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HEALTH AND HUMAN SERVICES

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**STATE OF MAINE
SENATE
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 39, L.D. 152, Bill, “An Act To Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds”

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

Sec. 1. 22 MRSA §1578-B, sub-§1, ¶C, as enacted by PL 1987, c. 687, is repealed.

Sec. 2. 22 MRSA §1578-B, sub-§1, ¶D, as enacted by PL 1987, c. 687, is repealed and the following enacted in its place:

D. "Tobacco use" means:

(1) Smoking as defined in section 1541, subsection 6; and

(2) Carrying or having in one's possession a tobacco product as defined in section 1551, subsection 3.

Sec. 3. 22 MRSA §1578-B, sub-§2, as amended by PL 2007, c. 156, §2, is repealed and the following enacted in its place:

2. Prohibition. A person may not engage in tobacco use in the buildings or on the grounds of any elementary or secondary school, on a school bus or at any school-sponsored event at any time.

Sec. 4. 22 MRSA §1578-B, sub-§3, as enacted by PL 1987, c. 687, is repealed.'

SUMMARY

Current law prohibits in elementary or secondary schools and on school grounds the use of smokeless tobacco and the possession of a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke. This committee amendment repeals and replaces existing law so that the following is included in the

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1 prohibition against tobacco use in elementary or secondary schools and on school
2 grounds:

3 1. The possession of a lighted or heated cigarette, cigar or pipe or a lighted or heated
4 tobacco or plant product intended for human consumption through inhalation whether
5 natural or synthetic in any manner or in any form;

6 2. The use or possession of an electronic smoking device;

7 3. The possession of any product that is made from or derived from tobacco, or that
8 contains nicotine, that is intended for human consumption or is likely to be consumed,
9 whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other
10 means, including, but not limited to, a cigarette, a cigar, a hookah, pipe tobacco, chewing
11 tobacco, snuff or snus; and

12 4. The possession of components or accessories used in the consumption of a
13 tobacco product, such as filters, rolling papers, pipes and liquids.

14 The amendment also prohibits tobacco use on a school bus and at any school-
15 sponsored event.

16 The amendment removes the exception that permitted tobacco use in classrooms as
17 part of a bona fide demonstration during a class lesson.