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An Act Concerning Certain Flavored Cigarettes and Cigars

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

Sec. 1. 22 MRSA §1556-A, sub-§1, as amended by PL 1999, c. 616, §2, is further amended to read:

1. Contract officers. The authority of contract officers hired under this chapter is limited to enforcement of this Actchapter and Title 36, section 4366-C. Authorization to enforce this chapter is granted by the Commissioner of Public Safety, by terms mutually agreed upon between the department and the Department of Public Safety. Contract officers must have an appropriate background in law enforcement. Contract officers are exempt from ongoing training requirements except as otherwise determined by the Commissioner of Public Safety. These contract officers are not considered law enforcement officers for the purposes of enforcing the Maine Juvenile Code.

Sec. 2. 22 MRSA c. 262-A, sub-c. 5 is enacted to read:

SUBCHAPTER 5

FLAVORED CIGARETTES AND FLAVORED CIGARS

§ 1560-D. Flavored cigarettes and flavored cigars

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 taste or aroma, other than tobacco, menthol, clove, coffee, nuts or peppers imparted either prior to or during consumption.

B. "Component part" includes but is not limited to the tobacco, filter and paper in a cigarette or cigar.

C. "Constituent" means any ingredient, substance, chemical or compound other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to the tobacco, paper or filter of a cigarette or cigar during the processing, manufacture, or packing of the cigarette or cigar. "Constituent" includes a smoke constituent.

D. "Smoke constituent" means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigarette or cigar to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

2. Prohibition on sale or distribution of product. A person may not sell or distribute or offer to sell or distribute in this State any cigarette or cigar or any component part of a cigarette or a cigar that contains a natural or artificial constituent that imparts a characterizing flavor to the tobacco or the smoke of the cigarette or cigar.

3. Prohibition on use or distribution of promotional materials. A person may not use or distribute scented promotional materials for cigarettes or cigars.

4. Violation. A person who violates this section commits a civil violation for which fines may be imposed under subsection 5.

5. Fines. The following fines apply to violations of this section.

A. A person who violates subsection 2 commits a civil violation for which a fine of \$1,000 may be adjudged.

B. A person who violates subsection 2 after having previously been convicted of a violation of subsection 2 commits a civil violation for which a fine of \$5,000 may be adjudged.

C. A person who violates subsection 3 commits a civil violation for which a fine of \$1,000 may be adjudged.

Sec. 3. Effective date. This Act takes effect January 1, 2008.

SUMMARY

This bill prohibits the sale or distribution of certain flavored cigarettes and cigars in the State.