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L.D. 1923

### MINORITY

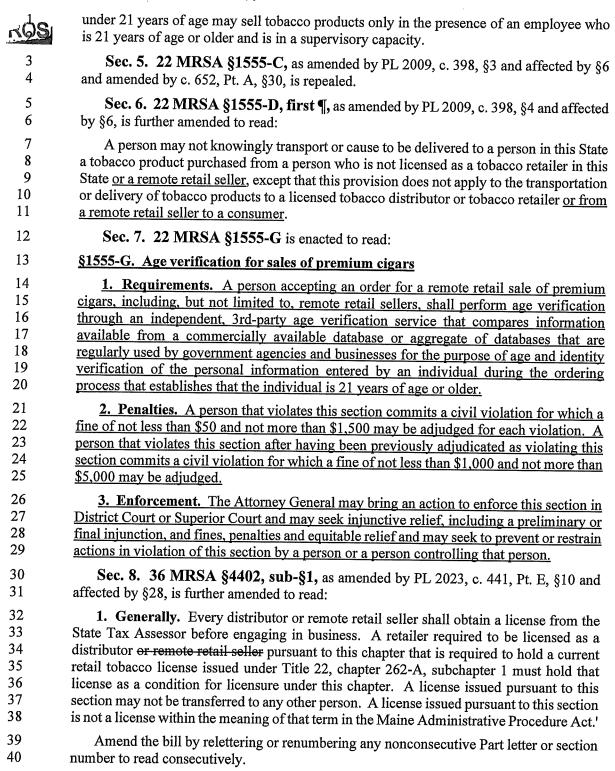
(Filing No. S-630)

3	HEALTH AND HUMAN SERVICES
4	Reproduced and distributed under the direction of the Secretary of the Senate.
5	STATE OF MAINE
6	SENATE
7	131ST LEGISLATURE
8	SECOND REGULAR SESSION
9 10 11	COMMITTEE AMENDMENT " $\mathcal{A}$ " to S.P. 785, L.D. 1923, "An Act to Provide for Licensing of and Tax Collection from Remote Retail Sellers of Pipe Tobacco and Premium Cigars"
12	Amend the bill by striking out the title and substituting the following:
13 14	'An Act to Clarify Licensing and Tax Collection Regarding Remote Retail Sellers of Premium Cigars'
15 16	Amend the bill by striking out everything after the enacting clause and inserting the following:
17 18	'Sec. 1. 22 MRSA §1551, sub-§3-A, as enacted by PL 2003, c. 444, §1, is amended to read:
19 20 21 22	<b>3-A. Tobacco retailer.</b> "Tobacco retailer" or "retailer" means a person located within or outside the State who sells tobacco products to a person in the State for personal consumption. <u>"Tobacco retailer" or "retailer" does not include a remote retail seller located outside the State.</u>
23	Sec. 2. 22 MRSA §1551, sub-§6 is enacted to read:
24 25	6. Remote retail sale. "Remote retail sale" has the same meaning as in Title 36, section 4401, subsection 4-B.
26	Sec. 3. 22 MRSA §1551, sub-§7 is enacted to read:
27 28	7. Remote retail seller. "Remote retail seller" has the same meaning as in Title 36, section 4401, subsection 4-C.
29 30	Sec. 4. 22 MRSA §1555-B, sub-§1, as amended by PL 2017, c. 308, §6, is further amended to read:
31 32 33 34	1. Retail sales. Tobacco products, other than premium cigars sold by remote retail sale, may be sold at retail only in a direct, face-to-face exchange in which the purchaser may be clearly identified. For direct, face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is 17 years of age or older and

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## **COMMITTEE AMENDMENT**

COMMITTEE AMENDMENT "A" to S.P. 785, L.D. 1923 (S (230))



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## **COMMITTEE AMENDMENT**

# COMMITTEE AMENDMENT "A" to S.P. 785, L.D. 1923 $(G - (G^3 O))$

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#### SUMMARY

This amendment, which is the minority report of the committee, replaces the bill and changes the title. The amendment removes from the bill all references to pipe tobacco. It also removes provisions related to tax collection that were enacted by Public Law 2023, chapter 441. The amendment includes definitions of "remote retail sale" and "remote retail seller" in the laws regarding retail tobacco licenses. It clarifies that the sale of premium cigars online is legal and not required to be face-to-face. It updates the requirements for age verification by remote sellers of premium cigars to account for online sales. It eliminates the requirement for an out-of-state retail seller of premium cigars to be licensed by the Department of Health and Human Services.

#### FISCAL NOTE REQUIRED

#### (See attached)

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**COMMITTEE AMENDMENT** 



### **131st MAINE LEGISLATURE**

LD 1923

LR 1465(02)

An Act to Provide for Licensing of and Tax Collection from Remote Retail Sellers of Pipe Tobacco and Premium Cigars

> Fiscal Note for Bill as Amended by Committee Amendment ""(S-630) Committee: Health and Human Services Fiscal Note Required: Yes

### **Fiscal Note**

Minor cost increase - General Fund Minor revenue increase - General Fund Minor revenue increase – Other Special Revenue Funds

#### **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 fines will increase General Fund or other dedicated revenue by minor amounts.

#### **Fiscal Detail and Notes**

Any additional costs to the Office of the Attorney General associated with enforcement are anticipated to be minor and can be absorbed within existing budgeted resources.