



OFFICE OF  
**BOARD OF HEALTH**  
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**TO RETAILERS:**

On November 27, 2019, Governor Charlie Baker signed into law An Act Modernizing Tobacco Control. This law amends several existing state laws addressing both tobacco products (cigarettes, cigars, chew/spit tobacco, pipe tobacco) and electronic vaping products. This letter focuses on the new fining and enforcement sections of the law only.

Historically, MGL Ch. 270, §6 has prohibited the sale of tobacco products to persons under the minimum legal sales age. The new law has been expanded to prohibit the sale of ALL flavored tobacco products, including menthol products, except for on-site consumption only in "Smoking Bars" (cigar bars, hookah bars, vape bars).

Included in this law is a rewrite regarding fines. For decades, the fining scheme in the state law has been "not less than \$100" for a first offense, "not less than \$200" for a second offense and "not less than \$300" for a third or subsequent offense. Our local health regulations have also included permit suspensions for second, third and subsequent offenses. The new mandated fining scheme is \$1,000 for a first offense, \$2,000 for a second offense and \$5,000 for a third or subsequent offense within a 36-month period. These new fines apply to violations regarding sales to persons under the minimum legal sales age and sales of flavored tobacco product sales only.

It is routine for the Massachusetts Department of Public Health to enact regulations to facilitate enforcement of new laws. The state's Public Health Council has enacted an emergency regulation. This regulation does not, and will not, alter the state law's fining scheme.

The newly-amended Massachusetts General Law Chapter 270, Section 6, subsection (d) reads as follows:

"A person who violates this section shall be punished by a fine of \$1,000 for the first offense, \$2,000 for a second offense and \$5,000 for a third or subsequent offense."

State law now requires that if you fail any future compliance check, you will be fined at the higher dollar amounts. This new law does not clear your record.

If you have any questions, please call the Pembroke Health Department at 781-293-2718.

Thank you.