

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1570

S.P. 508

In Senate, March 18, 1997

**An Act to Require Tobacco Manufacturers to Disclose Ingredients  
Contained within Tobacco Products.**

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Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Somerset.  
Cosponsored by Senator NUTTING of Androscoggin and  
Senator TREAT of Kennebec.

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

4 Sec. 1. 22 MRSA §1553-B is enacted to read:

6 §1553-B. Disclosures related to tobacco products

8 1. Definitions. As used in this section, unless the  
context otherwise indicates, the following terms have the  
following meanings.

10 A. "Added constituent" means any ingredient, substance,  
12 chemical or compound other than tobacco, water or  
14 reconstituted tobacco sheet that is known by the  
16 manufacturer to be added to the tobacco, paper or filter of  
a cigarette or the tobacco of a smokeless tobacco product  
during or through:

18 (1) The growing and processing of the tobacco leaf,  
20 including the use of pesticide;

22 (2) The processing and manufacture of the paper,  
24 packaging and filter used in the cigarette or smokeless  
tobacco product; or

26 (3) The processing, manufacture or packing of the  
28 cigarette or smokeless tobacco product, including the  
30 use of flavorants, contaminants, processing aids,  
32 casing sauces, combustion modifiers and packing  
34 materials.

B. "Cigarette" means any product, including components,  
32 accessories or parts of the product, that contains or  
34 delivers nicotine, is intended to be burned under ordinary  
conditions of use, and consists of:

36 (1) Any roll of tobacco wrapped in paper or in any  
38 substance not containing tobacco; or

40 (2) Any roll of tobacco wrapped in any substance  
42 containing tobacco that, because of its appearance, the  
44 type of tobacco used in the filler, or its packaging  
and labeling, is likely to be offered to, or purchased  
by, consumers as a cigarette.

46 C. "Manufacturer" means any person, including any repacker  
48 or relabeler, who manufactures, fabricates, assembles,  
50 processes or labels a finished cigarette or smokeless  
tobacco product. The term does not include any person who  
only distributes finished cigarettes or smokeless tobacco  
products.

2 D. "Nicotine" means the chemical substance named  
3-(1-Methyl-2-pyrrolidiyl) pyridine, or CH<sub>10</sub>H<sub>14</sub>N<sub>2</sub>, including  
4 any salt or complex of nicotine.

6 E. "Smokeless tobacco" means any cut, ground, powered or  
leaf tobacco that contains or delivers nicotine and that is  
8 intended to be placed in the oral cavity without burning.

10 2. Annual disclosures. For the purposes of protecting the  
public health, any manufacturer of cigarettes or smokeless  
12 tobacco sold in the State shall provide the department with an  
annual report, in a form and at a time specified by the  
14 department, that lists for each brand of the product sold the  
following information:

16 A. The identify of any added constituent to be listed in  
descending order according to weight, measure, or numerical  
18 count; and

20 B. The nicotine yield ratings, which must accurately  
predict nicotine intake for average consumers, based on  
22 standards to be established by the department.

24 3. Public records. The nicotine yield ratings provided,  
pursuant to this section, and any other such information in the  
26 annual reports with respect to which the department determines  
that there is a reasonable scientific basis for concluding that  
28 the availability of that information could reduce risks to public  
health, are public records. Before public disclosure of any such  
30 information, the department shall request the advice of the  
Attorney General whether such disclosure would constitute an  
32 unconstitutional taking of property and may not disclose  
information until the Attorney General advises that the  
34 disclosure would not constitute an unconstitutional taking.

36 4. Exceptions. This section does not require a  
manufacturer, in its report to the department or otherwise, to  
38 identify or disclose the specific amount of any ingredient that  
has been approved by the Food and Drug Administration, Public  
40 Health Service, United States Department of Health and Human  
Services, referred to in this section as the FDA, or its  
42 successor agency, as safe when burned and inhaled or that has  
been designated by the FDA, or its successor agency, as generally  
44 recognized as safe when burned and inhaled.

46 5. Rules. The department shall adopt rules necessary to  
implement this section. Rules adopted under this section are  
48 routine technical rules pursuant to Title 5, chapter 375,  
subchapter II-A.

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## SUMMARY

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4       This bill requires manufacturers of cigarettes and smokeless  
6       tobacco sold in this State to disclose annually in reports to the  
      Department of Human Services added constituents and nicotine  
      yield ratings. This legislation is modeled on recently enacted  
      Massachusetts law.