

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1582

H.P. 1123

House of Representatives, March 2, 1999

An Act to Control the Sale and Display of Tobacco Products.

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative PEAVEY of Woolwich.
Cosponsored by Senator MILLS of Somerset,
Senator PARADIS of Aroostook and
Representatives: ETNIER of Harpswell, KANE of Saco, PIEH of Bremen, QUINT of
Portland, TOWNSEND of Portland, Senators: GOLDTHWAIT of Hancock, NUTTING of
Androscoggin.

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

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Sec. 1. 22 MRSA §1555-C is enacted to read:

§1555-C. Sale and display of tobacco products

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

A. "Business" means a person, partnership, corporation or other entity engaged in the sale or distribution of tobacco products in this State.

B. "Display" means a shelf, a rack or other arrangement used to promote the sale of tobacco products to the consumer.

C. "Person" means an individual, business, distributor or retailer.

D. "Retailer" means a business engaged in the sale of tobacco products to consumers and includes the employees of the retailer.

E. "Sale" means the transfer, exchange, barter or gift, for any consideration, of tobacco products.

F. "Self-service merchandising" means a display from which tobacco products are made accessible to the public without the assistance of the retailer.

G. "Tobacco products" means cigarettes, as defined by the Internal Revenue Code of 1954, 26 United States Code, Section 5701 et seq.; cigarette papers; cigars; cheroots; stogies; perique granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing, inhaling or smoking. "Tobacco products" includes any tobacco promotional products offered, given or sold to consumers.

H. "Tobacco specialty store" means a tobacco retailer whose business exclusively or primarily involves the sale of tobacco products and related goods.

I. "Vendor-assisted" means that a retailer must assist the consumer by obtaining a product from an area inaccessible to the consumer and delivering the product to the consumer at the time of the purchase of that product.

2 2. Regulated conduct. The following requirements apply to
4 the sale, display and extension of promotional offers of tobacco
6 products.

6 A. Tobacco products may be sold only by vendor-assisted
8 methods and may not be sold through any form of self-service
10 merchandising, except as provided in §1553-A.

10 B. A person, business, tobacco retailer, or owner, manager
12 or operator of an establishment shall eliminate the
14 self-service merchandising and vendor-assisted counter
16 displays for the sale and display of tobacco products.

14 3. Exemption. This section does not apply to a tobacco
16 specialty store.

18 **Sec. 2. Effective date.** This Act takes effect January 1, 2000.

20 **SUMMARY**

22 This bill prohibits the self-service sales, self-service
24 displays, racks and shelves of tobacco products in environments
26 where minors are allowed and it prohibits the location of
vendor-assisted counter displays on any counter where a sale
takes place.