

Department of Health

Vermont's Smoke-Free Laws: Smoking in Public Places

In Vermont, smoking laws ban the possession of lighted tobacco products in nearly all the common areas of indoor “places of public access.” This includes any place of business that serves the public or that the public has access to use – both public and privately owned and for profit or not-for-profit organizations. This law prohibits the use of tobacco substitutes such as electronic cigarettes, and any electronic or battery powered device that delivers nicotine or other substances into the body through inhaled vapor, are also prohibited.

Where does the Smoking in Public Places Law Apply?

The law applies to any places of public access. A “place of public access” refers to any place of business, commerce, banking, financial services, or other service related activities. Examples include:

- Common areas of multi-unit housing
- Buildings and offices
- Means of transportation
- Common carrier waiting rooms, like bus stations
- Arcades, libraries, theaters, concert halls, auditoriums, arenas, shopping malls, etc.
- Restaurants, bars, and cabarets, including private clubs and bars
- Retail and grocery stores
- All areas of hotels and motels, including lobbies, guest quarters, hallways, elevators, restaurants, restrooms, and cafeterias
- Buildings or facilities owned or operated by social, fraternal, or religious clubs
- Common areas of nursing homes and hospitals and all grounds of any State-owned or operated hospital or residential recovery facility
- Within 25 feet of all State-owned buildings and offices, excepting areas not owned by the State

Private schools are included. A separate Vermont law bans all tobacco use and the use of tobacco substitutes (e.g. e-cigarettes) on the grounds of public schools, at school-sponsored events, and at licensed childcare centers at all times and by all persons. Tobacco and tobacco substitute use is prohibited at licensed childcare homes while children are in care. A separate Vermont law bans smoking in cars when a child in a car seat or booster seat is present. The Smoking in Public Places Law also applies to publicly owned buildings and offices which include indoor places or portions of places that are owned, leased, or rented by state, county or municipal governments, or by agencies supported by taxes.

What does an owner, manager or employee do if a patron is smoking a cigarette or using tobacco substitutes?

- The law requires that the owner, manager, or employee ask the person to put out the cigarette or cease using the tobacco substitute.
- If the person refuses then the law directs the owner, manager or employee to ask the person to leave.
- If the person refuses to leave then you may call a local police officer. A member of the public can also call the police.

What are the penalties for violating the Smoking in Public Places Law?

A person who is smoking in a public place, and an owner who does not take action as noted above, are both subject to penalties for noncompliance, that can include fines and other civil or criminal penalties.

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 18 : Health

Chapter 037 : Smoking in Public Places

(Cite as: 18 V.S.A. § 1742)

§ 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 or a municipality; 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 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. (Added 1993, No. 46, § 2; amended 2013, No. 135 (Adj. Sess.), § 3; 2015, No. 108 (Adj. Sess.), § 4; 2017, No. 130 (Adj. Sess.), § 8.)