

## §1560-D. Flavored cigars

**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 taste or aroma of candy, chocolate, vanilla, fruit, berry, nut, herb, spice, honey or an alcoholic drink that is imparted to tobacco or tobacco smoke either prior to or during consumption. "Characterizing flavor" does not include a taste or aroma from tobacco. A cigar is deemed to have a characterizing flavor if the cigar is advertised or marketed as having or producing the taste or aroma of candy, chocolate, vanilla, fruit, berry, nut, herb, spice, honey or an alcoholic drink. [PL 2009, c. 606, §1 (AMD).]

B. "Component part" includes but is not limited to the tobacco, filter and paper in a cigar. [PL 2009, c. 606, §1 (AMD).]

C. "Constituent" means any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to the tobacco, paper or filter of a cigar during the processing, manufacture or packing of the cigar. "Constituent" includes a smoke constituent. [PL 2009, c. 606, §1 (AMD).]

D. "Flavored cigar" means a cigar or any component part of the cigar that contains a constituent that imparts a characterizing flavor. [PL 2009, c. 606, §1 (AMD).]

E. [PL 2009, c. 606, §1 (RP).]

E-1. "Premium cigar" means a cigar that weighs more than 3 pounds per 1,000 cigars and is wrapped in whole tobacco leaf. [PL 2009, c. 606, §1 (NEW).]

F. "Smoke constituent" means any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the cigar to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product. [PL 2009, c. 606, §1 (AMD).]

[PL 2009, c. 606, §1 (AMD).]

**2. Prohibition on sale or distribution of flavored cigars.** Except as provided in subsection 5-A, a person may not sell or distribute or offer to sell or distribute in this State any flavored cigar unless the cigar is a premium cigar.

A. [PL 2009, c. 606, §1 (RP).]

B. [PL 2009, c. 606, §1 (RP).]

C. [PL 2009, c. 606, §1 (RP).]

[PL 2009, c. 606, §1 (AMD).]

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

[PL 2007, c. 467, §3 (NEW).]

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

A. A person who violates subsection 2 commits a civil violation for which a fine of \$1,000 may be adjudged. [PL 2009, c. 606, §1 (AMD).]

B. A person who violates subsection 2 after having previously been convicted of a violation of that subsection commits a civil violation for which a fine of \$5,000 may be adjudged. [PL 2009, c. 606, §1 (AMD).]

[PL 2009, c. 606, §1 (AMD).]

**5. Exemptions.**

[PL 2009, c. 606, §1 (RP).]

**5-A. Exemptions.** Any flavored cigar that the Attorney General determined had no characterizing flavor or was otherwise exempt under former subsection 5 is exempt from the prohibition on flavored nonpremium cigars in subsection 2 so long as no material change is made to the cigar's flavoring, packaging or labeling subsequent to the Attorney General's determination.

[PL 2009, c. 606, §1 (NEW).]

**6. Tobacco distributors.**

[PL 2009, c. 606, §1 (RP).]

**7. Transition.**

[PL 2009, c. 606, §1 (RP).]

**8. Website information.** To the extent that resources permit, the Attorney General shall maintain on a publicly accessible website a list of flavored cigars that are exempt from the prohibition under subsection 5-A and authorized for distribution and sale in the State.

[PL 2009, c. 606, §1 (AMD).]

**9. Rulemaking.**

[PL 2009, c. 606, §1 (RP).]

**10. Transfers of funds.** Notwithstanding any other provision of law, for fiscal years beginning on or after July 1, 2009 the State Controller shall transfer \$92,660 no later than June 30, 2010 and \$145,147 no later than June 30, 2011 from the Fund for a Healthy Maine to General Fund undedicated revenue.

[PL 2011, c. 380, Pt. II, §2 (AMD).]

SECTION HISTORY

PL 2007, c. 467, §3 (NEW). PL 2007, c. 612, §1 (AMD). PL 2009, c. 606, §1 (AMD). PL 2011, c. 380, Pt. II, §2 (AMD).

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