

State of Maine Tobacco 21 FAQ

WHAT IS THE NEW LAW?

A person may not sell, furnish, give away or offer to sell, furnish or give away a tobacco product to any person under 21 years of age.

ARE THERE ANY EXEMPTIONS TO THIS LAW?

Unless the person is 18 years of age as of July 1, 2018. The City of Portland has an ordinance that tobacco products, as defined by the City of Portland cannot be sold to anyone under 21 years of age. Retailers located within the City of Portland shall comply with both the city's ordinance and State law.

WHAT DOES "ATTAINED 18 YEARS AS OF JULY 1, 2018" MEAN?

If someone is born prior to or on July 1, 2000, the person will be at least 18 years of age as of July 1, 2018. Tobacco products may not be sold, furnished, given away or offered for sale, furnished or given away to any person born July 2, 2000 to present day, until the person attains 21 years of age.

WHEN DOES THIS LAW GO INTO EFFECT?

The law passed on August 2, 2017 and went into effect on November 1, 2017. However, language specific to "... attained 18 years of age as of July 1, 2018" goes into full effect on July 1, 2018.

WHAT IS DEFINED AS A TOBACCO PRODUCT?

Any product that is made from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing tobacco, snuff or snus. "Tobacco product" also means an electronic smoking device and any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes and liquids used in electronic smoking devices, whether or not they contain nicotine.

WHAT ARE ELECTRONIC SMOKING DEVICES?

A device used to deliver nicotine or any other substance intended for human consumption that may be used by a person 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, cigar, pipe, hookah or so-called vape pen.

IS THERE AN AGE REQUIREMENT FOR SALES CLERKS?

For direct face-to-face sales, employees who sell tobacco products must be at least 17 years of age. An employee who is 17 years of age or older and under 21 years of age may sell tobacco products only in the presence of an employee who is 21 years of age or older and is in a supervisory capacity.

HOW WILL THE NEW LEGAL SALES AGE AFFECT AGE VERIFICATION?

Tobacco products may not be sold at retail to any person who has not attained 30 years of age, unless the seller first verifies that person's age by means of reliable photographic identification containing the person's date of birth. That a person appeared to be 30 years of age or older does not constitute a defense to a violation.

Any of these documents constitutes acceptable proof of age:

- A valid photo driver's license or non-driver ID card issued by a state or other U.S. or Canadian government agency.
- A valid passport.
- A photo ID issued by the armed forces of the United States.

ID cards issued by employers, schools, or college are not acceptable forms of ID.



STATE OF MAINE
OFFICE OF THE
ATTORNEY GENERAL



State of Maine Tobacco 21 FAQ

HOW CAN I DISPLAY TOBACCO FOR SALE?

Tobacco products may be displayed or offered for sale only in a manner that does not allow the purchaser direct access to the tobacco products.

SHOULD I POST NOTICE OF THE NEW LAW?

Yes, all licensees must post notice of the prohibition on tobacco sales to persons who have not attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018. Notices must be publicly and conspicuously displayed in the licensee's place of business. Free signs are available at www.maine preventionstore.org

HOW CAN TOBACCO PRODUCTS BE SOLD?

Tobacco products may be sold at retail only in a direct fact-to-face exchange in which the purchaser may be clearly identified.

WHAT IF I SELL TOBACCO THROUGH A VENDING MACHINE?

Only cigarettes or any other tobacco products may be dispensed by that machine. Vending machines may be located only in areas in which persons who are 21 years of age or older are allowed. A notice of the prohibition on tobacco sales to persons who have not attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018 must be attached and clearly visible to the front of the machine. Free signs are available at www.maine preventionstore.org

WHERE CAN I SEE THE ACTUAL LAW?

Title 22, Chapter 262-A Retail Tobacco Sales is available on the Maine Legislature Maine Revised Statutes website at: www.legislature.maine.gov

WHAT ARE THE PENALTIES FOR VIOLATION?

If an employer of a person is found in noncompliance with the law, commits a civil violation for which a fine of not less than \$300 for the first offense, not less than \$600 for the second offense and not less than \$1,000 for each offense thereafter, plus court costs, must be adjudged. The fine may not be suspended. Each day in which a violation occurs constitutes a separate violation.

HOW WILL THE LAW BE ENFORCED?

The Maine Center for Disease Control and Prevention and State of Maine Office of the Attorney General will conduct Retail Tobacco Compliance Check Inspections to confirm whether:

- Retailers only sell tobacco products to persons who have attained 21 years of age, unless the person has attained 18 years of age as of July 1, 2018.
- Retailers request acceptable photo identification of any person who has not attained 30 years of age to verify the person's date of birth.

WHAT IS MY ROLE IN TOBACCO 21?

Tobacco retailers play a direct role in protecting kids from nicotine addiction and the deadly effects of tobacco use, and can help prevent our youth from becoming the next generation of Americans to die prematurely from tobacco-related disease. Tobacco retailers shall at minimum comply with Maine's retail tobacco sales laws and rules. The Department of Health and Human Services Tobacco and Substance Use and Prevention Services and the Maine Office of the Attorney General welcome tobacco retailers to participate in Maine's **FREE** retailer education program, known as **NO BUTS!** (Blocking Underage Tobacco Sales). For more information please visit: <http://www.nobutstraining.com>



STATE OF MAINE
OFFICE OF THE
ATTORNEY GENERAL

