

[City/Town of _____]
Board of Health
CORRECTION/CEASE AND DESIST ORDER

This CORRECTION/CEASE AND DESIST ORDER is issued to:

Name of Establishment -

Address -

Date -

Please be advised that on **[date and approximate time]** a **[compliance check and/or inspection]** was conducted on behalf of the **[city/town]** **[health department/tobacco control program]**.

[Name of establishment] violated the state law entitled "An Act to Modernize Tobacco Control" and 105 CMR 665.000 by [check all that apply]:

- Selling a tobacco product to a person under the Minimum Legal Sales Age;
- Selling a flavored tobacco product or tobacco product flavored enhancer product;
- Offering for sale a flavored tobacco product or tobacco product flavor enhancer;
- Failure of a non-age restricted retail establishment to maintain a record of the documentation submitted by the manufacturer or manufacturer's agent certifying that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- Failure to maintain a record of the documentation submitted by the manufacturer or a manufacturer's agent certifying that such tobacco product does not meet the definition of a flavored tobacco product or tobacco product flavor enhancer and that the product lacks any characterizing flavor.
- Other, see the below additional violations, with any necessary additional pages attached:

Additional violations/comments:

You are hereby ordered to cease and desist from violating An Act to Modernize Tobacco Control and 105 CMR 665.000.

This is your FINAL WARNING for violations of 105 CMR 665.000. Subsequent violations will result in the following fines and actions apply against **[name of establishment]** for violations of 105 CMR 665.000:

- First violation: a fine of One Thousand (\$1,000.00) Dollars; additionally, if the violation is the sale of a tobacco product to a person under the age of 21, the Tobacco Product Sales Permit shall be suspended for [_____ **business days per vote of the _____ Board of Health**] or [up to **30 consecutive business days**] pursuant to 105 CMR 040(d). **[BOH decision]**;
- Second violation within a 36-month period from the first violation: a fine of Two Thousand (\$2,000.00) Dollars and a possible permit suspension for at least one (1) day and up to seven (7) consecutive days as required by state law or for a longer term as promulgated in a local regulation;
- Third violation within a 36-month period from the first violation or additional violations during that time-period: a fine of Five Thousand (\$5,000.00) Dollars and a possible permit suspension of at least seven (7) consecutive business days not less than thirty (30) days as required by state law or for a longer term as promulgated in a local regulation.

Consistent with 105 CMR 665.000, if this is a second, third or subsequent violation within a 36-month period as indicated above, a Hearing Notice with the date and time of the hearing will be served forthwith on **[name of establishment]** regarding the above-described violation[s] at which time the Board of Health shall hear facts relative to this matter and determine whether to suspend or revoke **[name of establishment's]** tobacco sales permit.

Failure to comply with this order may result in additional penalties as permitted by law.

Signed by:

Name:

Date:

As agent of the **[city/town] [health department/board of health]**