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H.171

Introduced by Representatives Frank of Underhill, Batchelor of Derby, Burditt
of West Rutland, French of Randolph, Klein of East Montpelier,
Komline of Dorset, Krowinski of Burlington, Macaig of
Williston, McCullough of Williston, McFaun of Barre Town,
Mrowicki of Putney, and Till of Jericho

Referred to Committee on

Date:

Subject: Health; tobacco; tobacco substitutes; electronic cigarettes

Statement of purpose of bill as introduced: This bill proposes to prohibit the
use of electronic cigarettes in the same places in which the use of lighted
tobacco products is banned. It would also prohibit cigarette and electronic
cigarette displays on store counters.

An act relating to restrictions on the use of electronic cigarettes

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

~~Sec. 1. 7 V.S.A. § 1003(d) is amended to read.~~

~~(d)(1) No person holding a tobacco license shall display or store tobacco
products or tobacco substitutes where those products are accessible to
consumers without direct assistance by the sales personnel. Persons holding a~~

1 ~~tobacco license may only display or store tobacco products or tobacco~~

2 substitutes:

3 (A) behind a sales counter in an area accessible only to sales
4 personnel; or

5 (B) in a locked container that is not located on a sales counter.

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

7 ~~(1)(A)~~ A a display of tobacco products that is located in a commercial
8 establishment in which by law no person younger than 18 years of age is
9 permitted to enter at any time;

10 ~~(2)(B)~~ Cigarettes cigarettes in unopened cartons and smokeless tobacco
11 in unopened multipack containers of 10 or more packages, any of which shall
12 be displayed in plain view and under the control of a responsible employee so
13 that removal of the cartons or multipacks from the display can be readily
14 observed by that employee;

15 ~~(3)(C)~~ Cigars cigars and pipe tobacco stored in a humidor on the sales
16 counter in plain view and under the control of a responsible employee so that
17 the removal of these products from the humidor can be readily observed by
18 that employee.

1 ~~Sec. 2. 18 V.S.A. § 1421 is amended to read:~~

2 § 1421. SMOKING IN THE WORKPLACE; PROHIBITION

3 (a) The use of lighted tobacco products and tobacco substitutes is
4 prohibited in any workplace.

5 * * *

6 (c) Nothing in this section shall be construed to restrict the ability of
7 residents of the Vermont ~~veterans' home~~ Veterans' Home to use lighted
8 tobacco products or tobacco substitutes in the indoor area of the facility in
9 which smoking is permitted.

10 Sec. 3. 18 V.S.A. § 1741 is amended to read:

11 § 1741. DEFINITIONS

12 As used in this chapter:

13 * * *

14 (5) "Tobacco substitutes" shall have the same meaning as in 7 V.S.A.
15 § 1001.

16 Sec. 4. 18 V.S.A. § 1742 is amended to read:

17 § 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

18 (a) The possession of lighted tobacco products or tobacco substitutes in any
19 form is prohibited in:

20 (1) the common areas of all enclosed indoor places of public access and
21 publicly owned buildings and offices;

1 ~~(2) all enclosed indoor places in lodging establishments used for~~

2 transient traveling or public vacationing, such as resorts, hotels, and motels,

3 including sleeping quarters and adjoining rooms rented to guests;

4 (3) designated smoke-free areas of property or grounds owned by or

5 leased to the State; and

6 (4) any other area within 25 feet of State-owned buildings and offices,

7 except that to the extent that any portion of the 25-foot zone is not on State

8 property, smoking is prohibited only in that portion of the zone that is on State

9 property unless the owner of the adjoining property chooses to designate his or

10 her property smoke-free.

11 (b) The possession of lighted tobacco products or tobacco substitutes in any

12 form is prohibited on the grounds of any hospital or secure residential recovery

13 facility owned or operated by the State, including all enclosed places in the

14 hospital or facility and the surrounding outdoor property.

15 (c) Nothing in this section shall be construed to restrict the ability of

16 residents of the Vermont Veterans' Home to use lighted tobacco products

17 or tobacco substitutes in the indoor area of the facility in which smoking

18 is permitted.

1 ~~Sec. 5. 18 V.S.A. § 1743 is amended to read:~~

2 § 1743. EXCEPTIONS

3 The restrictions in this chapter on possession of lighted tobacco products
4 and tobacco substitutes do not apply to areas not commonly open to the public
5 of owner-operated businesses with no employees.

6 Sec. 6. 18 V.S.A. § 1745 is amended to read:

7 § 1745. ENFORCEMENT

8 A proprietor, or the agent or employee of a proprietor, who observes a
9 person in possession of lighted tobacco products or tobacco substitutes in
10 apparent violation of this chapter shall ask the person to extinguish all lighted
11 tobacco products or tobacco substitutes. If the person persists in the possession
12 of lighted tobacco products or tobacco substitutes, the proprietor, agent, or
13 employee shall ask the person to leave the premises.

14 Sec. 7. 23 V.S.A. § 1134b is amended to read:

15 § 1134b. SMOKING IN MOTOR VEHICLE WITH CHILD PRESENT

16 (a) A person shall not possess a lighted tobacco product or tobacco
17 substitute in a motor vehicle that is occupied by a child required to be properly
18 restrained in a federally approved child passenger restraining system pursuant
19 to subdivision 1258(a)(1) or (2) of this title.

1 ~~(b) A person who violates subsection (a) of this section shall be subject to a~~
2 ~~fine of not more than \$100.00. No points shall be assessed for a violation of~~
3 ~~this section.~~

4 Sec. 8. EFFECTIVE DATE

5 ~~This act shall take effect on July 1, 2015.~~

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

~~(d)(1) No person holding a tobacco license shall display or store tobacco products or tobacco substitutes where those products are accessible to consumers without direct assistance by the sales personnel~~ Persons holding a tobacco license may only display or store tobacco products or tobacco substitutes:

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

(B) in a locked container ~~that is not located on a sales counter.~~

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

~~(1)(A) A display of tobacco products that is located in a commercial establishment in which by law no person younger than 18 years of age is permitted to enter at any time.;~~

~~(2)(B) Cigarettes cigarettes in unopened cartons and smokeless tobacco in unopened multipack containers of 10 or more packages, any of which shall be displayed in plain view and under the control of a responsible employee so~~

that removal of the cartons or multipacks from the display can be readily observed by that employee; or

~~(3)(C)~~ Cigars cigars and pipe tobacco stored in a humidor on the sales counter in plain view and under the control of a responsible employee so that the removal of these products from the humidor can be readily observed by that employee.

Sec. 2. 18 V.S.A. § 1421 is amended to read:

§ 1421. SMOKING IN THE WORKPLACE; PROHIBITION

(a) The ~~use~~ possession of lighted tobacco products or use of tobacco substitutes as defined in 7 V.S.A. § 1001 is prohibited in any workplace.

(b)(1) As used in this subchapter, "workplace" means an enclosed structure where employees perform services for an employer, including restaurants, bars, and other establishments in which food or drinks, or both, are served. In the case of an employer who assigns employees to departments, divisions, or similar organizational units, "workplace" means the enclosed portion of a structure to which the employee is assigned.

** * **

(5) The prohibition on using tobacco substitutes in a workplace shall not apply to a business that does not sell food or beverages but is established for the sole purpose of providing a setting for patrons to purchase and use tobacco substitutes and related paraphernalia.

(c) Nothing in this section shall be construed to restrict the ability of residents of the Vermont ~~veterans' home~~ Veterans' Home to ~~use~~ possess lighted tobacco products or use tobacco substitutes in the indoor area of the facility in which smoking is permitted.

Sec. 3. 18 V.S.A. § 1741 is amended to read:

§ 1741. DEFINITIONS

As used in this chapter:

** * **

(5) "Tobacco substitutes" shall have the same meaning as in 7 V.S.A. § 1001.

Sec. 4. 18 V.S.A. § 1742 is amended to read:

§ 1742. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

(a) The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited in:

(1) the common areas of all enclosed indoor places of public access and publicly owned buildings and offices;

(2) all enclosed indoor places in lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, including sleeping quarters and adjoining rooms rented to guests;

(3) designated smoke-free areas of property or grounds owned by or leased to the State; and

(4) any other area within 25 feet of State-owned buildings and offices, except that to the extent that any portion of the 25-foot zone is not on State property, smoking is prohibited only in that portion of the zone that is on State property unless the owner of the adjoining property chooses to designate his or her property smoke-free.

(b) The possession of lighted tobacco products or use of tobacco substitutes in any form is prohibited on the grounds of any hospital or secure residential recovery facility owned or operated by the State, including all enclosed places in the hospital or facility and the surrounding outdoor property.

(c) Nothing in this section shall be construed to restrict the ability of residents of the Vermont Veterans' Home to ~~use~~ possess lighted tobacco products or use tobacco substitutes in the indoor area of the facility in which smoking is permitted.

(d) Nothing in this chapter shall be construed to prohibit the use of tobacco substitutes in a business that does not sell food or beverages but is established for the sole purpose of providing a setting for patrons to purchase and use tobacco substitutes and related paraphernalia.

Sec. 5. 18 V.S.A. § 1743 is amended to read:

§ 1743. EXCEPTIONS

The restrictions in this chapter on possession of lighted tobacco products and use of tobacco substitutes do not apply to areas not commonly open to the public of owner-operated businesses with no employees.

Sec. 6. 18 V.S.A. § 1745 is amended to read:

§ 1745. ENFORCEMENT

A proprietor, or the agent or employee of a proprietor, who observes a person in possession of lighted tobacco products or using tobacco substitutes in apparent violation of this chapter shall ask the person to extinguish all lighted tobacco products or cease using the tobacco substitutes. If the person persists in the possession of lighted tobacco products or use of tobacco substitutes, the proprietor, agent, or employee shall ask the person to leave the premises.

Sec. 7. 23 V.S.A. § 1134b is amended to read:

§ 1134b. SMOKING IN MOTOR VEHICLE WITH CHILD PRESENT

(a) A person shall not possess a lighted tobacco product or use a tobacco substitute as defined in 7 V.S.A. § 1001 in a motor vehicle that is occupied by a child required to be properly restrained in a federally approved child passenger restraining system pursuant to subdivision 1258(a)(1) or (2) of this title.

(b) A person who violates subsection (a) of this section shall be subject to a fine of not more than \$100.00. No points shall be assessed for a violation of this section.

Sec. 8. EFFECTIVE DATES

(a) Sec. 1 (7 V.S.A. § 1003(d)) shall take effect on January 1, 2017.

(b) The remaining sections shall take effect on July 1, 2016.