

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

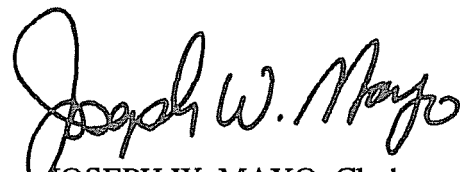
No. 814

H.P. 599

House of Representatives, March 8, 1993

**An Act to Specify Criminal Liability for Tampering with Food or Drugs
and Related Crimes.**

Reference to the Committee on Judiciary suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative DiPIETRO of South Portland.
Cosponsored by Senator SUMMERS of Cumberland and
Representatives: KERR of Old Orchard Beach, KUTASI of Bridgton, LOOK of Jonesboro,
PLOURDE of Biddeford, SIMONEAU of Thomaston, TARDY of Palmyra, YOUNG of
Limestone, Senator: CLEVELAND of Androscoggin.

Be it enacted by the People of the State of Maine as follows:

2 Sec. 1. 22 MRSA §§2166-A to 2166-C are enacted to read:

4 §2166-A. Tampering with food or drugs; criminal liability

6 1. Offense. A person is guilty of tampering with food or
8 drugs if that person, knowing that the tampering may cause harm
 to another person:

10 A. Alters or adds a foreign substance to food intended for
12 human consumption;

14 B. Alters or adds a foreign substance to drugs as defined
16 in Title 32, section 13702, subsection 9, intended for human
 use; or

18 C. Renders materially false or misleading the label,
20 container or packaging of food or drugs.

22 2. Penalties. A person convicted of tampering with food or
 drugs is subject to the following penalties.

24 A. If the tampering causes the death of another human
26 being, it is murder.

28 B. If the tampering causes serious bodily injury to another
 human being, it is a Class B crime.

30 C. In other cases, tampering is a Class C crime.

32 §2166-B. Threat of tampering; criminal liability

34 1. Offense. A person is guilty of threatening to tamper
36 with food or drugs if that person intentionally or knowingly
 threatens, under circumstances in which the threat may reasonably
38 be expected to be believed, to tamper with a food or a drug with
 the intent to:

40 A. Cause fear that death or bodily injury will occur; or

42 B. Adversely affect the sale of the food or drug.

44 2. Penalty. Threatening to tamper with food or drugs is a
46 Class C crime.

48 §2166-C. False reporting of tampering; criminal liability

50 1. Offense. A person is guilty of false reporting of
 tampering with food or drugs if:

- 2 A. That person intentionally conveys false information that
 tampering with a food or a drug has occurred;
- 4
- 6 B. That person knows that the information communicated is
 false;
- 8 C. That person communicates the false information under
 circumstances in which the information may reasonably be
10 expected to be believed; and
- 12 D. The tampering, if it had occurred, would create a risk
 of death or bodily injury to another human being.
- 14
- 16 2. Penalty. False reporting of tampering with food or
 drugs is a Class C crime.

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STATEMENT OF FACT

22 This bill, modeled after federal legislation and legislation
24 in other states, specifies the elements of the crimes and the
 penalties for tampering with food or drugs or the labels or
26 packaging of food or drugs; threatening to tamper; and conveying
 false information of tampering, all of which crimes pose serious
28 threats to human life and health and to business enterprises
 whose products are the target of tampering or related crimes.