



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 34

S.P. 13

In Senate, January 10, 2017

An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores

Reference to the Committee on Health and Human Services suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator BRAKEY of Androscoggin.

Cosponsored by Senator: HAMPER of Oxford, Representatives: HEAD of Bethel, MALABY of Hancock, O'CONNOR of Berwick, SANDERSON of Chelsea, SIROCKI of Scarborough, WARD of Dedham.

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

2 **Sec. 1. 22 MRSA §1542, sub-§2, ¶L**, as amended by PL 2007, c. 180, §2, is
3 further amended to read:

4 L. Smoking is not prohibited in a tobacco specialty store. The on-premises service,
5 preparation or consumption of food or drink, if the tobacco specialty store is not
6 licensed for such service or consumption prior to January 1, 2007, is prohibited in
7 such a store, except that a tobacco specialty store may be licensed as a cigar lounge to
8 serve nonalcoholic and alcoholic beverages under the provisions of this paragraph.
9 ~~Smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is~~
10 ~~newly licensed or that requires a new license after January 1, 2007.~~

11 As used in this paragraph, "cigar lounge" means a business that:

12 (1) Is licensed as a tobacco specialty store;

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

14 (3) Derived 60% or more of its gross revenue for the previous calendar year
15 from the sale of tobacco-related products.

16 A cigar lounge may not sell cigarettes or allow the smoking of cigarettes and may not
17 prepare food on premises for sale. A cigar lounge must provide notice to all
18 applicants for employment and employees that working in a cigar lounge may cause
19 serious negative health effects including an increased risk of cancer and heart disease
20 and that no level of exposure to environmental tobacco smoke is safe.

21 Smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is first
22 licensed or that requires a new license after January 1, 2007.

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

24 B-3. "Cigar lounge" means a business that is licensed as a tobacco specialty store
25 pursuant to Title 22, section 1542, subsection 2, paragraph L, occupies a total area of
26 not more than 2,000 square feet and derived 60% or more of its gross revenue for the
27 previous calendar year from the sale of tobacco-related products.

28 **Sec. 3. 28-A MRSA §1012, sub-§7** is enacted to read:

29 7. Cigar lounge. The bureau may issue a license as provided in section 1051 to a
30 cigar lounge. The license fee per calendar year is \$100.

31 **Sec. 4. 28-A MRSA §1080** is enacted to read:

32 **§1080. Cigar lounge**

33 The bureau may issue licenses under this section for the sale of spirits, wine and malt
34 liquor to be consumed on the premises to cigar lounges as defined in section 2, subsection
35 15, paragraph B-3.

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SUMMARY

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This bill allows certain tobacco specialty stores to be licensed as a cigar lounge, which may serve nonalcoholic and alcoholic beverages. A cigar lounge may not sell cigarettes or prepare food on premises for sale. A tobacco specialty store that is a cigar lounge must provide notice about the dangers of environmental tobacco smoke to applicants for employment and employees. The cigar lounge license fee is \$100.