

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

SECOND REGULAR SESSION-2018

Legislative Document

No. 1906

H.P. 1344

House of Representatives, April 12, 2018

An Act To Allow Adults To Purchase Tobacco Products

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative SANDERSON of Chelsea. (GOVERNOR'S BILL)

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

2 **Sec. 1. 22 MRSA §1551, sub-§2**, as repealed by PL 2017, c. 308, §2, is reenacted
3 to read:

4 **2. Juvenile.** "Juvenile" means any individual who is younger than 18 years of age.

5 **Sec. 2. 22 MRSA §1552-A, sub-§2**, as amended by PL 2017, c. 308, §4, is
6 further amended to read:

7 **2. Display of prohibition against sales to persons who have not attained 18 years**
8 **of age.** All licensees shall post notice of the prohibition on tobacco sales to ~~persons who~~
9 ~~have not attained 21 years of age, unless the person has attained 18 years of age as of July~~
10 ~~1, 2018, juveniles~~ pursuant to section 1555-B. Notices must be publicly and
11 conspicuously displayed in the licensee's place of business in letters at least 3/8 inches
12 high. Signs required by this section must be provided at cost by the department. Any
13 person who violates this subsection commits a civil violation for which a forfeiture of not
14 less than \$50 nor more than \$200 may be adjudged for any one offense.

15 **Sec. 3. 22 MRSA §1553-A, sub-§1**, as amended by PL 2017, c. 308, §5, is
16 further amended to read:

17 **1. Vending requirements.** When the sale of cigarettes or any other tobacco product
18 is made from a vending machine the following is required.

19 A. Only cigarettes or any other tobacco products may be dispensed by that machine.

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

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

22 (2) State the following: "WARNING. It is unlawful ~~to sell tobacco products in~~
23 ~~this State to~~ for any person who has not attained 21 years of age, unless the
24 person has attained 18 years of age as of July 1, 2018 under 18 years of age to
25 purchase cigarettes in this State."

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

30 Vending machines may be located only in areas in which ~~persons who are 21 years of age~~
31 ~~or older minors~~ are allowed only when accompanied by an adult.

32 **Sec. 4. 22 MRSA §1555-B, sub-§§1, 2, 4, 5-A, 5-B, 5-C and 6**, as amended
33 by PL 2017, c. 308, §6, are further amended to read:

34 **1. Retail sales.** Tobacco products may be sold at retail only in a direct, face-to-face
35 exchange in which the purchaser may be clearly identified. For direct, face-to-face sales,
36 employees who sell tobacco products must be at least 17 years of age. An employee who
37 is 17 years of age ~~or older and under 21 years of age~~ may sell tobacco products only in

1 the presence of an employee who is ~~21~~ at least 18 years of age ~~or older~~ and is in a
2 supervisory capacity.

3 **2. Sales to persons who have not attained 18 years of age prohibited.** A person
4 may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to
5 any person ~~who has not attained 21 under 18~~ years of age, ~~unless the person has attained~~
6 ~~18 years of age as of July 1, 2018.~~ Tobacco products may not be sold at retail to any
7 person ~~who has not attained 30~~ under 27 years of age unless the seller first verifies that
8 person's age by means of reliable photographic identification containing the person's date
9 of birth. ~~That a person appeared to be 30 years of age or older does not constitute a~~
10 ~~defense to a violation of this section.~~

11 **4. Wholesale sales.** Tobacco products may be distributed at wholesale without a
12 face-to-face exchange only in the normal course of trade and under procedures approved
13 by the Bureau of Revenue Services to ensure that tobacco products are not provided to
14 any person ~~who has not attained 21~~ under 18 years of age.

15 **5-A. Purchase of tobacco products by persons who have not attained 18 years of**
16 **age prohibited.** Except as provided in subsection 5-B, a person ~~who has not attained 21~~
17 ~~under 18~~ years of age may not:

18 A. Purchase, ~~possess or use~~ or attempt to purchase a tobacco product.

19 ~~This subsection does not apply to a person who has attained 18 years of age as of July 1,~~
20 ~~2018.~~

21 **5-B. Exception to possession by persons who have not attained 18 years of age.**
22 A person ~~who has not attained 21~~ under 18 years of age may transport or permit to be
23 transported in a motor vehicle tobacco products in the original sealed package in which
24 they were placed by the manufacturer if the transportation is in the scope of that person's
25 employment.

26 **5-C. Use of false identification by persons who have not attained 18 years of age**
27 **prohibited.** A person ~~who has not attained 21~~ under 18 years of age may not:

28 A. Offer false identification in an attempt to purchase a tobacco product or to
29 purchase, possess or use a tobacco product;

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

31 C. Violate paragraph A after having previously violated this subsection 2 or more
32 times.

33 **6. Display of prohibition of sales to persons who have not attained 18 years of**
34 **age.** A dealer or distributor of tobacco products shall post notice of this section
35 prohibiting tobacco product sales to persons ~~who have not attained 21~~ under 18 years of
36 age, ~~unless the person has attained 18 years of age as of July 1, 2018.~~ Notices must be
37 publicly and conspicuously displayed in the dealer's or distributor's place of business in
38 letters at least 3/8 inches in height. Signs required by this section may be provided at cost
39 by the department.

1 **SUMMARY**

2 Public Law 2017, chapter 308 increased the legal age for purchase or possession of
3 tobacco products to 21 years of age, except for those persons who attained 18 years of
4 age by July 1, 2018.

5 This bill reduces the legal age for purchase and possession of tobacco products to 18
6 years of age. This bill also allows a person who is 17 years of age to sell tobacco
7 products if supervised by a person who is at least 18 years of age.