

**SENATE . . . . . No. 2536**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Patrick M. O'Connor***

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*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 small businesses and the sale of certain cultural products.

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PETITION OF:

NAME:

*Patrick M. O'Connor*

DISTRICT/ADDRESS:

*Plymouth and Norfolk*

**SENATE . . . . . No. 2536**

By Mr. O'Connor, a petition (accompanied by bill, Senate, No. 2536) (subject to Joint Rule 12) of Patrick M. O'Connor for legislation relative to small businesses and the sale of certain cultural products. Consumer Protection and Professional Licensure.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act relative to small businesses and the sale of certain cultural 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. For the purposes of this Act, the following terms shall have the flowing  
2 meanings:-

3 "Hookah," a type of waterpipe used to smoked shisha or other tobacco products with a  
4 long flexible tube for drawing aerosol through water. Components of a hookah may include  
5 heads, stems, bowls, and hoses.

6 "Shisha Tobacco Product," a tobacco product smoked or intended to be smoked in a  
7 hookah and includes and may be referred to as, hookah tobacco, waterpipe tobacco, maasel,  
8 narghile, and argileh.

9 SECTION 2. The provisions of Chapter 133 of the Acts of 2019 shall not apply to the  
10 sale of shisha tobacco products by a hookah tobacco retailer if all of the following conditions are  
11 met:

12 (1) The hookah tobacco retailer has a valid license to sell tobacco products issued in the  
13 Commonwealth.

14 (2) The hookah tobacco retailer does not permit the sale of any shisha or hookah products  
15 to any person under 21 years of age.

16 (3) The hookah tobacco retailer shall keep hookah tobacco products in a locked case only  
17 to be accessed by store personnel who are over the age of 21.

18 (4) Every hookah tobacco transaction shall require the seller to request a valid  
19 Massachusetts issued identification or valid identification issued by another state or territory of  
20 the United States or a passport recognized by the United States as valid identification.

21 (5) Each hookah tobacco transaction shall be recorded by the seller in a manner  
22 prescribed by the Department of Public Health.

23 (6) The hookah tobacco retailer shall operate in accordance with all relevant state and  
24 federal laws relating to the sale of tobacco products.

25 SECTION 3. A tobacco retailer, or agent or employee of a tobacco retailer, who violates  
26 this section is guilty of an infraction and shall be punished by a fine of five hundred dollars  
27 (\$500) for each violation of this section.

28 SECTION 4. The Department of Public Health shall promulgate rules and regulations to  
29 implement the provisions of this act.