

MAINE STATE LEGISLATURE

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Minority

ROS

L.D. 1550

Date: 6/14/21

(Filing No. H- 580)

Report B
HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to H.P. 1155, L.D. 1550, "An Act To End the Sale of Flavored Tobacco Products"

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

'An Act To End the Sale of Flavored Vaping Liquid'

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

'Sec. 1. 22 MRSA c. 262-A, sub-c. 6 is enacted to read:

SUBCHAPTER 6

FLAVORED VAPING LIQUID

§1560-E. Flavored vaping liquid

1. Definitions. As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Characterizing flavor" means a distinguishable flavor, taste or aroma imparted either prior to or during consumption of a tobacco product, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice. "Characterizing flavor" does not include the flavor, taste or aroma from tobacco or of menthol. A vaping liquid is deemed to have a characterizing flavor if the vaping liquid or any device, cartridge, component or related product sold in combination with the vaping liquid is advertised or marketed as having or producing a distinguishable flavor, taste or aroma in accordance with this paragraph.

B. "Electronic smoking device" has the same meaning as in section 1541, subsection 1-A.

C. "Flavored vaping liquid" means any vaping liquid that imparts a characterizing flavor. "Flavored vaping liquid" does not include any vaping liquid by itself or in

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1 combination with an electronic smoking device that has obtained a tobacco product
2 clearance order or a modified risk tobacco product order from the United States Food
3 and Drug Administration pursuant to 21 United States Code, Section 387j or
4 387k(g)(1) and (2).

5 D. "Vaping liquid" means any solution, including a liquid, wax, gel or other substance
6 containing nicotine, that is designed or sold for use with an electronic smoking device.

7 **2. Prohibition on sale or distribution of flavored vaping liquid.** A person may not
8 sell or distribute, offer to sell or distribute or give or furnish any flavored vaping liquid.

9 **3. Violation.** A person who violates this section commits a civil violation for which
10 finest may be imposed under subsection 4.

11 **4. Fines.** The fines that apply to violations of this section are as set out in this
12 subsection.

13 A. A person who violates subsection 2 commits a civil violation for which a fine of
14 \$100 may be adjudged.

15 B. A person who violates subsection 2 after having previously been convicted of a
16 violation of that subsection commits a civil violation for which a fine of \$1,500 may
17 be adjudged.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
19 number to read consecutively.

20 SUMMARY

21 This amendment, which is the minority report of the committee, replaces the bill. It
22 prohibits a person from selling, distributing, offering to sell or distribute, giving or
23 furnishing flavored vaping liquid that has not obtained a tobacco product clearance order
24 or a modified risk tobacco product order from the United States Food and Drug
25 Administration pursuant to 21 United States Code, Section 387j or 387k(g)(1) and (2).

26 FISCAL NOTE REQUIRED

27 (See attached)



Approved: 06/04/21 *mac*

130th MAINE LEGISLATURE

LD 1550

LR 1006(02)

An Act To End the Sale of Flavored Tobacco Products

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Health and Human Services

Fiscal Note Required: Yes

B(H-580)

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$2,109,279	\$3,386,106	\$3,480,436	\$3,515,097
Revenue				
General Fund	(\$2,109,279)	(\$3,386,106)	(\$3,480,436)	(\$3,515,097)
Other Special Revenue Funds	(\$13,569)	(\$21,783)	(\$29,918)	(\$30,216)

Correctional and Judicial Impact Statements

The additional workload associated with the minimal number of new cases filed in the court system does not require additional funding at this time.

The collection of additional fine and/or fee revenue will increase General Fund and dedicated revenue by minor amounts.

Fiscal Detail and Notes

The bill prohibits the sale and distribution of flavored vaping liquid and will reduce General Fund revenue by \$2,109,279 in fiscal year 2021-22 and \$3,386,106 in fiscal year 2022-23. It will also reduce Local Government Fund revenue by \$13,569 in fiscal year 2021-22 and \$21,783 in fiscal year 2022-23.

Any additional costs to the Department of Health and Human Services from the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.