

## **[DRAFT] TOBACCO AND NICOTINE FLAVORS ORDINANCE**

### **Definitions**

“City” means the City of Bangor, Maine.

“Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. Electronic smoking device includes any component, part, or accessory of the device, and also includes any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine. Electronic smoking device does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

“Flavored tobacco product” means any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, dessert, alcoholic beverage, herb, or spice.

“Retailer” means an entity that sells tobacco products to consumers in the City.

“Tobacco product” means:

- 1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
- 2) Any electronic smoking device and any substance that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
- 3) Any component, part, or accessory of 1) or 2), whether or not any of these contains tobacco or nicotine, including, but not limited to, filters, rolling papers, blunt or hemp wraps, hookahs, flavor enhancers, or pipes.

“Tobacco product” does not mean:

- (1) Drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act; or
- (2) Any product containing cannabis, as defined by Chapter 165, § 165-13, of this Code, unless these products contain, are made of, or are derived from tobacco or nicotine.

### **Sale of Flavored Tobacco Products Prohibited**

No retailer shall sell or offer for sale any flavored tobacco product, or display, market, or advertise for sale in this City any flavored tobacco product.

### **Enforcement, Violations, and Penalties**

The City Manager or his/her designee(s) shall have the primary responsibility for enforcement of this chapter. If the City Manager or his/her designee(s) determine(s) that a violation of this chapter has occurred, he/she shall issue a written warning giving notice to the retailer that a violation has occurred. Subsequent violations of this chapter shall be subject to the penalties set forth below.

Violations of this chapter shall be punishable by administrative fines, levied against the retailer, as follows:

1. A fine not less than \$50 nor more than \$100 for the first violation in a 24 month period;
2. A fine not less than \$300 nor more than \$1,000 for the second and each subsequent violation in a 24 month period.

#### **Effective Date**

This chapter shall become effective on January 1, 2022.

#### **Severability**

The provisions of this chapter are severable. If any provision of this chapter or its application to any circumstances, is held invalid, such invalidity shall not affect the validity or enforceability of the remaining provisions, or their application to other circumstances. The remaining provisions shall be given effect to the maximum extent possible.

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