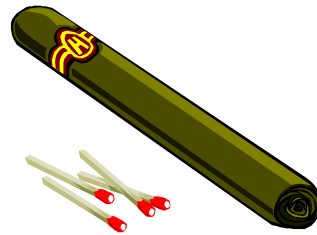
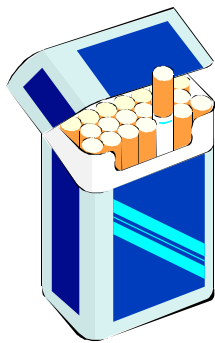


RULES AND REGULATIONS AFFECTING SALES OF
TOBACCO PRODUCTS
TO MINORS IN THE TOWN OF

West Boylston



BOARD OF HEALTH - WEST BOYLSTON
MASSACHUSETTS

PUBLICATION DATE: AUGUST 28 1996
EFFECTIVE DATE: SEPTEMBER 16 1996

SECTION I—PURPOSE AND AUTHORITY

The West Boylston Board of Health recognizes cigarette Smoking and other tobacco use by minors to be a continuing problem with grave public health consequences. Accordingly the purpose of this regulation is to implement a strict and enforceable system to prevent the illegal sales of cigarettes and other tobacco products to minors. Therefore, these regulations are adopted pursuant to Massachusetts General Laws Chapter 111, Section 31, as reasonable health regulations designed to protect and improve the health of children in the Town of West Boylston.

SECTION II—DEFINITIONS

As used in this regulation:

Carton means any packaging that includes two or more packages of tobacco products or any single package of tobacco product combined with another product.

Employee means any individual who performs services for an employer in return for wages or profit, or who performs service as a volunteer.

Employer means any individual, partnership, association, corporation, trust, or other organized group of individuals, including the Town of West Boylston or any agency thereof, which regularly uses the services of two (2) or more employees.

Self-Serve Display means any device used to dispense any type of tobacco product to the consumer in a self-service manner.

Minor means a person less than eighteen (18) years of age.

Smoking means the lighting of any cigar, cigarette, pipe or other tobacco product or having possession of any lighted cigar, cigarette, pipe, or other tobacco product.

Tobacco Product means cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or tobacco in any of its forms.

Vending Machine means any machine that dispenses tobacco products by means of coins, bills, slugs, trade slips, or swipe cards.

SECTION III—TOBACCO SALES TO MINORS PROHIBITED

A. Sales to Minors

In conformance with Massachusetts General Laws Chapter 270, Section 6, the sale of cigarettes, chewing tobacco, snuff, or any tobacco in any of its forms to any person under the age of eighteen (18) shall be prohibited in the Town of West Boylston. Similarly, it shall be prohibited in the Town of West Boylston that anyone not being his parent or guardian, gives a cigarette, chewing tobacco, snuff, or tobacco in any of its forms to any person under the age of eighteen (18).

B. Posting State Law

In conformance with Massachusetts General Laws, Chapter 270, Section 7, a copy of Massachusetts General Laws Chapter 270, Section 6 shall be posted conspicuously by the owner, or other person in charge, thereof in the shop or other place used to sell tobacco products at retail. The notice to be posted shall be that notice provided by the Massachusetts Department of Public Health. Such notice shall be at least forty eight (48) square inches and shall be posted at the cash register, which receives the greatest volume of single cigarette package sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet nor greater than six (6) feet from the floor. All cash registers that sell tobacco products shall post a notice no smaller than nine (9) square inches, which is the size of the sign provided by the Massachusetts Department of Public Health. Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of no less than four (4) feet nor more than six (6) feet from the floor. Whoever violates this provision shall be punished by a fine of fifty dollars (\$50.00). Any person unlawfully removing a copy so posted while said premises are used for the sale of tobacco products shall be punished by a fine often dollars (\$10.00).

C. Sales Permit Required

No person or entity shall sell tobacco products at retail within the Town of West Boylston without a tobacco sales permit issued by the Board of Health.

- The fee for this permit is \$10 for the remainder of 1996. Effective January 2 1997 the fee for this permit shall be \$20, renewable annually on or before January 2.
- The tobacco sales permit shall not be issued until the applicant reads the Board of Health regulations and Mass. General Law C. 270 S.6 & 7 regarding the sale of tobacco. The applicant shall then sign a statement on the application stating that s/he understands the regulations. It shall be the responsibility of the permittee to instruct all employees on the sale of tobacco products to minors.
- The tobacco sales permit must be displayed no higher than six (6) feet nor lower than four (4) feet, in clear and unobstructed view, behind the cash register receiving the highest volume of tobacco product sales.

D. Suspension of Permit

A permit shall be suspended after notice and opportunity to be heard as follows:

- In the case of the **first violation** of Section 3-A, the permittee shall be fined one hundred dollars (\$100) and shall be notified in writing of penalties levied for further violations.
- In the case of the **second violation** of Section 3-A within a twelve (12) month period, the permittee shall be fined two hundred dollars (\$200), and the permit shall be suspended for seven (7) consecutive days.
- In the case of **three or more violations** of Section 3-A within a twelve (12) month period, the permittee shall be fined three hundred (\$300) and the permit shall be suspended for fourteen (14) consecutive days.

The Board of Health shall provide written notice to the licensee of the intent to suspend a tobacco sales permit. The notice shall contain the reasons for the suspension and establish a date and time for a hearing. The date of the hearing shall be no earlier than seven (7) days after the date of said notice. The licensee shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and reasons in writing.

All tobacco products shall be removed from the premises upon suspension of the tobacco sales permit. Failure to remove shall constitute a separate violation of this section and shall be punishable by a fine of one hundred (\$100) per business day.

E. Identification Required

No person or entity shall sell or permit cigarettes or other tobacco products to be sold to an individual without requesting and examining photographic identification establishing the purchaser's age as eighteen (18) years or greater.

F. Self-Serve Displays

Self-serve displays of tobacco products, from which individual packages or cartons may be selected by the customer, are to be located in an unobstructed view within 5 feet of the person designated to supervise the purchase of tobacco products.

G. Individual Cigarette Sales

The sale of individual cigarettes is prohibited in the Town of West Boylston. Sale or distribution of tobacco products in any form other than an original factory-wrapped package is prohibited.

H. Free Distribution / Sampling

The free distribution or sampling of tobacco products is prohibited in the Town of West Boylston.

I. Vending Machines

Effective September 16 1996 cigarette vending machines or any other device for the sale or distribution of tobacco products are prohibited in the Town of West Boylston.

J. Inspections / Enforcement

The Board of Health shall enforce this regulation through periodic inspections conducted by the Board of Health or its enforcement officer(s) or designee(s). Inspections may be conducted each quarter or more frequently at the discretion of the Board of Health and in cooperation with the West Boylston Police Department.

K. Penalties

Violations of Sections C, E, F, G, H, and I, of these regulations shall be punished by a fine of one hundred (\$100) dollars per business day for each violation.

M. Severability

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

N. Effective Date

These regulations shall be effective as of September 16 1996. Board of Health
West Boylston, Massachusetts
Publication date: August 28 1996

MEMBERS:

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