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## **An Act Relating to Penalties for an Employer for the Retail Sale of Tobacco Products to a Minor when the Employer Possesses a Driver's License Reader**

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

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

**1-E. Electronic age verification device.** "Electronic age verification device" means an electronic device that is capable of scanning a person's motor vehicle operator's license or identification card described in section 1555-A to verify the person's age at the time of a retail sale of a tobacco product.

**Sec. 2. 22 MRSA §1555-B, sub-§2,** as amended by PL 2017, c. 308, §6, is further amended to read:

**2. Sales to persons who have not attained 21 years of age prohibited.** A person may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to any person who has not attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018. Tobacco products may not be sold at retail to any person who has not attained 30 years of age unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth. That a person appeared to be 30 years of age or older does not constitute a defense to a violation of this section. Notwithstanding subsection 8, paragraph A-1, an employer who has an electronic age verification device is not considered to have violated this subsection when a person employed by the employer fails to use the electronic age verification device to verify a person's age at the time of the retail sale and sells a tobacco product to a person who has not attained 21 years of age.

### **SUMMARY**

This bill provides that an employer who sells tobacco products and who has an electronic age verification device is not subject to a civil violation if a person employed by the employer does not use the electronic age verification device to verify a person's age for the sale of tobacco products and sells a tobacco product to a person who has not attained 21 years of age.