

2023 Sales Regulation

SAMPLE REGULATION RESTRICTING THE SALE OF TOBACCO AND VAPE PRODUCTS

THIS MODEL REGULATION INCORPORATES THE FOLLOWING:

1. The minimum standards required pursuant to the United States Food and Drug Administration relative to the sale and distribution of cigarettes; and
2. The minimum standards required pursuant to Massachusetts state law and regulation. This includes G.L. c. 270 regarding sales to those under 21, tobacco and vaping product sales including flavored products, required signage, matching definitions and other relevant state statutes and regulations.

CHECKLIST FOR POLICY DECISIONS (circle decisions):

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|---|-------|-----|
| 1. No permit renewal if outstanding fines exist (§E.6) | YES | NO |
| 2. No permit renewal if three sales to persons under 21 (§E.7) | YES | NO |
| 3. Cap and/or reduce number of permits (§E.8)
Simple Cap (___) Reducing Cap (___) Dual Cap (___) | YES | NO |
| 4. No new permits within 500 feet of a school (§E.11.a) | YES | NO |
| 5. No new permits within (----) feet of an existing permittee (§E.11.b)
500 (___) 1,000 (___) 2,000 (___) | YES | NO |
| 6. Ban Smoking Bars (§F) | YES | NO |
| 7. Include minimum cigar package size/price (§G) | YES | NO |
| 8. Ban blunt wraps (§J) | YES | NO |
| 9. Ban free distribution of tobacco products (§K.1) | YES | NO |
| 10. Ban redemption of coupons (§K.2) | YES | NO |
| 11. Ban Self-Service Displays (§M)
Exception for Adult-Only Retail Tobacco Stores (___) | YES | NO |
| 12. Ban tobacco product sales in educational institutions (§Q) | YES | NO |
| 13. Fining Structure System (§S)
Separate State and Local (___) Unified Fining Structure (___) | YES | NO |
| 14. Tolling periods for local violations (§S)
State level at 36 months (___) Over 36 months (___) | YES | NO |
| 15. Suspension Periods (§S) | YES | NO |
| 16. Choose Suspension Periods (§S)
First Violation: 1 to 7 days (mandatory for first underage sale) (___)
Second Violation: up to 7 days (___)
Third or More Violations: up to 30 days (___) | | |
| 17. "Shall" vs. "May" language for suspensions (§S) | SHALL | MAY |

YELLOW highlighted sections are language copied from the latest state law and DPH regulations.

GREEN highlighted sections are uniquely local policy decisions (most are on the above checklist) to be made by the Board of Health.

NO COLOR indicates that language has been previously adopted by Boards of Health.
