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H.P. 942

House of Representatives, March 29, 2021

An Act To Prevent Underage Tobacco and Nicotine Access and Use

Received by the Clerk of the House on March 25, 2021. Referred to the Committee on Health and Human Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HARRINGTON of Sanford.

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

2 **Sec. 1. 22 MRSA §1555-B, sub-§2**, as amended by PL 2017, c. 308, §6, is further
3 amended to read:

4 **2. Sales to persons who have not attained 21 years of age prohibited.** A person
5 may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to
6 any person who has not attained 21 years of age, unless the person has attained 18 years of
7 age as of July 1, 2018. Tobacco products may not be sold at retail to any person who has
8 not attained 30 years of age unless the seller first verifies that person's age by ~~means of~~
9 ~~reliable photographic identification containing the person's date of birth~~ examining and
10 scanning a government-issued photographic identification using a scanning technology or
11 other automated, software-based system. That a person appeared to be 30 years of age or
12 older does not constitute a defense to a violation of this section.

13 **Sec. 2. 22 MRSA §1560-B, sub-§2**, as enacted by PL 2015, c. 288, §1, is repealed
14 and the following enacted in its place:

15 **2. Prohibition.** The following acts are prohibited.

16 A. Beginning January 1, 2016, a person may not sell, furnish, give away or offer to
17 sell, furnish or give away a nicotine liquid container unless the container is child-
18 resistant packaging.

19 B. Beginning January 1, 2022, a person who sells electronic nicotine delivery devices
20 or nicotine liquid containers at retail may not sell in a single transaction more than:

21 (1) One electronic nicotine delivery device and 4 nicotine liquid containers;

22 (2) One electronic nicotine delivery device and 4 cartridges or other containers
23 that are sold separately from the device, contain a liquid or other substance
24 containing nicotine and are prefilled and sealed by the manufacturer and not
25 intended to be opened by the consumer; or

26 (3) Four single-use electronic nicotine delivery devices that are prefilled and
27 contain a liquid or other substance containing nicotine.

28 **SUMMARY**

29 This bill amends the law governing the age verification requirement for sales of tobacco
30 products. It also establishes limits on the number of electronic nicotine delivery devices
31 and nicotine liquid containers that may be sold in a single transaction.