

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 552

S.P. 174

In Senate, January 31, 2019

An Act Relating to Penalties for an Employer for the Retail Sale of Tobacco Products to a Minor when the Employer Possesses a Driver's License Reader

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative ORDWAY of Standish and
Representatives: BLIER of Buxton, COREY of Windham.

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

2 **Sec. 1. 22 MRSA §1551, sub-§1-E** is enacted to read:

3 **1-E. Electronic age verification device.** "Electronic age verification device" means
4 an electronic device that is capable of scanning a person's motor vehicle operator's license
5 or identification card described in section 1555-A to verify the person's age at the time of
6 a retail sale of a tobacco product.

7 **Sec. 2. 22 MRSA §1555-B, sub-§2,** as amended by PL 2017, c. 308, §6, is
8 further amended to read:

9 **2. Sales to persons who have not attained 21 years of age prohibited.** A person
10 may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to
11 any person who has not attained 21 years of age, unless the person has attained 18 years
12 of age as of July 1, 2018. Tobacco products may not be sold at retail to any person who
13 has not attained 30 years of age unless the seller first verifies that person's age by means
14 of reliable photographic identification containing the person's date of birth. That a person
15 appeared to be 30 years of age or older does not constitute a defense to a violation of this
16 section. Notwithstanding subsection 8, paragraph A-1, an employer who has an
17 electronic age verification device is not considered to have violated this subsection when
18 a person employed by the employer fails to use the electronic age verification device to
19 verify a person's age at the time of the retail sale and sells a tobacco product to a person
20 who has not attained 21 years of age.

21 **SUMMARY**

22 This bill provides that an employer who sells tobacco products and who has an
23 electronic age verification device is not subject to a civil violation if a person employed
24 by the employer does not use the electronic age verification device to verify a person's
25 age for the sale of tobacco products and sells a tobacco product to a person who has not
26 attained 21 years of age.