

HOUSE No. 3778

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Nangle

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 the sale of flavored vaping products.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Nangle</i>	<i>17th Middlesex</i>	<i>1/16/2019</i>

HOUSE No. 3778

By Mr. Nangle of Lowell, a petition (accompanied by bill, House, No. 3778) of David M. Nangle relative to the sale of flavored vaping products. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the sale of flavored vaping products.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith the regulation of the sale of flavored vaping products, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

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 . Section 6 of chapter 270 is hereby amended by inserting, before the
2 definition of “Manufacturer”, the following 2 definitions:-

3 “Characterizing flavor”, a distinguishable taste or aroma, other than the taste or aroma of
4 tobacco, , imparted or detectable either prior to or during consumption of a tobacco product or
5 component part thereof, including, but not limited to, tastes or aromas relating to any menthol,
6 mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage,
7 herb or spice; provided, however, that no tobacco product shall be determined to have a
8 characterizing flavor solely because of the provision of ingredient information or the use of
9 additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

10 “Flavored tobacco product”, a tobacco product or component part thereof that contains a
11 constituent that has or produces a characterizing flavor. A public statement, claim or indicia
12 made or disseminated by the manufacturer of a tobacco product, or by any person authorized or
13 permitted by the manufacturer to make or disseminate public statements concerning such tobacco
14 product, that such tobacco product has or produces a characterizing flavor shall constitute
15 presumptive evidence that the tobacco product is a flavored tobacco product.

16 SECTION 2. Said section 6 of said chapter 270 as amended by section 9 of chapter 157
17 of the acts of 2018, is hereby further amended by inserting after the word “product”, in line 17,
18 the following words:- ; and shall also include a flavored tobacco product.

19 SECTION 3. Said section 6 of said chapter 270 is hereby further amended by inserting
20 after subsection (b) the following subsection:-

21 (b½) No person, except a retail tobacco store, a licensee with an all alcoholic beverages
22 license under section 15 of chapter 138 on such premises or smoking bar, shall sell a flavored
23 tobacco product, as that term is defined in section 22, in a location where minors are able to enter
24 at any time: For example, the entire retail establishment or an area within the retail
25 establishment; or where minors can purchase a flavored tobacco product electronically or online
26 without independent, third-party act and identity verification services that compare customer
27 information against third-party data sources, such as public records.