

1 S.238

2 Introduced by Senator Mullin of Rutland County

3 Subject: Tobacco products; minors; possession

4 Statement of purpose: This bill would increase the minimum age for
5 possession of tobacco products to 21 years of age.

6 **AN ACT RELATING TO THE MINIMUM AGE FOR POSSESSION**
7 **OF TOBACCO PRODUCTS**

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

9 **Sec. 1. 7 V.S.A. § 1003(a)** is amended to read:

10 § 1003. SALE OF TOBACCO PRODUCTS; REQUIREMENTS;

11 PROHIBITIONS

12 A person shall not sell or provide tobacco products to any person
13 younger than ~~18~~ 21 years of age.

14 **Sec. 2. 7 V.S.A. § 1005** is amended to read:

15 § 1005. PERSONS UNDER THE AGE OF ~~EIGHTEEN~~ TWENTY-ONE;

16 POSSESSION OF TOBACCO PRODUCTS; MISREPRESENTING

17 AGE OR PURCHASING TOBACCO PRODUCTS; PENALTY

18 (a) A person less than ~~18~~ 21 years of age shall not possess or purchase
19 tobacco products unless the person is an employee of a holder of a tobacco
20 license and is in possession of tobacco products to effect a sale in the course of

1 employment. A person less than ~~18~~ 21 years of age shall not misrepresent his
2 or her age to purchase tobacco products. A person who possesses tobacco
3 products in violation of this subsection shall be subject to having the tobacco
4 products immediately confiscated and shall be further subject to a civil penalty
5 of \$25.00. In the case of failure to pay a penalty, the judicial bureau shall mail
6 a notice to the person at the address in the complaint notifying the person that
7 failure to pay the penalty within 60 days of the notice will result in either the
8 suspension of the person's operator's license for a period of not more than
9 90 days or delay the initial licensing of the person for a period of not more than
10 one year.

11 (b) A person less than ~~18~~ 21 years of age who misrepresents his or her age
12 by presenting false identification to purchase tobacco products shall be fined
13 not more than \$50.00 or provide up to 10 hours of community service, or both.
14

15 **Sec. 3. 7 V.S.A. § 1007 is amended to read:**

16 § 1007. FURNISHING TOBACCO TO PERSONS UNDER ~~EIGHTEEN~~
17 TWENTY-ONE

18 An individual who sells or furnishes tobacco products to a person under ~~18~~
19 21 years of age shall be subject to a civil penalty of not more than \$100.00 for
20 the first offense and not more than \$500.00 for any subsequent offense. An
21 action under this section shall be brought in the same manner as for a traffic

- 1 violation pursuant to chapter 24 of Title 23 and shall be brought within 24
- 2 hours of the occurrence of the alleged violation.