

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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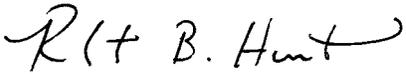
H.P. 746

House of Representatives, March 14, 2023

### **An Act to Prohibit the Sale of Flavored Tobacco Products**

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

  
ROBERT B. HUNT  
Clerk

Presented by Representative PERRY of Bangor.

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

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

4 **1-D. Electronic smoking device.** "Electronic smoking device" has the same meaning  
5 as in section 1541, subsection 1-A means any device that may be used to deliver any  
6 aerosolized or vaporized substance to the person inhaling from the device, including, but  
7 not limited to, an electronic cigarette, electronic cigar, electronic pipe, so-called vape pen  
8 or electronic hookah. "Electronic smoking device" includes any component, part or  
9 accessory of the device and also includes any substance that may be aerosolized or  
10 vaporized by that device, whether or not the substance contains nicotine. "Electronic  
11 smoking device" does not include drugs, devices or combination products authorized for  
12 sale by the United States Food and Drug Administration, as those terms are defined in the  
13 Federal Food, Drug, and Cosmetic Act.

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

15 **1-E. Flavored tobacco product.** "Flavored tobacco product" means any tobacco  
16 product that imparts a taste or smell, other than the taste or smell of tobacco, that is  
17 distinguishable by an ordinary consumer either prior to or during the consumption of a  
18 tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol,  
19 mint, wintergreen, chocolate, cocoa, vanilla, honey or any candy, dessert, beverage, herb  
20 or spice.

21 **Sec. 3. 22 MRSA c. 262-A, sub-c. 5, headnote** is amended to read:

22 **SUBCHAPTER 5**

23 **FLAVORED CIGARS TOBACCO PRODUCTS**

24 **Sec. 4. 22 MRSA §1560-D**, as amended by PL 2011, c. 380, Pt. II, §2, is repealed.

25 **Sec. 5. 22 MRSA §1560-E** is enacted to read:

26 **§1560-E. Flavored tobacco products**

27 **1. Prohibition on sale or distribution of flavored tobacco products.** A tobacco  
28 retailer may not sell or distribute or offer to sell or distribute in this State any flavored  
29 tobacco product. A public statement or claim made or disseminated by the retailer or  
30 manufacturer of a tobacco product, or by a person authorized or permitted by the retailer  
31 or manufacturer to make or disseminate public statements concerning a tobacco product,  
32 that a tobacco product has or produces a taste or smell other than tobacco constitutes  
33 presumptive evidence that the tobacco product is a flavored tobacco product.

34 **2. Violation.** A tobacco retailer who violates this section commits a civil violation for  
35 which a fine may be imposed under subsection 3.

36 **3. Fines.** The fines that apply to violations of this section are as set out in this  
37 subsection.

38 A. A tobacco retailer who violates subsection 1 commits a civil violation for which a  
39 fine of \$1,000 may be adjudged.

