

MAINE STATE LEGISLATURE

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L D 1215

Date 6/21/23

(Filing No S-398)

REPORT B

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate

STATE OF MAINE

SENATE

131ST LEGISLATURE

FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S P 496, L D 1215, "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

COMMITTEE AMENDMENT

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 finances 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 and
22 changes the title It prohibits a person from selling, distributing, offering to sell or
23 distribute, giving or furnishing flavored vaping liquid that has not obtained a tobacco
24 product clearance order or a modified risk tobacco product order from the United States
25 Food and Drug Administration pursuant to 21 United States Code, Section 387j or
26 387k(g)(1) and (2)

27 **FISCAL NOTE REQUIRED**
28 (See attached)



131st MAINE LEGISLATURE

LD 1215

LR 740(03)

An Act to End the Sale of Flavored Tobacco Products

Fiscal Note for Bill as Amended by Committee Amendment "B(S-398)"
 Committee: Health and Human Services
 Fiscal Note Required: Yes

Fiscal Note

	FY 2023-24	FY 2024-25	Projections FY 2025-26	Projections FY 2026-27
Net Cost (Savings)				
General Fund	\$264,400	\$639,150	\$661,000	\$683,850
Revenue				
General Fund	(\$264,400)	(\$639,150)	(\$661,000)	(\$683,850)
Other Special Revenue Funds	(\$1,600)	(\$3,850)	(\$4,000)	(\$4,150)

Correctional and Judicial Impact Statements

Establishes new civil violations. 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 fines will increase General Fund or other dedicated revenue by minor amounts.

Fiscal Detail and Notes

This bill prohibits the sale of flavored vaping liquid that has not obtained a tobacco product clearance order or a modified risk tobacco product order from the United States Food and Drug Administration. It will reduce General Fund revenue from the sales tax and tobacco products tax by \$264,400 in fiscal year 2023-24 and \$639,150 in fiscal year 2024-25. The decrease in sales tax revenue will reduce Local Government Fund revenue by \$1,600 in fiscal year 2023-24 and \$3,850 in fiscal year 2024-25. These estimates assume an effective date of January 1, 2024.

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