

**HOUSE . . . . . No.****The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul McMurtry***

*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 further regulating the sale of tobacco products.**

PETITION OF:

| NAME:                        | DISTRICT/ADDRESS:     | DATE ADDED:      |
|------------------------------|-----------------------|------------------|
| <i>Paul McMurtry</i>         | <i>11th Norfolk</i>   | <i>2/24/2014</i> |
| <i>Brian M. Ashe</i>         | <i>2nd Hampden</i>    | <i>2/25/2014</i> |
| <i>Cory Atkins</i>           | <i>14th Middlesex</i> | <i>2/26/2014</i> |
| <i>Ruth B. Balser</i>        | <i>12th Middlesex</i> | <i>3/3/2014</i>  |
| <i>Paul Brodeur</i>          | <i>32nd Middlesex</i> | <i>3/3/2014</i>  |
| <i>Gailanne M. Cariddi</i>   | <i>1st Berkshire</i>  | <i>2/25/2014</i> |
| <i>Claire D. Cronin</i>      | <i>11th Plymouth</i>  | <i>2/25/2014</i> |
| <i>Marjorie C. Decker</i>    | <i>25th Middlesex</i> | <i>2/27/2014</i> |
| <i>Paul J. Donato</i>        | <i>35th Middlesex</i> | <i>3/3/2014</i>  |
| <i>Christopher G. Fallon</i> | <i>33rd Middlesex</i> | <i>2/25/2014</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i>  | <i>2/28/2014</i> |
| <i>Carole Fiola</i>          | <i>6th Bristol</i>    | <i>3/3/2014</i>  |
| <i>Sean Garballey</i>        | <i>23rd Middlesex</i> | <i>2/26/2014</i> |
| <i>Denise C. Garlick</i>     | <i>13th Norfolk</i>   | <i>2/27/2014</i> |
| <i>Patricia A. Haddad</i>    | <i>5th Bristol</i>    | <i>3/3/2014</i>  |
| <i>Jonathan Hecht</i>        | <i>29th Middlesex</i> | <i>2/25/2014</i> |
| <i>Louis L. Kafka</i>        | <i>8th Norfolk</i>    | <i>3/3/2014</i>  |
| <i>Kay Khan</i>              | <i>11th Middlesex</i> | <i>3/3/2014</i>  |

|                                  |                        |                  |
|----------------------------------|------------------------|------------------|
| <i>John J. Lawn, Jr.</i>         | <i>10th Middlesex</i>  | <i>3/3/2014</i>  |
| <i>Jason M. Lewis</i>            | <i>Fifth Middlesex</i> | <i>2/25/2014</i> |
| <i>David Paul Linsky</i>         | <i>5th Middlesex</i>   | <i>3/3/2014</i>  |
| <i>Jay Livingstone</i>           | <i>8th Suffolk</i>     | <i>3/3/2014</i>  |
| <i>Elizabeth A. Malia</i>        | <i>11th Suffolk</i>    | <i>2/27/2014</i> |
| <i>Wayne Matewsky</i>            | <i>28th Middlesex</i>  | <i>3/3/2014</i>  |
| <i>James R. Miceli</i>           | <i>19th Middlesex</i>  | <i>3/3/2014</i>  |
| <i>William Smitty Pignatelli</i> | <i>4th Berkshire</i>   | <i>3/3/2014</i>  |
| <i>Denise Provost</i>            | <i>27th Middlesex</i>  |                  |
| <i>Angelo J. Puppolo, Jr.</i>    | <i>12th Hampden</i>    | <i>3/3/2014</i>  |
| <i>David M. Rogers</i>           | <i>24th Middlesex</i>  | <i>2/27/2014</i> |
| <i>Jeffrey N. Roy</i>            | <i>10th Norfolk</i>    | <i>3/3/2014</i>  |
| <i>Frank I. Smizik</i>           | <i>15th Norfolk</i>    | <i>3/3/2014</i>  |
| <i>Thomas M. Stanley</i>         | <i>9th Middlesex</i>   | <i>3/4/2014</i>  |
| <i>Ellen Story</i>               | <i>3rd Hampshire</i>   | <i>2/26/2014</i> |
| <i>Timothy J. Toomey, Jr.</i>    | <i>26th Middlesex</i>  | <i>3/3/2014</i>  |

# HOUSE . . . . . No.

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By Mr. McMurtry of Dedham, a petition (subject to Joint Rule 12) of Paul McMurtry and others for legislation to raise the minimum tobacco sales age to 21. Public Health.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Fourteen  
\_\_\_\_\_

An Act further regulating the sale of tobacco products.

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

1           SECTION 1. Chapter 94 of the General Laws is hereby amended by striking out section  
2   307C and inserting in place thereof the following section:-

3           Section 307C. The department of public health may, in consultation with the attorney  
4   general and the department of revenue, establish regulations for persons engaged in the sale or  
5   shipment of a tobacco product, as defined in section 6 of chapter 270, to prevent the sale or  
6   delivery of a tobacco product to persons under 21 years of age in the commonwealth.

7           SECTION 2. Chapter 270 of the General Laws is hereby amended by striking out section  
8   6 and inserting in place thereof the following section:-

9           Section 6. (a) As used in this section, the term, “tobacco product” shall mean any  
10   product containing, made, or derived from tobacco or nicotine that is intended for human  
11   consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or  
12   ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars,  
13   chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes,  
14   or other similar products that rely on vaporization or aerosolization. “Tobacco product” includes  
15   any component, part, or accessory of a tobacco product. “Tobacco product” does not include any  
16   product that has been approved by the United States Food and Drug Administration for sale as a  
17   tobacco cessation product and is being marketed and sold solely for the approved purpose.

18          (b ) Whoever sells a tobacco product to any person under the age of 21 or, not being his  
19   or her parent or guardian, gives a tobacco product to any person under the age of 21 shall be  
20   punished by a fine of not less than \$100 for the first offense, not less than \$200 for a second  
21   offense and not less than \$300 for any third or subsequent offense.