

MAINE STATE LEGISLATURE

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MAJORITY

L.D. 821

Date: 6/15/15

(Filing No. S-262)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 295, L.D. 821, Bill, "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"

Amend the bill by striking out the title and substituting the following:

'An Act To Promote Equity in Business Opportunities for Cigar Lounges'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 22 MRSA §1541, sub-§1-A is enacted to read:

1-A. Electronic nicotine delivery device. "Electronic nicotine delivery device" means any noncombustible device containing or delivering nicotine or any other substance intended for human consumption that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means and that may be used to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen. "Electronic nicotine delivery device" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

Sec. 2. 22 MRSA §1541, sub-§2-A is enacted to read:

2-A. Cigar lounge. "Cigar lounge" means a business that:

A. Is licensed to sell spirits, wine and malt liquor on premises under Title 28-A, section 1012, subsection 7 and Title 28-A, section 1080;

B. Is licensed to sell tobacco under section 1551-A;

C. Occupies a total area of not more than 2,000 square feet; and

D. Derived 60% or more of its gross revenue for the previous calendar year from the sale of tobacco-related products.

COMMITTEE AMENDMENT

ROFS

1 **Sec. 3. 22 MRSA §1541, sub-§7**, as enacted by PL 2005, c. 223, §1, is amended
2 to read:

3 **7. Tobacco specialty store.** "Tobacco specialty store" means a retail business under
4 2,000 square feet in which at least 60% of the business's gross revenue for the last
5 calendar year was derived from the sale of tobacco or tobacco-related products.
6 "Tobacco specialty store" does not include a licensed cigar lounge.

7 **Sec. 4. 22 MRSA §1542, sub-§2, ¶O** is enacted to read:

8 O. Smoking, other than cigarette smoking, is not prohibited in a licensed cigar
9 lounge as long as:

- 10 (1) Cigarettes are not offered for sale or sold in the lounge;
- 11 (2) Smoking of cigarettes is not allowed in the lounge;
- 12 (3) Use of electronic nicotine delivery devices is not allowed in the lounge;
- 13 (4) Food is not prepared on the premises for sale; and
- 14 (5) Notice is provided to all applicants for employment and employees that work
15 in the lounge that working in the lounge may cause serious negative health
16 effects including an increased risk of cancer and heart disease and that no level of
17 exposure to environmental tobacco smoke is safe.

18 **Sec. 5. 28-A MRSA §2, sub-§15, ¶B-3** is enacted to read:

19 B-3. "Cigar lounge" means a business that:

- 20 (1) Is licensed to sell spirits, wine and malt liquor on premises under section
21 1012, subsection 7 and section 1080;
- 22 (2) Is licensed to sell tobacco under Title 22, section 1551-A;
- 23 (3) Occupies a total area of not more than 2,000 square feet; and
- 24 (4) Derived 60% or more of its gross revenue for the previous calendar year
25 from the sale of tobacco-related products.

26 **Sec. 6. 28-A MRSA §1012, sub-§7** is enacted to read:

27 **7. Cigar lounge.** In accordance with sections 1051 and 1080, the bureau may issue a
28 license to a cigar lounge. The license fee per calendar year is \$100.

29 **Sec. 7. 28-A MRSA §1080** is enacted to read:

30 **§1080. Cigar lounge**

31 **1. Issuance.** The bureau may issue to a cigar lounge a license in accordance with
32 this section for the sale of spirits, wine and malt liquor to be consumed on the premises of
33 the cigar lounge.

34 **2. Restrictions.** A person under 21 years of age may not be permitted on the
35 premises of or employed by a cigar lounge licensed in accordance with this section.'

ROFS

COMMITTEE AMENDMENT " A " to S.P. 295, L.D. 821

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SUMMARY

This amendment, which is the majority report of the committee, amends the bill by prohibiting the use of electronic nicotine delivery devices in cigar lounges and prohibiting a person under 21 years of age from being on the premises or employed by the cigar lounge. It clarifies that a cigar lounge license under the Maine Revised Statutes, Title 28-A is required for a cigar lounge to operate.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT

ROFS

Approved: 06/13/15 *MAC*



127th MAINE LEGISLATURE

LD 821

LR 871(02)

An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores

Fiscal Note for Bill as Amended by Committee Amendment "A"(S-262)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor revenue increase - General Fund

Fiscal Detail and Notes

Any additional costs/revenue to the Department of Health and Human Services to adopt the changes in this bill are expected to be minor and can be absorbed within existing budgeted resources. Any additional costs and revenue to the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services from issuing licenses to cigar lounges are expected to be minor.