent or employee has made a
11 statement or claim directed to consumers or the public, whether express or
12 implied, that the product has a distinguishable taste or aroma other than the
13 taste or aroma of tobacco.

14 (3) “Flavored tobacco product” means any tobacco product with a
15 characterizing flavor. A tobacco product shall be presumed to be a flavored
16 tobacco product if a licensee, a manufacturer, or a licensee’s or manufacturer’s
17 agent or employee has made a statement or claim directed to consumers or the
18 public, whether express or implied, that the product has a distinguishable taste
19 or aroma other than the taste or aroma of tobacco.

20 (4) “Flavored tobacco substitute” means any tobacco substitute with a
21 characterizing flavor. A tobacco substitute shall be presumed to be a flavored

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

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

8 (c) A person shall not possess, purchase, or attempt to purchase one or
9 more flavored tobacco products, flavored e-liquids, or flavored tobacco
10 substitutes.

11 Sec. 4. ELECTRONIC CIGARETTES AND OTHER VAPING-RELATED
12 PRODUCTS; ADVERTISING RESTRICTIONS; REPORT

13 On or before December 1, 2020, the Office of the Attorney General shall
14 report to the House Committees on Commerce and Economic Development
15 and on Human Services and the Senate Committees on Economic
16 Development, Housing and General Affairs and on Health and Welfare
17 regarding whether and to what extent Vermont may legally restrict advertising
18 for electronic cigarettes and other vaping-related products in this State.

19 Sec. 5. EFFECTIVE DATE

20 This act shall take effect on passage.