

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2014**

Bill Number: H.605 Name of Bill: Tobacco; furnishing to and possession by persons under 21 years of age.

Agency/Dept: Public Safety Author of Bill Review: LT Paul Favreau – Vermont State Police (Brattleboro)

Date of Bill Review: 01/22/14 Status of Bill: (check one):

Upon Introduction  As passed by 1<sup>st</sup> body  As passed by both bodies

Recommended Position:

Support  Oppose  Remain Neutral  Support with modifications identified in # 8 below

**Analysis of Bill**

- 1. Summary of bill and issue it addresses.** This bill proposes to raise to 21 the legal age for the purchase, possession, and furnishing of tobacco products and tobacco substitutes.
- 2. Is there a need for this bill?** Those who support this Legislation would say that the passage of this bill is necessary to help prevent young people from experimenting with tobacco at an age when they are most likely to become addicted. Those in support of this bill also believe that it would save lives, as fewer people under 21 would use tobacco products.
- 3. What are likely to be the fiscal and programmatic implications of this bill for this Department?** The passage of this bill would not have that much of an impact on the Vermont Department of Public Safety. As Troopers encounter persons under 21 with tobacco products, we would definitely issue more Vermont Traffic Tickets. As a result, Troopers would spend more time at Traffic Court Hearings. Our Clerical Staff would also need to process an increased number of Vermont Traffic Tickets. We would also witness an increase in calls from School's, regarding the seizure of tobacco products from students.
- 4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** The Vermont Department of Liquor Control (DLC) would see an increase in its duties if this Legislation is passed. DLC would need to do more tobacco compliance checks at stores throughout the State. The Vermont Judicial Bureau would see an increase in Traffic Court hearings and they would also see an increase in the amount of tickets that need to be processed.
- 5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** If this bill is passed, tax revenue that is collected through the sale of cigarettes would certainly decrease. Persons under the age of 21 will have the choice of purchasing cigarettes elsewhere or will need to quit smoking altogether. If they are unable to purchase in Vermont, they will simply travel to New Hampshire where the age remains 18. They also will not need to pay a sales tax in New Hampshire, and can purchase cigarettes at a cheaper price. Those under 21 can also steal cigarettes

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from their parents, buy them from friends, or buy them from black market dealers that would become more common. Retail stores in Vermont would also see a dramatic decrease in cigarette sales as younger people flock to NH to purchase cigarettes or are driven to black markets to obtain them.

**6. Other Stakeholders:**

**6.1 Who else is likely to support the proposal and why?** This bill would be supported by all groups who feel that increasing the age to 21, would lead to a decrease in the number of people who smoke. They believe that fewer people smoking would equal more lives saved.

**6.2 Who else is likely to oppose the proposal and why?** This bill would be opposed by retailers who would lose revenues as sales decrease. This bill would also be opposed by those who feel that people under 21 can drive, vote and fight in wars, and should be considered mature enough to decide whether to buy tobacco products.

**7. Rationale for recommendation:** *The Vermont Department of Public Safety remains neutral on this piece of Legislation. We feel that an increase in the age limit to purchase tobacco products would only have a minimal impact on our overall enforcement efforts. With the passage of this legislation Troopers will simply issue more traffic tickets. We also feel that the Vermont Department of Health would be in a better position to recommend whether a public service Ad campaign and/or educational campaigns aimed at reducing cigarette smoking would be more effective than increasing the age to 21. By increasing the age to 21, there are no guarantees that the number of smokers will be reduced. It will certainly make it more difficult for smokers to obtain cigarettes, however, they will still have the ability to travel to the State of New Hampshire to purchase cigarettes where the age remains 18 or they will be driven to black market sources. There is no evidence to indicate that the issuance of a Vermont Traffic Ticket by a Law enforcement Officer or restricting sales to those under 21 will have a significant reduction in the number of smokers.*

**8. Specific modifications that would be needed to recommend support of this bill:** *The Vermont Department of Public Safety maintains a neutral position on this bill. Therefore, we do not have any suggestions regarding modifications.*

Secretary/Commissioner has reviewed this document



Date: 2/11/14

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