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Date: (Filing No. S- )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
SENATE  
131ST LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 496, L.D. 1215, “An Act to End the Sale of Flavored Tobacco Products”

Amend the bill by striking out the title and substituting the following:

**'An Act to End the Sale of Flavored Vaping Liquid'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 22 MRSA c. 262-A, sub-c. 6** is enacted to read:

**SUBCHAPTER 6**

**FLAVORED VAPING LIQUID**

**§1560-E. Flavored vaping liquid**

**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 flavor, taste or aroma imparted either prior to or during consumption of a tobacco product, including, but not limited to, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice. "Characterizing flavor" does not include the flavor, taste or aroma from tobacco or of menthol. A vaping liquid is deemed to have a characterizing flavor if the vaping liquid or any device, cartridge, component or related product sold in combination with the vaping liquid is advertised or marketed as having or producing a distinguishable flavor, taste or aroma in accordance with this paragraph.

B. "Electronic smoking device" has the same meaning as in section 1541, subsection 1-A.

C. "Flavored vaping liquid" means any vaping liquid that imparts a characterizing flavor. "Flavored vaping liquid" does not include any vaping liquid by itself or in

**COMMITTEE AMENDMENT**

1 combination with an electronic smoking device that has obtained a tobacco product  
2 clearance order or a modified risk tobacco product order from the United States Food  
3 and Drug Administration pursuant to 21 United States Code, Section 387j or  
4 387k(g)(1) and (2).

5 D. "Vaping liquid" means any solution, including a liquid, wax, gel or other substance  
6 containing nicotine, that is designed or sold for use with an electronic smoking device.

7 **2. Prohibition on sale or distribution of flavored vaping liquid.** A person may not  
8 sell or distribute, offer to sell or distribute or give or furnish any flavored vaping liquid.

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

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

13 A. A person who violates subsection 2 commits a civil violation for which a fine of  
14 \$100 may be adjudged.

15 B. A person who violates subsection 2 after having previously been convicted of a  
16 violation of that subsection commits a civil violation for which a fine of \$1,500 may  
17 be adjudged.'

18 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
19 number to read consecutively.

20 **SUMMARY**

21 This amendment, which is the minority report of the committee, replaces the bill and  
22 changes the title. It prohibits a person from selling, distributing, offering to sell or  
23 distribute, giving or furnishing flavored vaping liquid that has not obtained a tobacco  
24 product clearance order or a modified risk tobacco product order from the United States  
25 Food and Drug Administration pursuant to 21 United States Code, Section 387j or  
26 387k(g)(1) and (2).

27 **FISCAL NOTE REQUIRED**

28 **(See attached)**