

1 S.198

2 Senators Chittenden and Brock move that the report of the Committee on
3 Economic Development, Housing and General Affairs, as amended, be further
4 amended as follows:

5 First: In Sec. 1, 7 V.S.A. chapter 40, by striking out section 1005 in its
6 entirety and inserting in lieu thereof the following:

7 § 1005. PERSONS UNDER 21 YEARS OF AGE; ~~POSSESSION OF~~
8 ~~TOBACCO PRODUCTS; MISREPRESENTING AGE OR~~
9 ~~PURCHASING TO PURCHASE~~ TOBACCO PRODUCTS;
10 PENALTY

11 ~~(a)(1) A person under 21 years of age shall not possess, purchase, or~~
12 ~~attempt to purchase tobacco products, tobacco substitutes, or tobacco~~
13 ~~paraphernalia unless:~~

14 ~~(A) the person is an employee of a holder of a tobacco license and is~~
15 ~~in possession of tobacco products, tobacco substitutes, or tobacco~~
16 ~~paraphernalia to effect a sale in the course of employment; or~~

17 ~~(B) the person is in possession of tobacco products or tobacco~~
18 ~~paraphernalia in connection with Indigenous cultural tobacco practices.~~

19 ~~(2) A person under 21 years of age shall not misrepresent his or her age~~
20 ~~to purchase or attempt to purchase tobacco products, tobacco substitutes, or~~
21 ~~tobacco paraphernalia.~~

1 ~~(b) A person who possesses tobacco products, tobacco substitutes, or~~
2 ~~tobacco paraphernalia in violation of subsection (a) of this section shall be~~
3 ~~subject to having the tobacco products, tobacco substitutes, or tobacco~~
4 ~~paraphernalia immediately confiscated and shall be further subject to a civil~~
5 ~~penalty of \$25.00. An action under this subsection shall be brought in the same~~
6 ~~manner as a traffic violation pursuant to 23 V.S.A. chapter 24.~~

7 (e) A person under 21 years of age who misrepresents the person’s age by
8 presenting false identification to purchase tobacco products, tobacco
9 substitutes, or tobacco paraphernalia shall be subject to a civil penalty of not
10 more than ~~\$50.00~~ \$100.00 or provide up to 10 hours of community service, or
11 both. An action under this subsection shall be brought in the same manner as a
12 traffic violation pursuant to 23 V.S.A. chapter 24.

13 Second: In Sec. 1, 7 V.S.A. chapter 40, in section 1007, by striking out
14 subsection (a) in its entirety and inserting in lieu thereof a new subsection (a)
15 to read as follows:

16 (a) A person that sells or furnishes tobacco products, tobacco substitutes, or
17 tobacco paraphernalia to ~~a person~~ an individual under 21 years of age shall be
18 subject to a civil penalty of not more than ~~\$100.00~~ \$150.00 for the first offense
19 and ~~not more than \$500.00,~~ for any subsequent offense, a civil penalty and
20 license suspension or revocation as set forth in subdivision (b)(2) of this
21 section. An action under this section shall be brought in the same manner as

1 for a traffic violation pursuant to 23 V.S.A. chapter 24 and shall be brought
2 within 24 hours ~~of~~ following the occurrence of the alleged violation.

3 Third: By adding a new section to be Sec. 1a to read as follows:

4 Sec. 1a. 4 V.S.A. § 1102(b) is amended to read:

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

6 * * *

7 (4) Violations of 7 V.S.A. § 1005, relating to ~~possession and~~
8 ~~procurement of tobacco products~~ misrepresentation of age by a person under
9 21 years of age to purchase tobacco products.

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