



# Vermont

## Smoking Restrictions

### Overall Summary of Smoking Restrictions

The possession of lighted tobacco products in any form is prohibited in the common areas of all enclosed indoor places of public access and publicly owned buildings and offices, including restaurants and bars. See the definition of 'public places' in title 18, section 37-1741 of the Vermont Statutes for a complete list. Smoking is also prohibited in all workplaces as defined, see Private Workplaces section below.

VT STAT. ANN. tit. 18, §§ 28-1421 to 28-1428 & 37-1741 et seq. (2014).

### Exceptions to the Law

Exceptions to the law include: 1) areas not commonly open to the public of owner-operated businesses with no employees; 2) any portion of a structure that also serves as the employee's or employer's personal residence; and 3) residents of the Vermont veterans' home in areas where smoking is allowed.

VT STAT. ANN. tit. 18, §§ 28-1421 to 28-1428 & 37-1741 et seq. (2014).

### Stronger Local Laws on Smoking

Stronger local laws/ordinances further restricting smoking are specifically allowed, see below.

Nothing in the above law shall be construed to supersede or in any manner affect a municipal smoking ordinance provided that the provisions of such ordinance are at least as protective of the rights of nonsmokers as the above provisions.

VT STAT. ANN. tit. 18, §§ 37-1746 (1993).

### Government Buildings

Smoking is prohibited entirely in the common areas of buildings and offices owned, leased, or rented by state, county, or municipal governments, or by agencies supported by appropriation of, or by contracts or grants from, funds derived from federal, state, county, or municipal taxes. Smoking is also prohibited in designated smokefree areas of property or grounds owned or leased by the state and in any other area within 25 feet of state-owned buildings and offices, except any portion of the 25-foot zone not on state property unless the owner chooses to designate their property smokefree too.

VT STAT. ANN. tit. 18, §§ 28-1421 & 37-1741 et seq. (2014).

### Private Workplaces

The use of lighted tobacco products is prohibited in virtually all workplaces. '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. Except for schools, workplace does not include areas commonly open to the public or any portion of a structure that also serves as the employee's or employer's personal residence. For lodging establishments used for transient traveling or public vacationing, such as resorts, hotels, and motels, workplace includes the sleeping quarters and adjoining rooms rented to guests. This does not restrict the ability of residents of the Vermont veterans' home to use lighted tobacco products in the indoor area of the facility in which smoking is permitted. Areas not commonly open to the public of owner-operated businesses with no employees are exempt.

VT STAT. ANN. tit. 18, §§ 28-1421 (2014) & 37-1743 (2009).

## **Schools**

No person shall be permitted to use tobacco or tobacco substitutes as defined on public school grounds or at public school sponsored functions. Each public school board shall adopt policies prohibiting the possession and use of tobacco products by students at all times while under the supervision of school staff. Public school boards may adopt policies that include confiscation and appropriate referrals to law enforcement authorities.

VT STAT. ANN. tit. 16, § 1-140 (2014).

To the extent not covered by the restrictions above, smoking is prohibited in the common areas of all indoor places of public access and publicly-owned buildings and offices and workplaces, which includes any enclosed location where instruction or other school-sponsored functions are occurring.

VT STAT. ANN. tit. 18, §§ 28-1421, 37-1741 & 37-1742 (2014).

## **Child Care Facilities**

No person shall be permitted to use tobacco products or tobacco substitutes as defined on the premises, both indoor and outdoor, of any licensed child care center or afterschool program at any time. No person shall be permitted to use tobacco products or tobacco substitutes on the premises, both indoor and in any outdoor area designated for child care, of a licensed or registered family child care home while children are present and in care. If smoking occurs on the premises during other times, the family child care home shall notify prospective families prior to enrolling a child that their child will be exposed to an environment in which tobacco products or tobacco substitutes, or both, are used.

VT STAT. ANN. tit. 33, § 3504 (2014).

To the extent not covered above, smoking is prohibited in the common areas of all indoor places of public access and all publicly-owned buildings and offices and in workplaces, which includes most child care facilities.

VT STAT. ANN. tit. 18, §§ 28-1421, 37-1741 & 37-1742 (2014).

Foster parents shall ensure that children in the custody of the Department of Children and Families shall not be exposed to secondhand smoke in the foster parent's home or vehicle.

VT Dept. of Children & Families, Licensing Regs for Foster Care, sect. 403 (2005).

## **Health Care Facilities**

The possession of lighted tobacco products in any form is specifically 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. In other facilities, smoking is prohibited in the common areas of all indoor places of public access, the definition of which includes offices/buildings of facilities that provide health care services, hospitals and the common areas of nursing homes. Smoking is also prohibited in all workplaces.

VT STAT. ANN. tit. 18, §§ 28-1421, 37-1741 & 37-1742 (2014).

## **Restaurants**

Smoking is prohibited in the common areas of all enclosed indoor places of public access, the definition of which includes restaurants. Smoking is also prohibited in all workplaces, which specifically includes restaurants and other establishments in which food or drinks, or both, are served.

VT STAT. ANN. tit. 18, §§ 28-1421, 37-1741 & 37-1742 (2014).

## **Bars**

Smoking is prohibited in the common areas of all enclosed indoor places of public access, the definition of which includes bars and cabarets. Smoking is also prohibited in all workplaces, which specifically includes bars and other establishments in which food or drinks, or both, are served.

VT STAT. ANN. tit. 18, §§ 28-1421, 37-1741 & 37-1742 (2014).

## **Private Vehicles**

A person shall not possess a lighted tobacco product in a motor vehicle that is also occupied by a child required to be properly restrained in a federally approved child passenger restraining system. Violation is subject to a fine of not more than \$100. No points on a driver's license shall be assessed for violation.

VT STAT. ANN. tit. 23 § 1134b (2014).

## **Penalties/Enforcement**

A proprietor, or the agent or employee of the proprietor, who observes a person violating this law, must ask that person to extinguish all lighted tobacco products. If the person refuses, they will be asked to leave the premises.

VT STAT. ANN. tit. 18, § 37-1745 (1993).

An employee may file a complaint with the Department of Health for an employer's failure to comply with workplace smoking restrictions. Failure to come into compliance is subject to an administrative penalty of \$100.

VT STAT. ANN. tit. 18, § 28-1426 (2009).

In addition, the Commissioner of Health, or a local board of health, may bring an action in the superior court of the county in which a violation has occurred or is occurring, to enforce the provisions of this title. The court may grant temporary and permanent injunctive relief, and levy civil penalties of up to \$10,000 for each violation. Any person who violates a provision of this title shall be fined not more than \$5,000. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed a separate violation. When appropriate, all efforts shall be

made to secure voluntary compliance.

VT STAT. ANN. tit. 18, §§ 3-124, 3-130 & 3-131 (1985).

## **Tobacco Taxes**

### **Tax on Cigarettes**

Tax rate per pack of 20: \$3.08

Date last changed: July 1, 2015 -- from \$2.75 to \$3.08

Year first enacted: 1937

VT. STAT. ANN. tit. 32, § 7771 (2015).

### **Use of Cigarette Tax Revenue - Summary**

All revenue from the cigarette tax is distributed to the State Health Care Resources Fund, which finances health care coverage for beneficiaries of the state health care assistance programs under the global commitment to health care waiver approved by the Centers for Medicare and Medicaid Services and the Catamount Health assistance program.

VT STAT. ANN. tit. 32 § 7823 & tit. 33, §§ 1901d & 1986 (2012).

### **Taxes on Other Tobacco Products**

Little Cigars (weighing under 4 1/2 lbs./thousand): \$15.40 per cigar;

Roll-Your-Own Tobacco: \$3.08 per 0.0325 ounces;

Snuff: \$2.57/oz. or fractional part thereof;

New Smokeless Tobacco: \$2.57/oz. or if sold in a package weighing less than 1.2 ounces, \$3.08 per package;

Cigars with a wholesale price greater than \$2.17 and less than \$10.00: \$2.00/cigar;

Cigars with a wholesale price of \$10.00 or more: \$4.00/cigar;

All other tobacco products: 92% of the wholesale price.

VT. STAT. ANN. tit. 32, §§ 7702 (2013), 7771 (2015) & 7811 (2015).

### **Use of Other Tobacco Products Tax Revenue - Summary**

All the revenue generated by taxes on other tobacco products, except little cigars and roll-your-own tobacco, shall be credited to the State Health Care Resources Fund. Revenue from taxes on little cigars and roll-your-own tobacco are distributed the same way as the cigarette tax (see above).

VT STAT. ANN. tit. 32 § 7823 (2009) & tit. 33, §§ 1901d & 1986 (2011).

### **Revenue Collected from Cigarette Taxes**

Revenue collected in Fiscal Year 2012 (July 1, 2011 to June 30, 2012): \$73,270,000

## **Tobacco Control Program Funding**

### **Source of funding**

State funding for Vermont's tobacco control program comes from annual Master Settlement Agreement payments.

### **State Funding Details**

Vermont appropriated \$3,905,567 for tobacco prevention and cessation programs in FY2015 (July 1, 2014 to June 30, 2015). In FY2014, \$3,971,996 was appropriated.

FY2015 Annual Budget (H.B. 885) enacted 6/9/14 and effective 7/1/14.

### **Tobacco Control Program Related Laws**

The Vermont Tobacco Evaluation and Review Board, an independent state board, was created to work in partnership with the Department of Health in administering and coordinating the state tobacco prevention and treatment program. By June 1, 2001, the department and the board shall jointly establish a plan for reducing adult and youth smoking rates by 50 percent in the following 10 years. By June 1st of each year, the department and the board shall jointly establish goals for reducing adult and youth smoking rates in the following two years. The program shall be comprehensive and research-based, and shall include the following components: (1) community-based programs; (2) school-based programs; (3) tobacco cessation programs; (4) counter marketing activities; (5) enforcement activities; (6) surveillance and evaluation activities; and (7) policy initiatives. The Department of Liquor Control shall administer the component of the program that relates to enforcement activities and the Department of Education shall administer school-based programs.

VT STAT. ANN. tit. 18, §§ 9503 to 9507 (2014).

### **Funding for Tobacco Control Programs**

FY2015 State Funding for Tobacco Control Programs: \$3,905,567

FY2015 Federal Funding for State Tobacco Control Programs: \$1,537,406\*

FY2015 Total Funding for State Tobacco Control Programs: \$5,442,973

Funding Level Recommended by CDC: \$8,400,000

Percentage of CDC-Recommended Level: 64.8%

\*Includes regular and supplemental quitline funding from the Centers for Disease Control and Prevention and state youth access contract funding from the U.S. Food and Drug Administration.

# **Laws Restricting Youth Access to Tobacco Products**

## **Compliance/Enforcement**

The Departments of Health and Liquor Control shall inspect for violations of chapter 40 of Title 7 of the Vermont statutes whenever either department conducts any other inspection. Violations shall be reported to the Department of Liquor Control for enforcement, and notices of violation shall be mailed to the alleged violator within 24 hours after the report. The Department of Liquor Control shall conduct or contract for compliance checks of tobacco licensees as frequently and as comprehensively as necessary to assure consistent statewide compliance with the prohibition on sales to minors of at least 90 percent for 17-year old buyers. An individual under the age of 18 in a compliance test shall not be in violation of Title 7, section 1005 of the Vermont Statutes.

Sec. 12 & 13, VT ACT 58 (1997).

## **Penalties for Sales to Minors**

It is unlawful for a person to sell or provide tobacco products, tobacco substitutes (e-cigarettes and related products) or tobacco paraphernalia as defined to a person less than 18 years of age. Violators shall be subject to a civil penalty of not more than \$100 for the first offense and not more than \$500 for subsequent offenses.

VT STAT. ANN. tit. 7, §§ 1003(a) (2012) & 1007 (2013).

Any violation by a tobacco licensee of the youth access law after a first sale violation or during a compliance check conducted within six months of a previous violation shall be considered a multiple violation and shall result in the minimum license suspension, in addition to other penalties. Minimum license suspensions for multiple violations shall be assessed as follows: for a second violation, suspension for one weekday; three violations, suspension for two weekdays; four violations, suspension for three weekdays; and five violations, three weekend days, Friday through Sunday.

Sec. 13, VT ACT 58 (1997).

## **Sign Posting Requirements**

A person licensed under this chapter shall post in a conspicuous place on the premises a warning sign stating that the sale of tobacco products, tobacco substitutes, and tobacco paraphernalia to minors is prohibited. The sign may include information about the health effects of tobacco and tobacco cessation services. The board, in consultation with a representative of the licensees when appropriate, is authorized to change the design of the sign as needed to maintain its effectiveness. Persons failing to post such signs shall be guilty of a misdemeanor and fined not more than \$100.

VT STAT. ANN. tit. 7, § 1006 (2012).

## **Restrictions on Sales of Bidi Cigarettes**

The sale and the purchase of bidis is prohibited. A person who holds a tobacco license who sells bidis as prohibited by this subsection shall be fined not more than \$500. A person who purchases bidis from any source shall be fined not more than \$250.

VT STAT. ANN. tit. 7, § 1003(e) (2000).

## **Purchase/Possession of Tobacco Products by Minors**

A person under 18 years of age shall not possess, purchase or attempt to purchase tobacco products, tobacco substitutes or tobacco paraphernalia or misrepresent their age to do so. This does not apply to a person who is an employee of a holder of a tobacco license and is in possession of tobacco products, tobacco substitutes, or tobacco paraphernalia to effect a sale in the course of employment. A minor who possesses tobacco products, tobacco substitutes or tobacco paraphernalia in violation of the above is subject to having the product immediately confiscated and a civil penalty of \$25. Failure to pay this penalty within 60 days will result in suspension or delay of issuance of the minor's driver's license. A person under age 18 that misrepresents their age shall be fined not more than \$50 or provide up to 10 hours of community service, or both.

VT STAT. ANN. tit. 7, § 1005 (2013).

## **Placement of Tobacco Products**

No person holding a tobacco license shall display or store tobacco products or tobacco substitutes (e-cigarettes and related products) where those products are accessible to consumers without direct assistance by the sales personnel. This does not apply to displays of tobacco products in stores where minors are not permitted; unopened cigarette cartons and smokeless tobacco in unopened multi-pack containers of 10 or more packages as long as the removal of cartons or multi-packs from the display can be observed by a store employee; and cigars or pipe tobacco stored in a humidor as long as the removal of these products from the humidor can be observed by a store employee. A person, partnership, association or corporation, who willfully violates this requirement, is subject to a fine of \$50 to \$200 and/or imprisonment for one to three months.

VT STAT. ANN. tit. 7, §§ 667(b) (1992) & 1003(d) (2012).

## **Internet Sales of Tobacco Products**

No person shall cause cigarettes, roll-your-own tobacco, little cigars, or snuff, ordered or purchased by mail or through a computer network, telephonic network, or other electronic network, to be shipped to anyone other than a licensed wholesale dealer or retail dealer in this state. A knowing or intentional violation of this section shall be punishable by imprisonment for not more than five years and/or a fine of not more than \$5,000. In addition to or in lieu of any other civil or criminal remedy provided by law, the attorney general may impose a civil penalty in an amount not to exceed \$5,000 for each shipment or transport.

VT STAT. ANN. tit. 7, § 1010 (2013).

## **Other Youth Access Laws and Provisions**

An applicant for a tobacco license that does not hold a liquor license shall be granted a tobacco license only after the applicant has met with a liquor control investigator for the purpose of being informed about the Vermont tobacco laws pertaining to the purchase, storage and sale of tobacco products. This training must be completed at least once every three years. The holder of the license must ensure that every employee involved in the sale of tobacco products completes a training program approved by the Department of Liquor Control before the employee begins selling or providing tobacco

products, and at least once every 24 months thereafter. A licensee may comply with this requirement by conducting its own training program on its premises using information and materials furnished by the Department of Liquor Control. A licensee who fails to comply with the requirements of this subsection shall be subject to suspension of the tobacco license for no less than one day.

VT STAT. ANN. tit. 7, § 1002a (2002).

### **State Preemption of Local Youth Access Laws**

No specific provision concerning preemption in state law; local communities are allowed to pass stronger laws/ordinances further restricting youth access to tobacco products.

### **Photo Identification Requirements to Buy Tobacco Products**

A person shall exhibit proper proof of their age upon demand of a person licensed under this chapter, an employee of a licensee or a law enforcement officer. If the person fails to provide such proof of age, the licensee shall be entitled to refuse to sell tobacco products, tobacco substitutes or tobacco paraphernalia to the person. As used in this section, 'proper proof' means a photographic motor vehicle operator's license, a valid passport, a United States Military identification card or a photographic non-driver motor vehicle identification card obtained from the Department of Motor Vehicles.

VT STAT. ANN. tit. 7, § 1004 (2013).

### **Minimum Sales Age for Tobacco Products**

18

### **Tobacco Product Samples/Minimum Sales Amounts for Tobacco Products**

#### **Tobacco Product Samples**

It is unlawful for any person to furnish tobacco products to a person less than 18 years of age. A person who furnishes tobacco products to a person less than 18 years of age shall be fined not more than \$100 for a first offense and not more than \$500 for subsequent offenses.

VT STAT. ANN. tit. 7, §§ 1003(a) (2002) & 1007 (1997).

#### **Minimum Tobacco Products Sales Amounts**

No person holding a tobacco license shall sell cigarettes or little cigars individually or in packs that contain fewer than 20 cigarettes. Only little cigars that weigh under 3 lbs./thousand are subject to this requirement. A person, partnership, association or corporation, who willfully violates this requirement, is subject to a fine of \$50 to \$200 and/or imprisonment for one to three months.

VT STAT. ANN. tit. 7, §§ 667(b) (1992) & 1003(f) (2012).

No person shall affix a cigarette stamp to or sell or offer for sale in this state any package or container of cigarettes if the

container or package does not comply with all the requirements of the federal Cigarette Labeling and Advertising Act for the placement of labels, warnings, or any other information upon a package of cigarettes that is to be sold within the United States. Violation is a misdemeanor subject to a fine of not more than \$250 and/or not to exceed 60 days imprisonment for a first offense, and a fine of \$250 to \$500 and/or imprisonment for not more than six months for a second and subsequent violation.

VT STAT. ANN. tit. 32, §§ 7786 (1999) & 7821 (1959).

### **State Preemption of Local Samples Laws**

No specific provision concerning preemption in state law; local communities are allowed to pass stronger laws/ordinances further restricting sampling or minimum sales amounts of tobacco products.

## **Sales of Tobacco Products from Vending Machines**

### **Vending Machine Placement**

All vending machines selling tobacco products are prohibited.

VT STAT. ANN. tit. 7, § 1003(c) (2002).

### **Penalties for Vending Machine Violations**

A person, partnership, association or corporation, who wilfully violates the above requirement, is subject to a fine of \$50 to \$200 and/or imprisonment for one to three months.

VT STAT. ANN. tit. 7, §§ 667(b) (1992).

### **Sign Posting Requirements for Vending Machines**

N/A

### **State Preemption of Local Vending Machine Laws**

Stronger local laws/ordinances further restricting tobacco product vending machines would be allowed; however, since tobacco product vending machines are completely prohibited by state law, there is no need for stronger local laws/ordinances.

## **Licensing Requirements for Tobacco Products**

### **Overall Summary of Licensing Requirements**

Wholesale dealers must obtain a license from the Commissioner of Taxes to sell cigarettes roll-your-own tobacco, little cigars, snuff, new smokeless tobacco, or other tobacco products in this state. A separate application and license is required

for each wholesale outlet. Licenses are valid indefinitely unless suspended or revoked. Any wholesale dealer who shall sell, offer for sale or possess with intent to sell, any cigarettes or tobacco products, or both, without having first obtained a license shall be fined not more than \$25 for the first offense and \$25 to \$200 for subsequent offenses.

VT STAT. ANN. tit. 32, §§ 7731 to 7736 (2013).

No person shall engage in the retail sale of tobacco products, tobacco substitutes, or tobacco paraphernalia, or provide a vending machine for their sale without obtaining a license from the state Department of Liquor Control. Licenses expire on April 30th of each year. Each tobacco license shall be prominently displayed on the premises identified in the license. Selling tobacco products, tobacco substitutes or tobacco paraphernalia without obtaining a tobacco license is guilty of a misdemeanor and shall be fined not more than \$200 for the first offense and not more than \$500 for each subsequent offense.

VT STAT. ANN. tit. 7, § 1002 (2013).

## **License Fees**

Retail tobacco license: \$10 annually (those applying for an alcohol and tobacco license need only pay the fee for the alcohol license);

Wholesalers and distributors: no charge.

VT. STAT. ANN. tit. 7, § 1002 (2008) & tit. 32 § 7732 (1981).

## **License Suspension for Sales to Minors**

Any violation by a tobacco licensee of the youth access law after a first sale violation or during a compliance check conducted within six months of a previous violation shall be considered a multiple violation and shall result in the minimum license suspension, in addition to other penalties. Minimum license suspensions for multiple violations shall be assessed as follows: for a second violation, suspension for one weekday; three violations, suspension for two weekdays; four violations, suspension for three weekdays; and five violations, three weekend days, Friday through Sunday.

Sec. 13, VT ACT 58 (1997).

## **License Required for Retailers of Cigarettes**

Yes

## **License Required for Retailers of Other Tobacco Products**

Yes

## **License Required for Wholesalers/Distributors of Cigarettes**

Yes

## **License Required for Wholesalers/Distributors of Other Tobacco Products**

Yes

## **Smoking Protection Laws**

### **Smoking Protection Law**

No state law/regulation.

## **Advertising & Promotion**

### **Advertising & Promotion**

No state law/regulation.

## **Product Disclosure**

### **Product Disclosure**

No state law/regulation.

## **Divestment**

### **Divestment**

No state law/regulation.

## **Liability**

### **Tobacco Industry Liability**

Note: No appeal bond is required to appeal monetary lawsuit judgments in Vermont.

## **Use of Tobacco Settlement Dollars**

### **Use of Tobacco Settlement Dollars - Summary**

All monies received from the Master Settlement Agreement are deposited in the Tobacco Litigation Settlement Fund. Monies in this fund can be appropriated by the general assembly, or transferred to a Tobacco Trust Fund as specified below. A portion of the money in the Tobacco Litigation Settlement Fund is usually used to fund state tobacco

prevention/cessation programs each year.

VT STAT. ANN. tit. 18, § 9502 (2000) & tit. 32 § 435a (1999).

## **Use of Tobacco Settlement Dollars - Detailed Information**

A Tobacco Litigation Settlement Fund was established in the state treasury, separate from the state general fund. All monies received by the state from the Master Settlement Agreement and any interest that accrues on such monies are deposited in the fund. Appropriations from the fund can be made by the general assembly.

VT STAT. ANN. tit. 32, § 435a (1999).

The Tobacco Trust Fund was established in the office of the state treasurer. The trust fund shall be comprised of appropriations made by the general assembly, transfers from the Tobacco Litigation Settlement Fund as specified and contributions from any other source. Trust fund monies cannot be spent except by appropriation of the general assembly and such appropriation shall not exceed seven percent of the fair market value of the fund at the end of the prior fiscal year. Unless specified otherwise by the general assembly, any unencumbered balance in the Tobacco Litigation Settlement Fund at the end of a fiscal year shall be transferred to the trust fund.

VT STAT. ANN. tit. 18, § 9502 (2000).

Note: The actual balance remaining in the Tobacco Litigation Settlement Fund at the end of FY2014 shall remain in that fund for appropriation in FY2015, and not be transferred to the Tobacco Trust Fund as specified above. Actual investment earnings from the Tobacco Trust Fund and any additional amount necessary to ensure the balance in the Tobacco Litigation Settlement Fund balance is not negative at the end of FY2015 shall also be transferred to the Tobacco Litigation Settlement Fund in FY2015.

H.B. 885 §§ D.102 & D.103 enacted 6/9/14 and effective 6/9/14 and 7/1/14.

## **Fire Safety Standards for Cigarettes**

### **Law Setting Fire Safety Standard for Cigarettes**

To help prevent cigarette-caused fires, no cigarettes may be manufactured in Vermont or sold or offered for sale to any person in Vermont unless: 1) the cigarettes have been tested in accordance with the test method and meet the performance standard specified in subsection (b) of section 2757 of title 18 of the Vermont Statutes. The manufacturer must also file a written certification with the Commissioner of Public Safety in accordance with subsection (c) of section 2757 of title 18 of the Vermont Statutes. Cigarettes that have been certified must also follow specific marking requirements specified in subsection (d) of section 2757 of title 18 of the Vermont Statutes. Each cigarette must be recertified every three years.

VT STAT. ANN. tit. 20, § 2757 (2006).

### **Penalties for Fire Safety Violations**

A manufacturer, wholesale dealer, unlicensed retailer, or any other person that knowingly sells cigarettes, except by licensed retail sales, in violation of the above requirements is subject to a civil penalty not to exceed \$10,000 for each sale. A manufacturer that knowingly makes a false certification is subject to a civil penalty not to exceed \$10,000 for each false certification. A licensed retail dealer that knowingly sells or offers for sale cigarettes in violation of the above is subject to

a civil penalty not to exceed \$500 for each sale or offer of sale of 1,000 cigarettes or fewer, or a civil penalty not to exceed \$1,000 for each sale or offer of sale of more than 1,000 cigarettes. Any other person that violates any provision of this section is subject to a civil penalty not to exceed \$1,000 for each violation. The Attorney General may file an action in superior court for a violation.

VT STAT. ANN. tit. 20, § 2757 (2006).

## **Activity**

### **Recent Legislative Activity**

**Tobacco Control Program Funding:** Appropriated \$3,905,567 for tobacco prevention and cessation programs in FY2015. FY2015 Annual Budget (H.B. 885) enacted 6/9/14 and effective 7/1/14.

**Tobacco Taxes:** Increases the cigarette tax by 13 cents to \$2.75 per pack. Increases taxes on little cigars, roll-your-own tobacco, snuff and new smokeless tobacco as defined.

H.B. 884 enacted 6/5/14 and effective 7/1/14.

**Smokefree Air:** Amends laws prohibiting smoking in public places and workplaces. Prohibits smoking within 25 feet of state buildings and in other designated smokefree areas of state property. Prohibits smoking in all hotels and motels, including guest rooms. Prohibits tobacco use and use of tobacco substitutes (as defined includes e-cigarettes) on school grounds, at school-sponsored events, at licensed child care centers or afterschool programs, and indoors and in certain outdoor areas of licensed or registered family child care homes.

H.B. 217 enacted 5/22/14 and parts effective 7/1/14 & 1/1/2015.

**Use of Tobacco Settlement Dollars:** Unspent money in the Tobacco Litigation Settlement Fund at the end of FY2013 will not be transferred to the Tobacco Trust Fund as specified under current state law. Investment earnings from the Tobacco Trust Fund and any money necessary to ensure the balance in the Settlement Fund will not be negative at the end of FY2014 will also be transferred to the Settlement Fund.

H.B. 885 §§ D.102 & D.103 enacted 6/9/14 and effective 6/9/14 and 7/1/14.

**Smoking in Vehicles with Kids:** Prohibits smoking in motor vehicles when children required to be restrained in child passenger safety systems are present in the vehicle.

H.B. 217 enacted 5/22/14 and parts effective 7/1/14 & 1/1/2015.

**E-Cigarettes/Child Proof Packaging:** Prohibits the sale of any liquid or gel substance containing nicotine or any nicotine liquid container as defined unless contained in child-resistant packaging as defined.

H.B. 217 enacted 5/22/14 and parts effective 7/1/14 & 1/1/2015.

**R.J. Reynolds Settlement Proceeds:** Deposits any proceeds received by the state in FY2014 from settlement with the R.J. Reynolds Tobacco Co. regarding deceptive advertising shall be deposited in the general fund.

H.B. 885 § D.107 enacted and effective 6/9/14.