

1 S.24

2 Introduced by Senators Lyons, Clarkson, Hooker, McCormack and Pollina

3 Referred to Committee on

4 Date:

5 Subject: Health; tobacco products; tobacco substitutes; flavored tobacco  
6 products; e-cigarettes; e-liquids

7 Statement of purpose of bill as introduced: This bill proposes to ban the retail  
8 sale of flavored cigarettes, e-cigarettes, and e-liquids. It would eliminate the  
9 existing ban on and penalty for possession of cigarettes, e-cigarettes, and  
10 tobacco paraphernalia by individuals under 21 years of age and expand the  
11 applicability of provisions for the seizure and destruction of contraband  
12 tobacco products to include contraband e-cigarettes, e-liquids, and tobacco  
13 paraphernalia. The bill would also direct the Office of the Attorney General to  
14 report on the extent to which Vermont may legally restrict advertising and  
15 regulate labels for e-cigarettes and other vaping-related products.

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

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

18 Sec. 1. FINDINGS

19 The General Assembly finds that:

1           (1) Tobacco use is costly. Vermont spends \$348 million annually to  
2           treat tobacco-caused illnesses, including \$87.2 million each year in Medicaid  
3           expenses. This translates into a tax burden each year of \$759 per Vermont  
4           household. Productivity losses add an additional \$232.8 million each year.

5           (2) Youth tobacco use is growing due to e-cigarettes. Seven percent of  
6           Vermont high school students smoke, but if e-cigarette use is included,  
7           28 percent of Vermont youths use some form of tobacco product. More than  
8           one in four Vermont high school students now uses e-cigarettes. Use more  
9           than doubled among this age group, from 12 percent to 26 percent, between  
10          2017 and 2019.

11          (3) More students report frequent use of e-cigarettes, which  
12          indicates possible nicotine addiction. According to the 2019 Vermont Youth  
13          Risk Behavior Survey, 31 percent of Vermont high school e-cigarette users  
14          used e-cigarettes daily, up from 15 percent in 2017.

15          (4) Flavored products are fueling the epidemic. Ninety-seven percent of  
16          youth e-cigarette users nationally reported in 2019 that they had used a  
17          flavored tobacco product in the last month, and 70 percent cited flavors as the  
18          reason for their use. E-cigarette and e-liquid manufacturers have marketed  
19          their products in youth-friendly flavors such as gummy bear, birthday cake,  
20          candy cane menthol, and bubble gum.

1           (5) Mint- and menthol-flavored e-cigarettes are increasing in popularity  
2           among youths. Over the past four years, mint and menthol went from being  
3           some of the least popular to being some of the most popular e-cigarette flavors  
4           among high school students. Evidence indicates that if any e-cigarette  
5           flavors remain on the market, youths will shift from one flavor to  
6           another. For example, after Juul restricted the availability of fruit, candy, and  
7           other e-cigarette flavors in retail stores in November 2018, use of mint and  
8           menthol e-cigarettes by high school users increased sharply, from 42.3 percent  
9           reportedly using mint and menthol e-cigarettes in 2017 to 63.9 percent using  
10          them in 2019.

11          (6) It is essential that menthol cigarettes are included in a ban on  
12          flavored tobacco products, flavored e-liquids, and flavored e-cigarettes to  
13          prevent youths who became addicted to nicotine through vaping from  
14          transitioning to traditional cigarettes. Menthol creates a cooling and numbing  
15          effect that reduces the harshness of cigarette smoke and suppresses the cough  
16          reflex. Those effects make menthol cigarettes more appealing to young,  
17          inexperienced smokers, and research shows that menthol cigarettes are more  
18          likely to addict youths.

19          (7) Youth smokers are the age group most likely to use menthol  
20          cigarettes, but are also likely to quit if menthol cigarettes are no longer  
21          available. Fifty-four percent of youths 12–17 years of age nationwide who

1 smoke use menthol cigarettes. Nearly 65 percent of young menthol smokers  
2 say they would quit smoking if menthol cigarettes were banned.

3 (8) Eliminating the sale of menthol tobacco products promotes health  
4 equity. Menthol cigarette use is more prevalent among persons of color who  
5 smoke than among white persons who smoke and is more common among  
6 lesbian, gay, bisexual, and transgender smokers than among heterosexual  
7 smokers. Eighty-five percent of African-American adult smokers use menthol  
8 cigarettes, and of black youths 12–17 years of age who smoke, seven out of 10  
9 use menthol cigarettes. Tobacco industry documents show a concerted effort  
10 to target African-Americans through specific advertising efforts.

11 (9) The U.S. Food and Drug Administration (FDA) agrees that menthol  
12 cigarettes harm the public health. In 2013, the FDA published a report  
13 concluding that removal of menthol cigarettes from the market would improve  
14 public health.

15 (10) Vermont cannot wait for the FDA to take action. The same federal  
16 legislation that was passed in 2009 banning all other flavored cigarettes  
17 allowed the FDA to regulate or ban menthol. Despite taking public comment  
18 on the dangers of menthol in 2013 and again in 2018, the FDA has still failed  
19 to act. The policy released by the FDA on January 1, 2020 falls far short of  
20 protecting Vermonters from the dangers of smoking and nicotine addiction.  
21 The FDA’s policy bans only flavored cartridge- or pod-based e-cigarettes

1 and even then exempts those that are menthol or tobacco flavored. Open tank  
2 e-cigarettes and the flavored e-liquids used to fill them can still be sold, as can  
3 flavored, self-contained, disposable e-cigarettes.

4 Sec. 2. 7 V.S.A. chapter 40 is amended to read:

5 CHAPTER 40. TOBACCO PRODUCTS

6 § 1001. DEFINITIONS

7 As used in this chapter:

8 \* \* \*

9 (3) "Tobacco products" means cigarettes, little cigars, roll-your-own  
10 tobacco, snuff, cigars, new smokeless tobacco, and ~~other tobacco products as~~  
11 ~~defined in 32 V.S.A. § 7702~~ any other product manufactured from, derived  
12 from, or containing tobacco that is intended for human consumption by  
13 smoking, by chewing, or in any other manner.

14 \* \* \*

15 (8) "Tobacco substitute" means ~~products~~ any product, including an  
16 electronic ~~eigarettes~~ cigarette or other electronic or battery-powered ~~devices~~  
17 device, or any component, part, or accessory thereof, that ~~contain or are~~  
18 contains or is designed to deliver nicotine or other substances into the body  
19 through the inhalation or other absorption of aerosol, vapor, or other emission  
20 and that ~~have~~ has not been approved by the U.S. Food and Drug  
21 Administration for tobacco cessation or other medical purposes. Products that

1 have been approved by the U.S. Food and Drug Administration for tobacco  
2 cessation or other medical purposes shall not be considered to be tobacco  
3 substitutes.

4 (9) "E-liquid" means the solution, substance, or other material used in or  
5 with a tobacco substitute that is heated or otherwise acted upon to produce an  
6 aerosol, vapor, or other emission to be inhaled or otherwise absorbed by the  
7 user, regardless of whether the solution, substance, or other material contains  
8 nicotine.

9 § 1002. LICENSE REQUIRED; APPLICATION; FEE; ISSUANCE

10 (a)(1) No person shall engage in the retail sale of tobacco products, tobacco  
11 substitutes, e-liquids, or tobacco paraphernalia in his or her place of business  
12 without a tobacco license obtained from the Division of Liquor Control.

13 \* \* \*

14 (e) A person who sells tobacco products, tobacco substitutes, e-liquids, or  
15 tobacco paraphernalia without obtaining a tobacco license and a tobacco  
16 substitute endorsement, as applicable, in violation of this section shall be guilty  
17 of a misdemeanor and fined not more than \$200.00 for the first offense and not  
18 more than \$500.00 for each subsequent offense.

19 (f) No individual under 16 years of age may sell tobacco products, tobacco  
20 substitutes, e-liquids, or tobacco paraphernalia.

1 (g) No person shall engage in the retail sale of tobacco products, tobacco  
2 substitutes, ~~substances containing nicotine or otherwise intended for use with a~~  
3 ~~tobacco substitute~~ e-liquids, or tobacco paraphernalia in the State unless the  
4 person is a licensed wholesale dealer as defined in 32 V.S.A. § 7702 or has  
5 purchased the tobacco products, tobacco substitutes, ~~substances containing~~  
6 ~~nicotine or otherwise intended for use with a tobacco substitute~~ e-liquids, or  
7 tobacco paraphernalia from a licensed wholesale dealer.

8 \* \* \*

9 § 1003. SALE OF TOBACCO PRODUCTS; TOBACCO SUBSTITUTES;  
10 TOBACCO PARAPHERNALIA; REQUIREMENTS;  
11 PROHIBITIONS

12 (a) A person shall not sell or provide tobacco products, tobacco substitutes,  
13 e-liquids, or tobacco paraphernalia to any person under 21 years of age.

14 (b) All vending machines selling tobacco products are prohibited.

15 (c)(1) Persons holding a tobacco license may only display or store tobacco  
16 products, ~~or tobacco substitutes,~~ and e-liquids:

17 (A) behind a sales counter or in any other area of the establishment  
18 that is inaccessible to the public; or

19 (B) in a locked container.

20 (2) This subsection shall not apply to the following:

1           (A) a display of tobacco products, tobacco substitutes, or e-liquids  
2           that is located in a commercial establishment in which by law no person under  
3           21 years of age is permitted to enter at any time;

4           (B) cigarettes in unopened cartons and smokeless tobacco in  
5           unopened multipack containers of 10 or more packages, any of which shall be  
6           displayed in plain view and under the control of a responsible employee so that  
7           removal of the cartons or multipacks from the display can be readily observed  
8           by that employee; or

9           (C) cigars and pipe tobacco stored in a humidor on the sales counter  
10          in plain view and under the control of a responsible employee so that the  
11          removal of these products from the humidor can be readily observed by that  
12          employee.

13          (d) The sale and the purchase of bidis is prohibited. A person who holds a  
14          tobacco license who sells bidis as prohibited by this subsection shall be fined  
15          not more than \$500.00. A person who purchases bidis from any source shall be  
16          fined not more than \$250.00.

17          (e) No person holding a tobacco license shall sell cigarettes or little cigars  
18          individually or in packs that contain fewer than 20 cigarettes or little cigars.

19          (f) As used in this section, "little cigars" means any rolls of tobacco  
20          wrapped in leaf tobacco or any substance containing tobacco, other than any



1 roll of tobacco that is a cigarette within the meaning of 32 V.S.A. § 7702(1),  
2 and as to which 1,000 units weigh not more than three pounds.

3 § 1004. PROOF OF AGE FOR THE SALE OF TOBACCO PRODUCTS;

4 TOBACCO SUBSTITUTES; E-LIQUIDS; TOBACCO

5 PARAPHERNALIA

6 (a) A person shall exhibit proper proof of his or her age upon demand of a  
7 person licensed under this chapter, an employee of a licensee, or a law  
8 enforcement officer. If the person fails to provide proper proof of age, the  
9 licensee shall be entitled to refuse to sell tobacco products, tobacco substitutes,  
10 e-liquids, or tobacco paraphernalia to the person. The sale or furnishing of  
11 tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia to a  
12 person exhibiting proper proof of age shall be prima facie evidence of a  
13 licensee's compliance with section 1007 of this title.

14 (b) As used in this section, "proper proof of age" means a valid authorized  
15 form of identification as defined in section 589 of this title.

16 § 1005. PERSONS UNDER 21 YEARS OF AGE; ~~POSSESSION~~

17 PURCHASE OF TOBACCO PRODUCTS; MISREPRESENTING

18 AGE ~~OR~~ FOR PURCHASING TOBACCO PRODUCTS;

19 PENALTY

20 (a)(1) A person under 21 years of age shall not ~~possess~~, purchase, or  
21 attempt to purchase tobacco products, tobacco substitutes, e-liquids, or tobacco

1     ~~paraphernalia unless the person is an employee of a holder of a tobacco license~~  
2     ~~and is in possession of tobacco products, tobacco substitutes, or tobacco~~  
3     ~~paraphernalia to effect a sale in the course of employment.~~

4           (2) A person under 21 years of age shall not misrepresent his or  
5     her age to purchase or attempt to purchase tobacco products, tobacco  
6     substitutes, e-liquids, or tobacco paraphernalia.

7           (b) A person who ~~possesses~~ purchases or attempts to purchase tobacco  
8     products, tobacco substitutes, e-liquids, or tobacco paraphernalia in violation  
9     of subsection (a) of this section shall be subject to having the tobacco products,  
10    tobacco substitutes, e-liquids, or tobacco paraphernalia immediately  
11    confiscated and shall be further subject to a civil penalty of \$25.00. An action  
12    under this subsection shall be brought in the same manner as a traffic violation  
13    pursuant to 23 V.S.A. chapter 24.

14           (c) A person under 21 years of age who misrepresents his or her age by  
15    presenting false identification to purchase tobacco products, tobacco  
16    substitutes, e-liquids, or tobacco paraphernalia shall be fined not more than  
17    \$50.00 or provide up to 10 hours of community service, or both.

18    § 1006. POSTING OF SIGNS

19           (a) A person licensed under this chapter shall post in a conspicuous place  
20    on the premises identified in the tobacco license a warning sign stating that the  
21    sale of tobacco products, tobacco substitutes, e-liquids, and tobacco

1 paraphernalia to persons under 21 years of age is prohibited. The Board shall  
2 prepare the sign and make it available with the license forms issued under this  
3 chapter. The sign may include information about the health effects of tobacco  
4 and tobacco cessation services. The Board, in consultation with a  
5 representative of the licensees when appropriate, is authorized to change the  
6 design of the sign as needed to maintain its effectiveness.

7 (b) A person violating this section shall be guilty of a misdemeanor and  
8 fined not more than \$100.00.

9 § 1007. FURNISHING TOBACCO TO PERSONS UNDER 21 YEARS OF  
10 AGE; REPORT

11 (a) A person that sells or furnishes tobacco products, tobacco substitutes, e-  
12 liquids, or tobacco paraphernalia to a person under 21 years of age shall be  
13 subject to a civil penalty of not more than \$100.00 for the first offense and not  
14 more than \$500.00 for any subsequent offense. An action under this section  
15 shall be brought in the same manner as for a traffic violation pursuant to  
16 23 V.S.A. chapter 24 and shall be brought within 24 hours of the occurrence of  
17 the alleged violation.

18 (b)(1) The Division of Liquor Control shall conduct or contract for  
19 compliance tests of tobacco licensees as frequently and as comprehensively as  
20 necessary to ensure consistent statewide compliance with the prohibition on  
21 sales to persons under 21 years of age of at least 90 percent for buyers who are

1 between 17 and 20 years of age. An individual under 21 years of age  
2 participating in a compliance test shall not be in violation of section 1005 of  
3 this title.

4 (2) Any violation by a tobacco licensee of subsection 1003(a) of this  
5 title and this section after a sale violation or during a compliance test  
6 conducted within six months of a previous violation shall be considered a  
7 multiple violation and shall result in the minimum license suspension in  
8 addition to any other penalties available under this title. Minimum license  
9 suspensions for multiple violations shall be assessed as follows:

- |    |                      |                      |
|----|----------------------|----------------------|
| 10 | (A) Two violations   | two weekdays;        |
| 11 | (B) Three violations | 15-day suspension;   |
| 12 | (C) Four violations  | 90-day suspension;   |
| 13 | (D) Five violations  | one-year suspension. |

14 (3) The Division shall report to the House Committee on General,  
15 Housing, and Military Affairs, the Senate Committee on Economic  
16 Development, Housing and General Affairs, and the ~~Tobacco Evaluation and~~  
17 ~~Review Board~~ Substance Misuse Prevention Oversight and Advisory Council  
18 annually, on or before January 15, the methodology and results of compliance  
19 tests conducted during the previous year. The provisions of 2 V.S.A. § 20(d)  
20 (expiration of required reports) shall not apply to the required report to be  
21 made under this subdivision.

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§ 1009. CONTRABAND AND SEIZURE

(a) Any cigarettes or other tobacco products, tobacco substitutes, e-liquids, or tobacco paraphernalia that have been sold, offered for sale, or possessed for sale in violation of section 1003, 1010, or 1013 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~~ items seized under this subsection shall be destroyed.

\* \* \*

§ 1010. INTERNET SALES

(a) As used in this section:

- (1) “Cigarette” has the same meaning as in 32 V.S.A. § 7702(1).
- (2) [Repealed.]
- (3) “Licensed wholesale dealer” has the same meaning as in 32 V.S.A. § 7702(5).
- (4) “Little cigars” has the same meaning as in 32 V.S.A. § 7702(6).
- (5) “Retail dealer” has the same meaning as in 32 V.S.A. § 7702(10).

1           (6) “Roll-your-own tobacco” has the same meaning as in 32 V.S.A.  
2           § 7702(11).

3           (7) “Snuff” has the same meaning as in 32 V.S.A. § 7702(13).

4           (b) No person shall cause cigarettes, roll-your-own tobacco, little cigars,  
5           snuff, tobacco substitutes, ~~substances containing nicotine or otherwise intended~~  
6           ~~for use with a tobacco substitute~~ e-liquids, or tobacco paraphernalia, ordered or  
7           purchased by mail or through a computer network, telephonic network, or  
8           other electronic network, to be shipped to anyone other than a licensed  
9           wholesale dealer or retail dealer in this State.

10          (c) No person shall, with knowledge or reason to know of the violation,  
11          provide substantial assistance to a person in violation of this section.

12          (d) A violation of this section is punishable as follows:

13           (1) A knowing or intentional violation of this section shall be punishable  
14           by imprisonment for not more than five years or a fine of not more than  
15           \$5,000.00, or both.

16           (2) In addition to or in lieu of any other civil or criminal remedy  
17           provided by law, upon a determination that a person has violated this section,  
18           the Attorney General may impose a civil penalty in an amount not to exceed  
19           \$5,000.00 for each violation. For purposes of this subsection, each shipment  
20           or transport of cigarettes, roll-your-own tobacco, little cigars, ~~or~~ snuff, tobacco

1 substitutes, e-liquids, or tobacco paraphernalia shall constitute a separate  
2 violation.

3 \* \* \*

4 § 1012. ~~LIQUID NICOTINE~~ E-LIQUIDS CONTAINING NICOTINE;  
5 PACKAGING

6 (a) Unless specifically preempted by federal law, no person shall  
7 manufacture, regardless of location, for sale in; offer for sale in; sell in or into  
8 the stream of commerce in; or otherwise introduce into the stream of  
9 commerce in Vermont:

10 (1) any ~~liquid or gel substance~~ e-liquid containing nicotine unless that  
11 product is contained in child-resistant packaging; or

12 (2) any ~~nicotine liquid~~ e-liquid container unless that container  
13 constitutes child-resistant packaging.

14 (b) As used in this section:

15 (1) "Child-resistant packaging" means packaging that is designed or  
16 constructed to be significantly difficult for children under five years of age to  
17 open or obtain a toxic or harmful amount of the substance in the container  
18 within a reasonable time and not difficult for normal adults to use properly, but  
19 does not mean packaging that all children under five years of age cannot open  
20 or obtain a toxic or harmful amount of the substance in the container within a  
21 reasonable time.

1           (2) “~~Nicotine liquid~~ E-liquid container” means a bottle or other  
2 container of a ~~nicotine liquid or other substance~~ an e-liquid containing nicotine  
3 that is sold, marketed, or intended for use in a tobacco substitute. The term  
4 does not include a container containing nicotine in a cartridge that is sold,  
5 marketed, or intended for use in a tobacco substitute if the cartridge is prefilled  
6 and sealed by the manufacturer and not intended to be opened by the  
7 consumer.

8           § 1013. FLAVORED TOBACCO PRODUCTS, FLAVORED TOBACCO  
9                           SUBSTITUTES, AND FLAVORED E-LIQUIDS PROHIBITED

10           (a) As used in this section:

11           (1) “Characterizing flavor” means a taste or aroma, other than the taste  
12 or aroma of tobacco, imparted either prior to or during consumption of a  
13 tobacco product or tobacco substitute, or a component part or byproduct of a  
14 tobacco product or tobacco substitute. The term includes tastes or aromas  
15 relating to any fruit, chocolate, vanilla, honey, maple, candy, cocoa, dessert,  
16 alcoholic beverage, mint, menthol, wintergreen, herb or spice, or other food or  
17 drink, or to any conceptual flavor that imparts a taste or aroma that is  
18 distinguishable from tobacco flavor but may not relate to any particular known  
19 flavor.

20           (2) “Flavored e-liquid” means any e-liquid with a characterizing flavor.  
21 An e-liquid shall be presumed to be a flavored e-liquid if a licensee, a



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

5 (3) "Flavored tobacco product" means any tobacco product with a  
6 characterizing flavor. A tobacco product shall be presumed to be a flavored  
7 tobacco product if a licensee, a manufacturer, or a licensee's or manufacturer's  
8 agent or employee has made a statement or claim directed to consumers or the  
9 public, whether express or implied, that the product has a distinguishable taste  
10 or aroma other than the taste or aroma of tobacco.

11 (4) "Flavored tobacco substitute" means any tobacco substitute with a  
12 characterizing flavor. A tobacco substitute shall be presumed to be a flavored  
13 tobacco substitute if a licensee, a manufacturer, or a licensee's or  
14 manufacturer's agent or employee has made a statement or claim directed to  
15 consumers or the public, whether express or implied, that the product has a  
16 distinguishable taste or aroma other than the taste or aroma of tobacco.

17 (5) "Tobacco retailer" means any individual, partnership, joint venture,  
18 society, club, trustee, trust, association, organization, or corporation who owns,  
19 operates, or manages any retail establishment that has a tobacco license from  
20 the Division of Liquor Control.

1        (b) No person shall engage in the retail sale of any flavored tobacco  
2        product, flavored e-liquid, or flavored tobacco substitute.

3        (c) If a tobacco retailer or a tobacco retailer's agent or employee violates  
4        this section, the tobacco retailer shall be subject to a civil penalty of not more  
5        than \$100.00 for a first offense and not more than \$500.00 for any subsequent  
6        offense. An action under this section shall be brought in the same manner as  
7        for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought  
8        within 24 hours of the occurrence of the alleged violation.

9        Sec. 3. 4 V.S.A. § 1102(b) is amended to read:

10       (b) The Judicial Bureau shall have jurisdiction of the following matters:

11    \* \* \*

12       (4) Violations of 7 V.S.A. § 1005(a), relating to ~~possession~~ purchase of  
13       tobacco products by a person under 21 years of age.

14    \* \* \*

15       (30) Violations of 7 V.S.A. § 1013(b), relating to flavored tobacco  
16       products, flavored e-liquids, and flavored tobacco substitutes.

17       Sec. 4. 7 V.S.A. § 661(c) is amended to read:

18       (c) The provisions of subsection (b) of this section shall not apply to a  
19       violation of subsection 1005(a) of this title, relating to purchase of tobacco  
20       products, tobacco substitutes, e-liquids, or tobacco paraphernalia by a person  
21       under 21 years of age.

1 Sec. 5. 16 V.S.A. § 140 is amended to read:

2 § 140. TOBACCO USE PROHIBITED ON PUBLIC SCHOOL GROUNDS

3 No person shall be permitted to use tobacco products, e-liquids, or tobacco  
4 substitutes as defined in 7 V.S.A. § 1001 on public school grounds or at public  
5 school sponsored functions. Public school boards may adopt policies that  
6 include confiscation and appropriate referrals to law enforcement authorities.

7 Sec. 6. 18 V.S.A. § 4803(a) is amended to read:

8 (a) Creation. There is created the Substance Misuse Prevention Oversight  
9 and Advisory Council within the Department of Health to improve the health  
10 outcomes of all Vermonters through a consolidated and holistic approach to  
11 substance misuse prevention that addresses all categories of substances. The  
12 Council shall provide advice to the Governor and General Assembly for  
13 improving prevention policies and programming throughout the State and to  
14 ensure that population prevention measures are at the forefront of all policy  
15 determinations. The Advisory Council's prevention initiatives shall  
16 encompass all substances at risk of misuse, including:

17 (1) alcohol;

18 (2) cannabis;

19 (3) controlled substances, such as opioids, cocaine, and

20 methamphetamines; and

1 (4) tobacco products, ~~and tobacco substitutes,~~ and e-liquids as defined in  
2 7 V.S.A. § 1001 ~~and substances containing nicotine or that are otherwise~~  
3 ~~intended for use with a tobacco substitute.~~

4 Sec. 7. 32 V.S.A. § 7702 is amended to read:

5 § 7702. DEFINITIONS

6 The following words and phrases, as used in this chapter, shall have the  
7 following meanings, unless the context otherwise requires:

8 \* \* \*

9 (15) "Other tobacco products" means any product manufactured  
10 from, derived from, or containing tobacco that is intended for human  
11 consumption by smoking, by chewing, or in any other manner, ~~including.~~  
12 The term also includes products sold as a tobacco substitute, as defined in  
13 7 V.S.A. § 1001(8), ~~and including any liquids, whether nicotine based or not,~~  
14 ~~or e-liquids,~~ as defined in 7 V.S.A. § 1001(9), and delivery devices sold  
15 separately for use with a tobacco substitute or e-liquid; but shall not include  
16 cigarettes, little cigars, roll-your-own tobacco, snuff, or new smokeless tobacco  
17 as defined in this section.

18 \* \* \*

1       Sec. 8. ELECTRONIC CIGARETTES AND OTHER VAPING-RELATED  
2                   PRODUCTS; ADVERTISING RESTRICTIONS; REPORT

3           On or before December 1, 2021, the Office of the Attorney General shall  
4 report to the House Committees on Commerce and Economic Development  
5 and on Human Services and the Senate Committees on Economic  
6 Development, Housing and General Affairs and on Health and Welfare  
7 regarding whether and to what extent Vermont may legally restrict advertising  
8 and regulate the content of labels for electronic cigarettes and other vaping-  
9 related products in this State.

10       Sec. 9. EFFECTIVE DATE

11           This act shall take effect on September 1, 2021.