



**TOWN OF RAYNHAM
Selectmen and Board of Health**

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REGULATIONS AFFECTING THE SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

The Board of Health, in the Town of Raynham, Massachusetts, in accordance with and under the authority of section 31, Chapter 111 of the General Laws of the Commonwealth of Massachusetts, hereby adopts the following Regulations Affecting the Sale and Distribution of Tobacco Products.

RATIONALE: Massachusetts, as with most States, has had laws prohibiting the sale of tobacco products to minors since 1886 yet statistics show that teenagers are still using tobacco products and minors are able to purchase tobacco products each year. Because nicotine is an addicting drug, a minor who starts using tobacco products is likely to be a lifelong customer.

DEFINITION: Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

SALE OF TOBACCO PRODUCTS:

1. Thirty days (30) following publication of this regulation, no person, firm, corporation, establishment or agency shall sell tobacco products within the Town of Raynham without a valid Tobacco Sales Permit issued by the Board of Health.
2. Tobacco sales permits are non-transferable.
3. Permits must be posted in a manner conspicuous to the public.
4. Tobacco Sales Permits shall be renewed annually through the Board of Health provided the licensee complies with the provisions of these regulations.

5. The fee for the Tobacco Sales Permit shall be for each calendar year for each retail location. Refer to the Raynham Board of Health fee schedule.
6. Any sale or commercial distribution of any tobacco product by the Permit holder or an agent of the Permit holder which occurs on the premises of the Permit holder to any individual under the age of twenty-one (21) years of age shall constitute a violation of this Regulation. The penalty for any violation of this Regulation is a one hundred dollar (\$100.00) fine for the first violation, which fine will be waived if the Permit holder requests and receives merchant education at the premises for employees of the Permit holder to any individual under the age of twenty-one (21) years of age shall constitute a violations of this Regulation. The penalty for any violation of this Regulation is one hundred dollar (\$100.00) fine for the first violation, which fine will be waived if the Permit holder requests and receives merchant education at the premises for employees of the Permit holder within thirty days of receipt of notice of the violation, a two hundred dollar (\$200.00) fine for the second violation half of which fine will be waived if the Permit holder requests and receives merchant education at the premises for employees of the Permit holder within thirty days of receipt of notice of the violation and a three hundred dollar (\$300.00) fine for the third and any subsequent violation. If it comes to the attention of the Board that three or more violations of this Regulation have occurred on the premises of a Permit holder within a twenty-four month period, the Board will hold a hearing to determine whether to suspend or revoke the Tobacco Sales Permit. The Board shall provide advance written notice to the Permit holder. Such notice shall include a description of the allegations which will be the subject of the hearing and advise the Permit holder to attend.
7. In conformance with MGL C. 270, Section 7, a copy of MGL C. 270, Section 6 in sign form shall be posted conspicuously by the Permit holder in the shop or other place used to sell cigarettes at retail.
8. The signs required shall be those obtainable from the Massachusetts Department of Public Health stating that the sale of cigarettes (or any tobacco product) to a person under the age of twenty-one (21) is illegal.
9. No clerk or representative shall sell or distribute tobacco products to a person under twenty-one (21) years of age who has a note from an adult requesting such sale.
10. It is unlawful to sell cigarettes out of the manufacturer's package. Sale or distribution of tobacco products in any form other than in original factory-wrapped package shall constitute a violation of this Regulation.
11. No person or entity shall knowingly distribute or furnish without charge or at less than prevailing retail price cigarettes or other tobacco products or coupons for cigarettes or other tobacco products in any public place or at any event open to the public, except in retail tobacco stores and then only to individuals over twenty-one (21) years of age.
12. Free standing or other self-service displays from which cigarettes, tobacco products may be selected by the customer are prohibited.

13. No person or entity selling tobacco products within the Town of Raynham shall allow anyone to sell cigarettes or other tobacco products until such employee reads the Board of Health regulations and State laws regarding the sale of tobacco, and signs a statement to that effect. Statements of employees of the Permit holder shall be retained and safeguarded by the Permit holder until requested by the Board.

Approved by unanimous vote of
the Board of Health on
July 10, 2001

Revised on March 17, 2015

Revised on January 10, 2017 (to be implemented April 1, 2017)