HOUSE DOCKET, NO. 3546 FILED ON: 1/20/2023

HOUSE . . . . . No. 2166

The Commonwealth of Massachusetts

PRESENTED BY:

Paul K. Frost

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:	DATE ADDED:
Paul K. Frost	*7th Worcester*	*1/20/2023*

HOUSE DOCKET, NO. 3546 FILED ON: 1/20/2023

HOUSE . . . . . No. 2166

By Representative Frost of Auburn, a petition (accompanied by bill, House, No. 2166) of Paul K. Frost for legislation to prohibit local boards of health from banning the sale of tobacco products sold legally in the Commonwealth. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2287* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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.