



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1119

H.P. 831

House of Representatives, March 15, 2011

An Act To Amend the Laws Governing the Sale of Certain Tobacco Products

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative STRANG BURGESS of Cumberland.
Cosponsored by Senator SAVIELLO of Franklin and
Representatives: BERRY of Bowdoinham, EVES of North Berwick, FOSSEL of Alna,
KNIGHT of Livermore Falls, MALABY of Hancock, PETERSON of Rumford, SANBORN of
Gorham, Senator: CRAVEN of Androscoggin.

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

2 **Sec. 1. 22 MRSA §1560-D, sub-§1**, as amended by PL 2009, c. 606, §1, is
3 further amended to read:

4 **1. Definitions.** As used in this subchapter, unless the context otherwise indicates,
5 the following terms have the following meanings.

6 A. "Characterizing flavor" means a distinguishable taste or aroma of candy,
7 chocolate, vanilla, fruit, berry, nut, herb, spice, honey or an alcoholic drink that is
8 imparted to tobacco or tobacco smoke either prior to or during consumption.
9 "Characterizing flavor" does not include a taste or aroma from tobacco. A cigar is
10 deemed to have a characterizing flavor if the cigar is advertised or marketed as
11 having or producing the taste or aroma of candy, chocolate, vanilla, fruit, berry, nut,
12 herb, spice, honey or an alcoholic drink or has a flavored tobacco wrapper and a
13 component part.

14 B. "Component part" includes but is not limited to the tobacco, filter, wrapper and
15 paper in a cigar or any part of a flavored tobacco wrapper.

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

21 D. "Flavored cigar" means a cigar or any component part of the cigar that contains a
22 constituent that imparts a characterizing flavor.

23 E-1. "Premium cigar" means a cigar that weighs more than 3 pounds per 1,000 cigars
24 and is wrapped in whole tobacco leaf.

25 E-2. "Flavored tobacco wrapper" means a product sold or used to wrap or contain
26 loose tobacco, including blunt wraps, cigarette rolling papers and cigarette tubes, that
27 contains a constituent that imparts a characterizing flavor.

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

32 **Sec. 2. 22 MRSA §1560-D, sub-§2-A** is enacted to read:

33 **2-A. Prohibition on sale or distribution of flavored tobacco wrappers.** A person
34 may not sell or distribute or offer to sell or distribute in this State any flavored tobacco
35 wrapper. A tobacco distributor or retailer may sell flavored tobacco wrappers that the
36 distributor or retailer has in stock until October 31, 2011.

37 **Sec. 3. 22 MRSA §1560-D, sub-§4**, as amended by PL 2009, c. 606, §1, is
38 further amended to read:

1 **4. Fines.** The fines that apply to violations of this section are as set out in this
2 subsection.

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

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

8 **SUMMARY**

9 This bill prohibits the sale of flavored tobacco wrappers, including blunt wraps.