

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 645

S.P. 223

In Senate, January 26, 1999

An Act to Require Disclosure of Ingredients in Tobacco Products.

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.

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,**
chemical or compound other than tobacco, water or
reconstituted tobacco sheet that is known by the
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 or processing of the tobacco leaf,**
including the use of pesticide;

20 **(2) The processing or manufacturing of the paper,**
packaging or filter used in the cigarette or smokeless
tobacco product; or

24 **(3) The processing, manufacturing or packing of the**
cigarette or smokeless tobacco product, including the
use of flavorants, contaminants, processing aids,
casing sauces, combustion modifiers or packing
materials.

30 **B. "Cigarette" means any product, including components,**
accessories or parts of the product, that contains or
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**
substance not containing tobacco; or

38 **(2) Any roll of tobacco wrapped in any substance**
containing tobacco that, because of its appearance, the
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.

44 **C. "Manufacturer" means any person, including any repacker**
or relabeler, who manufactures, fabricates, assembles,
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-pyrrolidyl) pyridine, or CH₁₀H₁₄N₂, including
4 any salt or complex of nicotine.

6 E. "Smokeless tobacco" means any cut, ground, powdered 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 on 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 Federal Food and Drug Administration or
40 its successor agency as safe when burned and inhaled or that has
been designated by the Federal Food and Drug Administration or
42 its successor agency as generally recognized as safe when burned
and inhaled.

44 5. Rules. The department shall adopt rules necessary to
implement this section. Rules adopted under this section are
46 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.