

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2016**

**Bill Number:** H.171

**Name of Bill:** An act relating to the restrictions on the use of electronic cigarettes

**Agency/ Dept:** Liquor Control **Author of Bill Review:** Gary Kessler & Amy Tucker

**Date of Bill Review:** April 26, 2016

**Related Bills and Key Players** Rep. Till of Jericho, Rep. Krowinski of Burlington

**Status of Bill: (check one):** ☐ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☒ As passed by both

**Recommended Position:**

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

**Analysis of Bill**

- 1. Summary of bill and issue it addresses.** H.171 adds new language to 7 V.S.A. Section 1003(d) describing how tobacco products and tobacco substitutes (as electronic cigarettes are defined) shall be displayed within licensed establishments. In addition to current language that indicates tobacco products must be behind a sales counter or any other location inaccessible to the public, or in a locked container, tobacco substitutes will now have these same display requirements.

This section addresses the issue that electronic cigarettes are currently accessible to the general public within retail establishments.

H.171 also prohibits the use of tobacco substitutes, as defined in 7 V.S.A. Section 1001, being prohibited in any workplace. This harmonizes the use prohibition of tobacco and tobacco substitutes. (5) Provides exemption status for establishments where the sole purpose is to provide a place for patrons to purchase and use tobacco substitutes where no food or beverages are sold.
- 2. Is there a need for this bill?** Yes – Tobacco substitutes should be in a restricted area for retail sale similar to cigarettes and other tobacco products are. State statute does not allow for self-service displays of other tobacco products so the language of this proposal brings tobacco substitutes in line with other tobacco products. Tobacco substitutes (electronic cigarettes) is becoming more popular in the state and this bill limiting access will help reduce under age purchase and use and the associated public health concerns.
- 3. What are likely to be the fiscal and programmatic implications of this bill for this Department?**

The only implication will be an additional item for DLC staff to check during retail store inspections.
- 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?** I do not think the bill will any significant programmatic or financial implications for other departments.

Please return this bill review as a Microsoft Word document to [Jahala.Dudley@vermont.gov](mailto:Jahala.Dudley@vermont.gov) & [Jessica.Mishaan@vermont.gov](mailto:Jessica.Mishaan@vermont.gov)

- 5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** Businesses may be challenged with finding space and/or locked containers for the tobacco substitute products for sale but it is not represent a large impact that it would be detrimental in light of the public health benefits.
- 6. Other Stakeholders:**
- 6.1 Who else is likely to support the proposal and why?** Any individual or entity who is in support of preventing youth from using of tobacco substitutes. If the products are not readily available, it may make it more difficult to access and therefore may serve as a deterrent for future usage.
- 6.2 Who else is likely to oppose the proposal and why?** Department of Health is likely to oppose the exemption of allowing the use of tobacco substitutes within a retail establishment where the sole purpose of the business is to provide these products for sale. It may create a difficulty to enforce the Clean Air Act within exempted establishments.
- 7. Rationale for recommendation:** Tobacco substitutes contain nicotine and the risk are not fully understood, however we do know that nicotine and the vapor from these electronic devices are not beneficial. Therefore, these products should be placed in retail establishments where they are not immediately accessible to the public and under the control of store employees who have been trained in the lawful selling of these products.
- 8. Specific modifications that would be needed to recommend support of this bill:** None
- 9. Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** No

**Secretary/Commissioner has reviewed this document:** Gary Kessler **Date:** April 26, 2016