

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 23

H.P. 23

House of Representatives, January 4, 2001

**An Act to Raise the Minimum Age to Buy Tobacco Products to 21 Years  
of Age.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative TRAHAN of Waldoboro. (By Request)

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

2  
4 **Sec. 1. 22 MRSA §1553-A, sub-§1, ¶¶B and C**, as enacted by PL 1995, c. 470, §9 and affected by §19, are amended to read:

6 B. A sign must be affixed conspicuously to the front of the machine. The sign must:

8 (1) Contain lettering that is at least 3/8 inches in height; and

10 (2) State the following: "WARNING. It is unlawful for any person under the age of ~~18~~ 21 to purchase cigarettes in this State."

12 C. At all times during the hours the vending machine is accessible, it must be located within the unobstructed line of sight and under the direct supervision of an adult. That adult is responsible for preventing persons under ~~18~~ 21 years of age from purchasing cigarettes or any other tobacco product from that vending machine.

14 **Sec. 2. 22 MRSA §1555-B, sub-§§1, 2 and 4**, as enacted by PL 1997, c. 305, §5, are amended to read:

16 **1. Retail sales.** Tobacco products may be sold at retail only in a direct, face-to-face exchange in which the purchaser may be clearly identified and through the mail under procedures approved by the department to provide reliable verification that the purchaser is not a ~~minor~~ under 21 years of age.

18 **2. Sales to minors prohibited.** A person may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to any person under ~~18~~ 21 years of age. Tobacco products may not be sold at retail to any person under 27 years of age unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth.

20 **4. Wholesale sales.** Tobacco products may be distributed at wholesale without a face-to-face exchange only in the normal course of trade and under procedures approved by the Department of Administrative and Financial Services, Bureau of Taxation Revenue Services to ensure that tobacco products are not provided to any person under ~~18~~ 21 years of age.

22 **Sec. 3. 22 MRSA §1555-B, sub-§5**, as amended by PL 1997, c. 578, §1, is further amended to read:

24 **5. Possession and use of cigarettes, cigarette papers or tobacco products; use of false identification by persons under 21**

2 **years of age prohibited.** Except as provided in paragraph A, a  
3 person under ~~18~~ 21 years of age may not purchase, possess or use  
4 cigarettes, cigarette paper or any tobacco product or offer false  
5 identification in an attempt to purchase any tobacco products or  
6 to purchase, possess or use cigarettes, cigarette paper or any  
7 other tobacco product.

8 A. A person under ~~18~~ 21 years of age may transport or  
9 permit to be transported in a motor vehicle cigarettes,  
10 cigarette paper or tobacco products in the original, sealed  
11 package in which they were placed by the manufacturer if the  
12 transportation is in the scope of that person's employment.

14 **Sec. 4. 22 MRSA §1555-B, sub-§§6 and 10,** as enacted by PL 1997,  
15 c. 305, §5, are amended to read:

16 **6. Display of prohibition of sales to persons under 21**  
17 **years of age.** A dealer or distributor of tobacco products shall  
18 post notice of this section prohibiting tobacco and cigarette  
19 paper sales to persons under ~~18~~ 21 years of age. Notices must be  
20 publicly and conspicuously displayed in the dealer's or  
21 distributor's place of business in letters at least 3/8 inches in  
22 height. Signs required by this section may be provided at cost  
23 by the department.

24 **10. Affirmative defense.** It is an affirmative defense to  
25 prosecution for a violation of subsection 1, 2 or 4 that the  
26 defendant sold, furnished, gave away or offered to sell, furnish  
27 or give away a tobacco product to a person under ~~18~~ 21 years of  
28 age in reasonable reliance upon a fraudulent proof of age  
29 presented by the purchaser.

## 34 SUMMARY

36 This bill raises from 18 years of age to 21 years of age the  
minimum age to purchase tobacco and tobacco products.