

HOUSE No. 3484

The Commonwealth of Massachusetts

PRESENTED BY:

Edward F. Coppinger

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 promoting a tobacco free future.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	<i>1/14/2019</i>

HOUSE No. 3484

By Mr. Coppinger of Boston, a petition (accompanied by bill, House, No. 3484) of Edward F. Coppinger for legislation to prohibit the sale of tobacco to certain persons. Public Health.

The Commonwealth of Massachusetts

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

An Act promoting a tobacco free future.

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 10 of chapter 64C of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in lines 41, 42, 46 and 50, the words “under
3 eighteen” and inserting in place thereof, in each instance, the following phrase:- born after
4 December 31, 2000.

5 SECTION 2. Said chapter 94 is hereby amended by striking out section 307C, as so
6 appearing, and inserting in place thereof the following section:-

7 Section 307C. The department of public health may, in consultation with the attorney
8 general and the department of revenue, establish regulations for persons engaged in the sale or
9 shipment of tobacco products, as defined in section 6 of chapter 270, to prevent the sale or
10 delivery of tobacco products to individuals born after December 31, 2000.

11 SECTION 3. Chapter 270 of the General Laws, as so appearing, is hereby amended by
12 striking out section 6 subsection B, as so appearing, and inserting in place thereof the following
13 section:-

14 (b) No person shall sell or provide a tobacco product to a person born after December 31,
15 2000.

16 SECTION 4. Chapter 270 of the General Laws, as so appearing, is hereby amended by
17 striking out sections 6A, as so appearing, and inserting in place thereof the following section:-

18 Section 6A. A person who sells tobacco rolling papers to a person born after December
19 31, 2000 shall be punished by a fine of \$25 for the first offense, \$50 for the second offense and
20 \$100 for a third or subsequent offense.

21 SECTION 5. Said section 22 of said chapter 270, as so appearing, is hereby amended by
22 striking out, in lines 90, 276 and 281, the phrase “under the age of 18 years of age” and inserting
23 in place thereof, in each instance, the following phrase:- born after December 31, 2000.

24 SECTION 6. Subsection (a) of said section 22 of said chapter 270, is hereby amended by
25 striking out the definition of “Smoking bar” and inserting in place thereof the following
26 definition:-

27 “Smoking bar”, an establishment that: (i) exclusively occupies an enclosed indoor space
28 and is primarily engaged in the retail sale of tobacco products as defined in section 6 for
29 consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or
30 other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person
31 born after December 31, 2000; (iii) prohibits any food or beverage not sold directly by the

32 business from being consumed on the premises; (iv) maintains a valid permit for the retail sale of
33 a tobacco product as required to be issued by the appropriate authority in the city or town in
34 which the establishment is located; and (v) maintains a valid permit to operate a smoking bar
35 issued by the department of revenue.

36 SECTION 7. The commissioner of public health may promulgate regulations to restrict
37 the sale of tobacco products to individuals born after December 31, 2000. The commissioner
38 shall send a notice of proposed changes, including proposed draft regulations, to the house and
39 senate committees on ways and means and the joint committee on public health not less than 90
40 days before filing draft regulations with the state secretary.

41 SECTION 8. On the effective date of this act, a retail establishment that sells tobacco
42 products as those terms are defined in section 6 of chapter 270 of the General Laws shall
43 conspicuously post a notice produced by the department of public health that states the minimum
44 legal age to purchase tobacco products. The notice shall include the dates that the minimum age
45 to purchase tobacco products shall go into effect. Retail establishments shall continuously post
46 the notice until January 1, 2023.

47 SECTION 9. This act shall preempt, supersede or nullify any inconsistent, contrary or
48 conflicting state or local law relating to the minimum age for the sale or delivery of tobacco
49 products. This act shall not otherwise preempt the authority of any city or town to enact any
50 ordinance, by-law or any fire, health or safety regulation that limits or prohibits the purchase of
51 tobacco products or vapor products.

52 SECTION 10. This act shall take effect on January 1, 2022.