

Youth Access to Tobacco Regulations
Town of Hanson
Board of Health

**Rules and Regulations Relative to the Sale, Vending and Distribution of Tobacco
Within the Town of Hanson**

The Board of Health of the Town of Hanson, Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws and such other authority as it possesses has enacted the following Regulations Affecting the Sale, Vending and Distribution of Tobacco within Hanson in interest of and for the preservation of the public health effective September 1, 1998, pursuant to a vote of the Board.

SECTION 1 DECLARATION OF POLICY AND PURPOSE

WHEREAS the United States Centers for Disease Control and Prevention has found that tobacco usage is the chief preventable cause of death in this country;

WHEREAS the Surgeon General and the Food and Drug Administration have both concluded that nicotine is addictive in the same sense as are drugs such as heroin and cocaine, and the Food and Drug Administration has stated that tobacco products are nicotine delivery devices;

WHEREAS most cases of nicotine addiction begin during childhood and adolescence;

WHEREAS this Board of Health seeks to protect the public health by restricting the sale, vending, and distribution of tobacco products in the Town of Hanson to those persons under the age of eighteen.

The Hanson Board of Health, acting under the authority granted to it by Massachusetts General Laws Chapter 111, Section 31, enacts the following regulations to protect the health of the public, including limiting the access of children to tobacco products.

SECTION 2 DEFINITIONS

- A. Employee: Any individual who performs services for an employer in return for wage, salary or profit, or as a volunteer.
- B. Establishment: Any person, firm, corporation or agency within the Town of Hanson.
- C. Minor: Person under eighteen (18) years of age.
- D. Self-Service Display: A display of tobacco products from which packages or cartons of tobacco products may be selected by a customer without assistance from an employee or establishment personnel.
- E. Tobacco Product: Cigarettes, chewing tobacco, snuff, pipe tobacco or tobacco in any of its forms.

- F. Tobacco Product Vending Machines: Any automated self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

SECTION 3 Sale and Distribution of Tobacco Products

A. SALES AND LOCATION PERMITS

1. No person, firm, corporation, establishment or agency shall sell or cause to be sold or distribute or cause to be distributed tobacco products within the Town of Hanson without a Tobacco Product Sales and Location Permit issued by the Board of Health.
2. An application for a tobacco permit shall be filed annually by September 1, on a form provided by the Hanson Board of Health. It is the responsibility of each person, firm, corporation, establishment or agency to apply for or to renew the permit.
3. The fee for a Tobacco Sales and Location Permit shall be determined by the Board of Health.
4. Tobacco Sales and Location Permits must be posted conspicuously to the public.
5. Each Tobacco Sales and Location Permit retail location shall require a separate Tobacco Sales and Location Permit.

B. EMPLOYEE STATEMENT

No person, firm, corporation, establishment or agency selling or distributing tobacco in any of its forms, shall allow anyone to sell or distribute tobacco in any of its forms, until such employee has read the Board of Health regulations, as well as the applicable Massachusetts General Law and federal laws pertaining to the distribution of tobacco products and has signed an employee statement supplied by the Board of Health. The employment must be kept on file by the permit holder for review by the Board at any reasonable time. Signing the statement shall evidence that the employee has read and understands all laws pertaining to tobacco products.

SECTION 4 PROHIBITED ACTS

- A. No person, firm, corporation, establishment or agency shall distribute or cause to be distributed any free sample of any tobacco product.
- B. No person, firm, corporation, establishment or agency may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty-(20) cigarettes.
- C. It is prohibited for any person, firm, corporation, establishment or agency to sell a cigarette, chewing tobacco, snuff or any tobacco in any of its forms to any person under the age of eighteen (18), or not being his parent or guardian, to give a cigarette, chewing tobacco, snuff, pipe tobacco or tobacco in any of its forms to any person under the age of eighteen (18).

- D. It is prohibited for any person, firm, corporation, establishment or agency to sell or distribute any tobacco product without verifying the age of the purchaser. Each person, firm, corporation, establishment or agency shall verify by means of photographic identification containing the bearer's date of birth that no person purchasing or receiving the tobacco product is younger than eighteen (18) years of age. No such verification is required for any purchaser twenty-seven (27) years or older.
- E. A person, firm, corporation, establishment or agency may only sell or distribute tobacco products in a direct, face-to-face exchange between retailer and the consumer. Examples of methods of sale which are not permitted include, but are not limited to vending machines and self-service displays.
- F. No person shall smoke, nor shall any permit holder or other establishment allow smoking in any retail food store or public restroom in the Town of Hanson, in accordance with Massachusetts General Laws, Chapter 270, Section 22.

SECTION 5 POSTING

- A. All persons, firms, corporations, establishments or agencies holding a Tobacco Permit shall conspicuously post cash register signage as follows:
 - 1. In conformance with Massachusetts General Laws, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6 shall be posted conspicuously in a location which is clearly visible to anyone purchasing tobacco products.
 - 2. The Hanson Board of Health and/or the Massachusetts Department of Public Health will provide all signage required by this regulation.
 - 3. One sign shall be posted at the cash register which receives the greatest volume of cigarette or tobacco sales so that it may be readily seen by a person standing at or approaching the cash register.
 - 4. Such notice shall directly face the purchaser and shall not be obstructed from view nor placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
 - 5. The second sign shall be posted on the wall or other suitable location so that it may be readily seen by a person standing at or approaching the cash register.

SECTION 6 VIOLATIONS AND PENALTIES

- A. Violations of this regulation may be enforced as provided in Massachusetts General Law, and/or the use of Massachusetts General Laws, Chapter 40, Section 21D (Non-criminal Disposition).
- B. Any offense which may result in the Hanson Board of Health considering revocation, suspension or non-renewal of the permit to sell tobacco products will allow for a hearing and opportunity to be heard. A public hearing conducted by the Board of

Health will be held to determine the length of the suspension or revocation, as well as how long a violator must wait to re-apply for a renewal in the case of non-renewal.

- C. All penalties, as listed below, shall be applied to the holder of the tobacco permit, where such permit exists, or to the person, firm, corporation, establishment or agency violating any regulation, where a retail permit does not exist.
- D. Except where otherwise provided by law, prosecution for offenses under this regulation is authorized to be made by a constable, a police officer, the Board of Health or any of its agents.
- E. Persons, firms corporations or agencies selling or distributing tobacco products without a Tobacco Permit (Section 3A.1) will be subject to fines of \$200.00 per day.
- F. The penalties for selling or giving a tobacco product to a minor (Section 4C) are as follows:

First Offense within a (3) three-year period	\$100.00 (one hundred dollars)
Second Offense within a (3) three-year period	\$200.00 (two hundred dollars)
Third Offense within a (3) three-year period	\$300.00 (three hundred dollars) and Suspension, revocation or non- renewal of permit and removal of all tobacco products from the establishment.
Subsequent Offense(s) within a (3) three-year period	Suspension, revocation or non- renewal or permit and removal of all tobacco products from the establishment.

- G. The penalties for sections other than 3 A.1 and 4C are as follows:

- \$50.00 (fifty dollars) per violation.
- Each day of violation shall constitute a separate offense.
- Three or more violations of any section of this regulation, which may include violations of 3A.1 and 4C, within a (3) three-year period, may result in suspension, revocation or non-renewal of Tobacco Permit and removal of all tobacco products.

SECTION 7 SEVERABILITY

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

Date of Effect: 6/30/98

Date of Publication:

Signed:

Gilbert B. Amado

Edward E. Grubbs

John Dias

Town of Hanson Board of Health
TOBACCO CONTROL INSPECTION REPORT

Date: _____ Business Name: _____

Address: _____

Owner: _____ Manager: _____

Types of Tobacco Products for Sale:

☐ Cigarettes ☐ Cigars ☐ Spit Tobacco ☐ Pouch Tobacco ☐ Other: _____

Inspector: _____

☐ Valid Tobacco Sales & Location Permit

☐ Posted Sign (wall)

☐ Signed Affidavit (current employees)

☐ Posted Stickers (cash registers)

VIOLATIONS:

☐ Self-Serve Display

☐ Smoking in Retail Store MGL Ch. 270, Sec. 21

☐ Cigarette Vending Machine

☐ Broken Packs/Sale of Single Cigarettes

☐ Other: _____

Notation: _____

Inspector: _____ Received By: _____