

MAINE STATE LEGISLATURE

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Report C

HEALTH AND HUMAN SERVICES

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STATE OF MAINE

SENATE

128TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 391, L.D. 1170, Bill, "An Act To Reduce Youth Access to Tobacco Products"

Amend the bill in section 4 in subsection 2 in the first line (page 1, line 22 in L.D.) by striking out the following: "under" and inserting the following: 'who have not attained'

Amend the bill in section 4 in subsection 2 in the 2nd and 3rd lines (page 1, line 23 and 24 in L.D.) by striking out the following: "under 21 years of age" and inserting the following: 'who have not attained 21 years of age, unless the person was 18 years old as of October 15, 2017'

Amend the bill in section 5 in subsection 1 in paragraph B in subparagraph (2) in the last line (page 1, line 37 in L.D.) by striking out the following: "under the age of 18 to purchase cigarettes 21 in this State" and inserting the following: 'under the age of 18 to purchase cigarettes who has not attained 21 years of age in this State, unless the person was 18 years old as of October 15, 2017'

Amend the bill in section 5 in subsection 1 in the last 2 lines (page 2, lines 5 and 6 in L.D.) by striking out the following: "over 21 years of age" and inserting the following: 'who are 21 years of age or older'

Amend the bill in section 6 in §1555-B by striking out all of subsections 1 and 2 (page 2, lines 10 to 21 in L.D.) and inserting the following:

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. For direct, face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is ~~at least~~ 17 years of age ~~but less than~~ or older and under 21 years of age may sell tobacco products only in the presence of an employee who is ~~at least~~ 21 years of age or older and is in a supervisory capacity.

2. Sales to persons who have not attained 21 years of age 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~~ who has not attained 21 years of age, unless the person was 18 years old as of October 18, 2017. Tobacco products may not be sold at retail to any person

COMMITTEE AMENDMENT

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1 ~~under 27~~ who has not attained 30 years of age unless the seller first verifies that person's
2 age by means of reliable photographic identification containing the person's date of birth.
3 That a person appeared to be 30 years of age or older does not constitute a defense to a
4 violation of this section.'

5 Amend the bill in section 6 in §1555-B in subsection 4 in the last line (page 2, line 27
6 in L.D.) by striking out the following: "under ~~18~~ 21" and inserting the following: '~~under~~
7 ~~18~~ who has not attained 21'

8 Amend the bill in section 6 in §1555-B by striking out all of subsection 5-A (page 2,
9 lines 28 to 34 in L.D.) and inserting in the following:

10 '**5-A. Purchase of tobacco products by persons who have attained 21 years of**
11 **age prohibited.** Except as provided in subsection 5-B, a person ~~under 18~~ who has not
12 attained 21 years of age may not:

13 A. Purchase, ~~possess or use~~ cigarettes, cigarette papers or any attempt to purchase a
14 tobacco product;

15 B. ~~Violate paragraph A after having previously violated this subsection; or~~

16 C. ~~Violate paragraph A after having previously violated this subsection 2 or more~~
17 ~~times.~~

18 This subsection does not apply to a person who was 18 years old as of October 15, 2017.'

19 Amend the bill in section 6 in §1555-B in subsection 5-A in the first line (page 2, line
20 28 in L.D.) by striking out the following: "~~under~~" and inserting the following: '**who have**
21 **not attained**'

22 Amend the bill in section 6 in §1555-B in subsection 5-A in the 2nd line (page 2, line
23 29 in L.D.) by striking out the following: "under ~~18~~" and inserting the following: '~~under~~
24 ~~18~~ who has not attained'

25 Amend the bill in section 6 in §1555-B in subsection 5-B in the first and 2nd lines
26 (page 2, lines 35 and 36 in L.D.) by striking out the following: "**under 21 years of age.**
27 A person under ~~18~~ 21" and inserting the following: '**who have not attained 21 years of**
28 **age.** A person ~~under 18~~ who has not attained 21'

29 Amend the bill in section 6 in §1555-B in subsection 5-C in the first line (page 3, line
30 1 in L.D.) by striking out the following: "~~under~~" and inserting the following: '**who have**
31 **not attained**'

32 Amend the bill in section 6 in §1555-B in subsection 5-C in the 2nd line (page 3, line
33 2 in L.D.) by striking out the following: "under ~~18~~ 21" and inserting the following: '~~under~~
34 ~~18~~ who has not attained 21'

35 Amend the bill in section 6 in §1555-B in subsection 6 in the first line (page 3, line 8
36 in L.D.) by striking out the following: "~~under~~" and inserting the following: '**who have**
37 **not attained**'

38 Amend the bill in section 6 in §1555-B in subsection 6 in the 3rd line (page 3, line 10
39 in L.D.) by striking out the following: "under ~~18~~ 21 years of age" and inserting the
40 following: '~~under 18~~ who have not attained 21 years of age, unless the person was 18
41 years old as of October 15, 2017'

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "^B" to S.P. 391, L.D. 1170

1 Amend the bill in section 6 in §1555-B in subsection 10 in the 3rd line (page 4, line
2 32 in L.D.) by striking out the following: "to a person under ~~18~~ 21 years of age" and
3 inserting the following: '~~to a person under 18 years of age~~ in violation of subsection 5-A'

4 **SUMMARY**

5 This amendment allows persons who were 18 years old as of October 15, 2017 to
6 purchase tobacco products and changes references to ages to conform to drafting
7 standards.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



128th MAINE LEGISLATURE

LD 1170

LR 1204(03)

An Act To Reduce Youth Access to Tobacco Products

Fiscal Note for Bill as Amended by Committee Amendment "B" (S-147)

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
Net Cost (Savings)				
General Fund	\$2,869,613	\$3,760,162	\$3,686,154	\$3,625,186
Revenue				
General Fund	(\$2,869,613)	(\$3,760,162)	(\$3,686,154)	(\$3,625,186)
Other Special Revenue Funds	(\$5,293)	(\$6,926)	(\$16,998)	(\$16,694)

Correctional and Judicial Impact Statements

Increases the number of civil violations.

The collection of additional fines may also increase General Fund and Other Special Revenue Funds revenue by minor amounts.

Fiscal Detail and Notes

Increasing the legal age to purchase cigarettes and tobacco products from 18 to 21 except for individuals who are 18 years old as of October 15, 2017 is estimated to reduce General Fund revenue by \$2,869,613 in fiscal year 2017-18 and \$3,760,162 in fiscal year 2018-19 and reduce Local Government Fund revenue by \$5,293 in fiscal year 2017-18 and \$6,926 in fiscal year 2018-19. These impacts are to the cigarette tax, the tobacco products tax and the sales and use tax and assume a 3% decline in cigarette sales and a 5% decline in tobacco product sales adjusted for individuals who had attained 18 years of age by October 15, 2017.

The additional costs to the Department of Health and Human Services to update materials and resources are expected to be minor and can be absorbed within existing budgeted resources.