

Baseline Capacity Assessment - "Tobacco Use Prevention" PDF Information

Public Health Excellence (PHE) Grant Program Partners, thank you for taking this PHASE 1 (of 3) - Baseline Capacity Assessment. Please see below for more information regarding how the survey PDFs you received can be of assistance when completing the Baseline Capacity Assessment.

Utilizing this PDF

- For convenience, we have broken the survey down by topic area and created section-specific PDFs (*Administration, Disease Control and Prevention, Environmental Health, & Tobacco Use Prevention*).
- This section-specific PDF includes a Table of Contents that lists all topic areas within the PDF. Please note that you may click on the survey questions next to the topic area of interest in order to move directly to those questions within the PDF.
- This PDF is editable, so partners can provide their responses directly in the document or through another method such as print, email, phone call, etc. Please select only one choice for each survey question, unless the question specifies you may select more than one response option.
 - Please note that in order to save your responses when editing the PDF, you must save the file to your computer. Once completed, return this document to the individual who sent you the PDF.
- The survey uses skip logic to advance past follow-up questions that are not relevant to you. The PDF will indicate when skip logic should be utilized to continue through the survey. Instructions in **BLUE** are attached to questions with skip logic.

If you have any questions on how to complete the survey, utilize the PDFs, and/or need support, please reach out to Michelle Surdyk (michelle.k.surdyk@state.ma.us) using the subject line "Survey Help".

Tobacco Use Prevention - PDF Table of Contents

3.0 - Tobacco Use Prevention (Questions 24 - 35)



Tobacco Use Prevention

* 24. Does your Health Department/Board of Health issue annual permits/licenses for the retail sale of tobacco and electronic nicotine delivery systems? (105 CMR 665)

- Yes**
- No** - Lack of funding (not staffing related).
- No** - More staff required.
- No** - I was not aware of this requirement.
- No** - Additional funding needed.
- Not applicable** - We do not have any establishments that sell tobacco products in our municipality.

If "**YES**" - [Continue to Question 25.](#)

If "**NO**" - [Continue to Question 25.](#)

If "**NOT APPLICABLE**" - [Continue to Question 33.](#)

* 25. Does your Health Department/Board of Health/Tobacco Control Program enforce 105 CMR 665 or any approved local regulations for the retail sale of tobacco products and electronic nicotine delivery systems? (105 CMR 665)

- Yes**
- No** - Lack of funding (not staffing related).
- No** - More staff required.
- No** - I was not aware of this requirement.
- No** - Additional training needed.

* 26. Does your Health Department/Board of Health/Tobacco Control Agent conduct inspections and compliance checks of tobacco retailers, utilizing department staff or appointed Tobacco Agents/Consultants? (105 CMR 665)

- Yes**
- No** - Lack of funding (not staffing related).
- No** - More staff required.
- No** - I was not aware of this requirement.
- No** - Additional training needed.

* 27. Is your municipality part of a regional effort for tobacco control? (105 CMR 665)

- Yes**
- No**

* 28. In the last five years, has your Health Department/Board of Health/Tobacco Control Agent had to enforce, including providing fines (as outlined 105 CMR 665 or local regulations) and hold hearings for the suspension or revocation of permits/licenses to sell tobacco products and electronic nicotine delivery devices? (105 CMR 665)

- Yes**
- No** - Lack of funding (not staffing related).
- No** - More staff required.
- No** - I was not aware of this requirement.
- No** - Additional training needed.
- Not applicable** - We have not had this issue in the last five years.

* 29. Does your Health Department/Board of Health/Tobacco Control Coalition enforce M.G.L. c. 270, s. 27 (*ensuring liquid or gel substances containing nicotine have child-resistant packaging*) by issuing civil penalties for violations through non-criminal disposition? (M.G.L. c. 270, s. 27)

- | | |
|---|---|
| <input type="radio"/> Yes | <input type="radio"/> No - Lack of funding (not staffing related). |
| <input type="radio"/> No - More staff required. | <input type="radio"/> No - I was not aware of this requirement. |
| <input type="radio"/> No - Additional training needed. | <input type="radio"/> Not applicable - We do not use non-criminal disposition for this purpose and use the fee schedule in the M.G.L. or local regulation. |

* 30. Does your Health Department/Board of Health enforce the prohibition of selling tobacco rolling papers to anyone under the age of 21 by fine or suspension? (M.G.L. 270, Section 6A)

- | | |
|---|---|
| <input type="radio"/> Yes | <input type="radio"/> No - Lack of funding (not staffing related). |
| <input type="radio"/> No - More staff required. | <input type="radio"/> No - I was not aware of this requirement. |
| <input type="radio"/> No - Additional training needed. | |

* 31. Does your Health Department/Board of Health enforce the 2019 An Act Modernizing Tobacco Control and the 2020 updates on An Act Modernizing Tobacco Control for the sale of electronic nicotine delivery devices? (Chapter 133 of the Acts of 2019)

- | | |
|---|---|
| <input type="radio"/> Yes | <input type="radio"/> No - Lack of funding (not staffing related). |
| <input type="radio"/> No - More staff required. | <input type="radio"/> No - I was not aware of this requirement. |
| <input type="radio"/> No - Additional training needed. | |

If "**YES**" - [Continue to Question 32.](#)
If "**NO**" - [Continue to Question 33.](#)

* 32. In the last five years, has your Health Department/Board of Health taken any enforcement actions (*fined, held an enforcement hearing, suspended licenses, etc.*) related to flavored tobacco prohibition or e-cigarette restrictions? (Chapter 133 of the Acts of 2019)

- | | |
|---|---|
| <input type="radio"/> Yes | <input type="radio"/> No - Lack of funding (not staffing related). |
| <input type="radio"/> No - More staff required. | <input type="radio"/> No - I was not aware of this requirement. |
| <input type="radio"/> No - Additional training needed. | <input type="radio"/> Not applicable - We have not had a violation related to flavored tobacco prohibition or e-cigarette restrictions in the last five years. |

* 33. Does your Health Department/Board of Health/Tobacco Control Coalition provide an annual report to the Department of Public Health (DPH) Commissioner that includes:

- (1) the number of citations issued regarding M.G.L. c. 270, s. 22
- (2) the workplaces that have been issued citations and the number of citations issued to each workplace
- (3) the amount that each workplace has been fined
- (4) the total amount collected in fines

(M.G.L. c. 270, s. 22)

- | | |
|---|--|
| <input type="radio"/> Yes | <input type="radio"/> No - Lack of funding (not staffing related). |
| <input type="radio"/> No - More staff required. | <input type="radio"/> No - I was not aware of this requirement. |
| <input type="radio"/> No - Additional training needed. | <input type="radio"/> Not applicable - We have not had any citations to report. |

* 34. Does your Health Department/Board of Health enforce the restrictions on workplace smoking and outdoor smoking following a complaint? (105 CMR 661)

- | | |
|---|--|
| <input type="radio"/> Yes | <input type="radio"/> No - Lack of funding (not staffing related). |
| <input type="radio"/> No - More staff required. | <input type="radio"/> No - I was not aware of this requirement. |
| <input type="radio"/> No - Additional training needed. | <input type="radio"/> Not applicable - We have not received such a complaint. |

* 35. In the last five years, has your Health Department/Board of Health taken any enforcement action pursuant to 105 CMR 661.400(B) (*issuing a fine or revoking or suspending the license on a building, vehicle, or vessel*)? (105 CMR 661)

- | | |
|---|--|
| <input type="radio"/> Yes | <input type="radio"/> No - Lack of funding (not staffing related). |
| <input type="radio"/> No - More staff required. | <input type="radio"/> No - I was not aware of this requirement. |
| <input type="radio"/> No - Additional training needed. | <input type="radio"/> Not applicable - We have not needed to take any enforcement action pursuant to 105 CMR 661.400(B) in the last five years. |

If "**YES**" - [End of Tobacco Use Prevention section.](#)

If "**NO**" - [End of Tobacco Use Prevention Section.](#)

If "**NOT APPLICABLE**" - [End of Tobacco Use Prevention Section.](#)