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Date: (Filing No. S- )

**HEALTH AND HUMAN SERVICES**

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**STATE OF MAINE  
SENATE  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 295, L.D. 821, Bill, “An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores”

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

**'An Act To Promote Equity in Business Opportunities for Cigar Lounges'**

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

**'Sec. 1. 22 MRSA §1541, sub-§1-A** is enacted to read:

**1-A. Electronic nicotine delivery device.** "Electronic nicotine delivery device" means any noncombustible device containing or delivering nicotine or any other substance intended for human consumption that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means and that may be used to simulate smoking through inhalation of vapor or aerosol from the device, including, without limitation, a device manufactured, distributed, marketed or sold as an electronic cigarette, electronic cigar, electronic pipe, electronic hookah or so-called vape pen. "Electronic nicotine delivery device" does not include any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

**Sec. 2. 22 MRSA §1541, sub-§2-A** is enacted to read:

**2-A. Cigar lounge.** "Cigar lounge" means a business that:

- A. Is licensed to sell spirits, wine and malt liquor on premises under Title 28-A, section 1012, subsection 7 and Title 28-A, section 1080;
- B. Is licensed to sell tobacco under section 1551-A;
- C. Occupies a total area of not more than 2,000 square feet; and
- D. Derived 60% or more of its gross revenue for the previous calendar year from the sale of tobacco-related products.

**COMMITTEE AMENDMENT**

1           **Sec. 3. 22 MRSA §1541, sub-§7**, as enacted by PL 2005, c. 223, §1, is amended  
2 to read:

3           **7. Tobacco specialty store.** "Tobacco specialty store" means a retail business under  
4 2,000 square feet in which at least 60% of the business's gross revenue for the last  
5 calendar year was derived from the sale of tobacco or tobacco-related products.  
6 "Tobacco specialty store" does not include a licensed cigar lounge.

7           **Sec. 4. 22 MRSA §1542, sub-§2, ¶O** is enacted to read:

8           O. Smoking, other than cigarette smoking, is not prohibited in a licensed cigar  
9 lounge as long as:

10           (1) Cigarettes are not offered for sale or sold in the lounge;

11           (2) Smoking of cigarettes is not allowed in the lounge;

12           (3) Use of electronic nicotine delivery devices is not allowed in the lounge;

13           (4) Food is not prepared on the premises for sale; and

14           (5) Notice is provided to all applicants for employment and employees that work  
15 in the lounge that working in the lounge may cause serious negative health  
16 effects including an increased risk of cancer and heart disease and that no level of  
17 exposure to environmental tobacco smoke is safe.

18           **Sec. 5. 28-A MRSA §2, sub-§15, ¶B-3** is enacted to read:

19           B-3. "Cigar lounge" means a business that:

20           (1) Is licensed to sell spirits, wine and malt liquor on premises under section  
21 1012, subsection 7 and section 1080;

22           (2) Is licensed to sell tobacco under Title 22, section 1551-A;

23           (3) Occupies a total area of not more than 2,000 square feet; and

24           (4) Derived 60% or more of its gross revenue for the previous calendar year  
25 from the sale of tobacco-related products.

26           **Sec. 6. 28-A MRSA §1012, sub-§7** is enacted to read:

27           **7. Cigar lounge.** In accordance with sections 1051 and 1080, the bureau may issue a  
28 license to a cigar lounge. The license fee per calendar year is \$100.

29           **Sec. 7. 28-A MRSA §1080** is enacted to read:

30           **§1080. Cigar lounge**

31           **1. Issuance.** The bureau may issue to a cigar lounge a license in accordance with  
32 this section for the sale of spirits, wine and malt liquor to be consumed on the premises of  
33 the cigar lounge.

34           **2. Restrictions.** A person under 21 years of age may not be permitted on the  
35 premises of or employed by a cigar lounge licensed in accordance with this section.'

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**SUMMARY**

This amendment, which is the majority report of the committee, amends the bill by prohibiting the use of electronic nicotine delivery devices in cigar lounges and prohibiting a person under 21 years of age from being on the premises or employed by the cigar lounge. It clarifies that a cigar lounge license under the Maine Revised Statutes, Title 28-A is required for a cigar lounge to operate.