

**LD 152**  
**PROPOSED COMMITTEE AMENDMENT**  
**OFFERED BY SEN. MILLETT**

**An Act to Prohibit the Possession and Use of Electronic Smoking Devices  
on School Grounds**

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

**Sec. 1. 22 MRSA §1578-B, sub-§1, ¶D** is repealed and the following enacted in its place:

D. "Tobacco use" includes:

(1) Smoking as defined in section 1541, subsection 6; and

(2) Carrying or having in one's possession a tobacco product as defined in section 1551, subsection 3.

**Sec. 2. 22 MRSA §1578-B, sub-§2** is amended to read:

**2. Prohibition.** ~~Except as provided in subsection 3,~~ Tobacco use in the buildings or on the grounds of any elementary or secondary school is prohibited.

**Sec. 3. 22 MRSA §1578-B, sub-§3** is repealed.

**SUMMARY**

Current law prohibits in elementary or secondary schools the use of smokeless tobacco and the possession of a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke. This proposed committee amendment repeals and replaces existing law so that the following is included in the prohibition against tobacco use in elementary or secondary schools.

1. The possession of a lighted or heated cigarette, cigar or pipe or a lighted or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or in any form.

2. The use or possession of an electronic smoking device.

3. The possession of any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus.

4. The possession of components or accessories used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids.

The proposed amendment also removes the exception that permitted tobacco use in classrooms as part of a bona fide demonstration during a class lesson.