

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

FIRST REGULAR SESSION-2003

Legislative Document

No. 982

S.P. 323

In Senate, February 25, 2003

An Act To Increase the Legal Age for the Purchase of 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 HALL of Lincoln. (BY REQUEST)

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

2 **Sec. 1. 22 MRSA §1553-A, sub-§1, ¶¶B and C,** as enacted by PL
4 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
8 machine. The sign must:

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

12 (2) ~~State the following:--"WARNING,--It~~ Warn that it
14 is unlawful for any person under the age of--18
specified in section 1555-B, subsection 2 to purchase
16 cigarettes in this State."

18 C. At all times during the hours the vending machine is
20 accessible, it must be located within the unobstructed line
22 of sight and under the direct supervision of an adult. That
adult is responsible for preventing persons under ~~18-years~~
of the age specified in section 1555-B, subsection 2 from
24 purchasing cigarettes or any other tobacco product from that
vending machine.

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

28 **1. Retail sales.** Tobacco products may be sold at retail
30 only in a direct, face-to-face exchange in which the purchaser
may be clearly identified and through the mail under procedures
32 approved by the department to provide reliable verification that
the purchaser is not a ~~minor~~ under the age specified in
subsection 2.

34 **2. Sales to persons under specified age prohibited.** A
36 person may not sell, furnish, give away or offer to sell, furnish
or give away a tobacco product to any person under 18 years of
38 age, except that beginning January 1, 2004, this minimum age is
raised to 19 years of age; beginning January 1, 2005, this
40 minimum age is raised to 20 years of age; and beginning January
1, 2006, this minimum age is raised to 21 years of age. Tobacco
42 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
44 means of reliable photographic identification containing the
person's date of birth.

46 **4. Wholesale sales.** Tobacco products may be distributed at
48 wholesale without a face-to-face exchange only in the normal
course of trade and under procedures approved by the Department
50 of Administrative and Financial Services, Bureau of Taxation

2 Revenue Services to ensure that tobacco products are not provided
to any person under ~~18-years-of~~ the age specified in subsection 2.

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

6
7 **5. Possession and use of cigarettes, cigarette papers or**
8 **tobacco products; use of false identification by persons under**
9 **specified age prohibited.** Except as provided in paragraph A, a
10 person under ~~18-years-of~~ the age specified in subsection 2 may
11 not purchase, possess or use cigarettes, cigarette paper or any
12 tobacco product or offer false identification in an attempt to
13 purchase any tobacco products or to purchase, possess or use
14 cigarettes, cigarette paper or any other tobacco product.

15 A. A person under ~~18--years--of~~ the age specified in
16 subsection 2 may transport or permit to be transported in a
17 motor vehicle cigarettes, cigarette paper or tobacco
18 products in the original, sealed package in which they were
19 placed by the manufacturer if the transportation is in the
20 scope of that person's employment.

21
22 **Sec. 4. 22 MRSA §1555-B, sub-§§6 and 10,** as enacted by PL 1997,
23 c. 305, §5, are amended to read:

24
25 **6. Display of prohibition of sales to persons under**
26 **specified age.** A dealer or distributor of tobacco products shall
27 post notice of this section prohibiting tobacco and cigarette
28 paper sales to persons under ~~18-years-of~~ the age specified in
29 subsection 2. Notices must be publicly and conspicuously
30 displayed in the dealer's or distributor's place of business in
31 letters at least 3/8 inches inch in height. Signs required by
32 this section may be provided at cost by the department.

33
34 **10. Affirmative defense.** It is an affirmative defense to
35 prosecution for a violation of subsection 1, 2 or 4 that the
36 defendant sold, furnished, gave away or offered to sell, furnish
37 or give away a tobacco product to a person under ~~18-years-of~~ the
38 age specified in subsection 2 in reasonable reliance upon a
39 fraudulent proof of age presented by the purchaser.

42 SUMMARY

43
44 This bill raises the minimum age to purchase tobacco and
45 tobacco products from 18 years of age to 19 years of age
46 beginning January 1, 2004, to 20 years of age beginning January
47 1, 2005 and to 21 years of age beginning January 1, 2006.