

**Maine Laws and Regulations Related to Cardiovascular Health and Maine Cardiovascular Health Program Priorities**

**Topic: Tobacco\***

<b>Subject</b>	<b>Description</b>	<b>Citation and Internet Access</b>
Smoking in public places	Prohibits smoking in public areas. Limitations apply. Requires posting of signs to designate smoking and no smoking areas. Prohibits retaliation against an employee or applicant who pursues enforcement of these laws. Makes it a civil violation to violate these laws.	Title 22, section 1541 et seq. <a href="http://janus.state.me.us/legis/statutes/22/title22ch262sec0.html">http://janus.state.me.us/legis/statutes/22/title22ch262sec0.html</a>
Smoking in public places	Rules relating to smoking in public places.	10-144, Chapter 249 <a href="http://www.maine.gov/sos/cec/rules/10/144/144c249.doc">http://www.maine.gov/sos/cec/rules/10/144/144c249.doc</a>
Smoking in Bingo/Beano halls	Allows and governs the establishment of nonsmoking areas in Bingo/Beano facilities.	Title 17, section 327 <a href="http://janus.state.me.us/legis/statutes/17/title17sec327.html">http://janus.state.me.us/legis/statutes/17/title17sec327.html</a>
Smoking in schools	Prohibits tobacco use in or around public schools; exceptions for certain class lessons.	Title 22, section 1578-B <a href="http://janus.state.me.us/legis/statutes/22/title22sec1578-B.html">http://janus.state.me.us/legis/statutes/22/title22sec1578-B.html</a>
Smoking in hospitals	Prohibits smoking in any enclosed area of a hospital, except that a hospital may establish an enclosed and adequately ventilated smoking area for patient use. Allows hospitals to designate entire hospital as a nonsmoking area.	Title 22, section 1580-B <a href="http://janus.state.me.us/legis/statutes/22/title22sec1580-B.html">http://janus.state.me.us/legis/statutes/22/title22sec1580-B.html</a>

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\* List is not all-inclusive, however, every effort is made to provide information regarding the most substantial policies in the topic area. Please refer to language in actual statute or rule for citation purposes as language here may be altered due to space limitations.

**Maine Laws and Regulations Related to Cardiovascular Health**  
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<b>Subject</b>	<b>Description</b>	<b>Citation and Internet Access</b>
Smoking in nursing homes	Residents, visitors and personnel in any nursing home may smoke only in specifically designated areas of the nursing home.	Title 22, section 1825 <a href="http://janus.state.me.us/legis/statutes/22/title22sec1825.html">http://janus.state.me.us/legis/statutes/22/title22sec1825.html</a> (double-check this link for 2009 amendments)
Smoking in private clubs	Allows smoking in private clubs (e.g., a veterans' service organization), provided that certain conditions are met.	Title 22, section 1580-A(9) <a href="http://janus.state.me.us/legis/statutes/22/title22sec1580-A.html">http://janus.state.me.us/legis/statutes/22/title22sec1580-A.html</a> (double-check this link for 2009 amendments)
Smoking in the workplace	Governs smoking in places of employment. Known as the Workplace Smoking Act of 1985.	Title 22, section 1580-A <a href="http://janus.state.me.us/legis/statutes/22/title22sec1580-A.html">http://janus.state.me.us/legis/statutes/22/title22sec1580-A.html</a> (double-check this link for 2009 amendments)
Smoking in the workplace	Rules to assist businesses in developing written smoking policies and to enforce the Workplace Smoking Act of 1985.	10-144, Chapter 250 <a href="http://www.maine.gov/sos/cec/rules/10/144/144c250.doc">http://www.maine.gov/sos/cec/rules/10/144/144c250.doc</a>
Smoking in jury rooms	Prohibits smoking in jury rooms unless all members present agree to allow smoking.	Title 22, section 1580 <a href="http://janus.state.me.us/legis/statutes/22/title22sec1580.html">http://janus.state.me.us/legis/statutes/22/title22sec1580.html</a> (double-check this link for 2009 amendments)
Smoking at public parks and beaches	Prohibits smoking in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site. Requires the Maine Center for Disease Control and Prevention to erect signs and undertake public education initiatives regarding the prohibition to the extent of available resources.	When statutes are updated, check here for more information: <a href="http://www.mainelegislature.org/legis/statutes/22/title22ch263sec0.html">http://www.mainelegislature.org/legis/statutes/22/title22ch263sec0.html</a>

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Child welfare, providing tobacco to a child	Establishes that a person is guilty of and may be prosecuted for endangering the welfare of a child if s/he knowingly provides cigarettes or tobacco to a child under 16 years old, unless h/she is the parent, foster parent, or guardian and does so in his/her own home.	Title 17-A, section 554 <a href="http://janus.state.me.us/legis/statutes/17-a/title17-asec554.html">http://janus.state.me.us/legis/statutes/17-a/title17-asec554.html</a>
Elementary tobacco education requirement	Establishes requirements of elementary course of study, including instruction in the effects of tobacco use upon the human system.	Title 20-A, section 4711 <a href="http://janus.state.me.us/legis/statutes/20-a/title20-asec4711.html">http://janus.state.me.us/legis/statutes/20-a/title20-asec4711.html</a>
Tobacco Prevention and Control Program	Establishes a program to prevent youth from using tobacco and to assist all people who do use it to quit. Also establishes an advisory council to advise the bureau in carrying out the above duties.	Title 22, section 272 <a href="http://janus.state.me.us/legis/statutes/22/title22sec272.html">http://janus.state.me.us/legis/statutes/22/title22sec272.html</a>
Fund for a Healthy Maine	Establishes a fund for health related purposes, including smoking prevention, cessation and control activities.	Title 22, section 1511 <a href="http://janus.state.me.us/legis/statutes/22/title22sec1511.html">http://janus.state.me.us/legis/statutes/22/title22sec1511.html</a>
Retail tobacco sales	Requires license for tobacco sales, prohibits the sale of tobacco products to minors, prohibit the possession of tobacco products by minors, restricts sales of flavored cigarettes and cigars, and states the fines for violations of these laws.	Title 22, section 1551 et seq. <a href="http://janus.state.me.us/legis/statutes/22/title22ch262-Asec0.html">http://janus.state.me.us/legis/statutes/22/title22ch262-Asec0.html</a>  2009 Resolve, Regarding Legislative Review of Portions of Chapter 10: Exemptions to the Ban on Flavored Cigarettes and Cigars, a Major Substantive Rule of the Office of the Attorney General: <a href="http://www.mainelegislature.org/legis/bills/bills_124th/chapdocs/RESOLVE3.rtf">http://www.mainelegislature.org/legis/bills/bills_124th/chapdocs/RESOLVE3.rtf</a>

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Retail tobacco sales	Rules for retail sales of tobacco, including licensing.	10-144, Chapter 203 <a href="http://www.maine.gov/sos/cec/rules/10/144/144c203.doc">http://www.maine.gov/sos/cec/rules/10/144/144c203.doc</a>
Cigarette Tax and Tobacco Tax	Governs cigarette and tobacco product taxes.	Title 36, sections 4361 et seq. & 4401 et seq. <a href="http://janus.state.me.us/legis/statutes/36/title36ch703sec0.html">http://janus.state.me.us/legis/statutes/36/title36ch703sec0.html</a>  <a href="http://janus.state.me.us/legis/statutes/36/title36ch704sec0.html">http://janus.state.me.us/legis/statutes/36/title36ch704sec0.html</a>
Nicotine water	Prohibits nicotine water from being sold, furnished, given away, or offered to sell, furnish or give away in the State. It also establishes fines for violations of this law.	Title 22, section 1560 <a href="http://janus.state.me.us/legis/statutes/22/title22sec1560.html">http://janus.state.me.us/legis/statutes/22/title22sec1560.html</a>
Tobacco Manufacturers Act	Requires any tobacco product manufacturer selling cigarettes to consumers within the State to either become a participating manufacturer and perform financial obligations under the Master Settlement Agreement, or place certain amounts of money into a qualified escrow fund.	Title 22, sections 1580-G, H, I & L <a href="http://janus.state.me.us/legis/statutes/22/title22ch263sec0.html">http://janus.state.me.us/legis/statutes/22/title22ch263sec0.html</a>
Health plan rates	Allows carriers providing individual and small group health plans to vary the premium rate based on smoking status.	Title 24-A, sections 2736-C(2)(C) & 2808-B(2)(C) <a href="http://janus.state.me.us/legis/statutes/24-a/title24-Asec2736-C.html">http://janus.state.me.us/legis/statutes/24-a/title24-Asec2736-C.html</a> <a href="http://janus.state.me.us/legis/statutes/24-A/title24-Asec2808-B.html">http://janus.state.me.us/legis/statutes/24-A/title24-Asec2808-B.html</a>
Tobacco Trafficking	Establishes tobacco trafficking in an adult correctional facility as a class E crime.	Title 17-A, section 757-A <a href="http://janus.state.me.us/legis/statutes/17-a/title17-Asec757-A.html">http://janus.state.me.us/legis/statutes/17-a/title17-Asec757-A.html</a>
Fire Safe Cigarettes	Requires that all cigarettes sold in the State be certified as meeting reduced ignition propensity standards and creates standards for testing.	Title 22, section 1555-E <a href="http://janus.state.me.us/legis/statutes/22/title22sec1555-E.html">http://janus.state.me.us/legis/statutes/22/title22sec1555-E.html</a>

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Smoking in Vehicles When Minors Present	Protects minors under 16 years of age from secondhand smoke in a motor vehicle.	Title 22, section 1549 <a href="http://www.mainelegislature.org/legis/statutes/22/title22sec1549.html">http://www.mainelegislature.org/legis/statutes/22/title22sec1549.html</a>
Foster Home Licensing Regarding Smoking by Foster Parents	Rule regarding licensing of foster homes and prohibitions on smoking by foster parents.	10-148, Chapter 16, section 9(K) <a href="http://www.maine.gov/sos/cec/rules/10/148/148c016.doc">http://www.maine.gov/sos/cec/rules/10/148/148c016.doc</a>
Responsible Management of Point-of-sale Tobacco Marketing Materials	DHHS, BOH is directed to develop an education and recognition program to encourage tobacco retailers to manage responsibly point-of-sale marketing materials for tobacco products.	2005 Resolve, Chapter 46 <a href="http://janus.state.me.us/legis/ros/lom/LOM122nd/Res7-50/Res7-50-39.htm#P513_71493">http://janus.state.me.us/legis/ros/lom/LOM122nd/Res7-50/Res7-50-39.htm#P513_71493</a>
Regarding Tobacco Cessation and Treatment	Directs DHHS, through the Partnership for a Tobacco-Free Maine, and the Office of MaineCare Services, to undertake a study of best practice treatment and clinical practice guidelines for tobacco cessation treatment.	2007 Resolve, Chapter 34 <a href="http://janus.state.me.us/legis/ros/lom/lom123rd/resolve34.asp">http://janus.state.me.us/legis/ros/lom/lom123rd/resolve34.asp</a>

For more information or suggestions, please contact:

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