HOUSE DOCKET, NO. 2030 FILED ON: 1/15/2015

HOUSE . . . . . No. 1951

The Commonwealth of Massachusetts

PRESENTED BY:

Paul K. Frost and Kimberly N. Ferguson

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to local Boards of Health and the sale of legal tobacco products in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul K. Frost	*7th Worcester*
Kimberly N. Ferguson	*1st Worcester*
Jonathan D. Zlotnik	*2nd Worcester*

HOUSE DOCKET, NO. 2030 FILED ON: 1/15/2015

HOUSE . . . . . No. 1951

By Representatives Frost of Auburn and Ferguson of Holden, a petition (accompanied by bill, House, No. 1951) of Paul K. Frost, Kimberly N. Ferguson and Jonathan D. Zlotnik for legislation to prohibit local boards of health from banning the sale of tobacco products sold legally in the Commonwealth. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relative to local Boards of Health and the sale of legal tobacco products in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Notwithstanding any general or special law to the contrary, Boards of Health in cities and towns shall not have the power to ban the community-wide sale of legal tobacco products by authorized stores, establishments and any other entities legally allowed to sell tobacco in the Commonwealth and within the existing by-laws of the community, wholesale or retail, without receiving the approval of town meeting or city council to create such a by-law within the city or town. This provision shall not interfere with a Board of Health's ability to take action for an emergency and immediate health concern for a certain brand of the tobacco product or from a specific location if a health code violation has otherwise occurred or some other emergency health issue should arise so long as such action is not to ban the legal sale for the sake of doing so.