

SENATE No. 2745

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-Fourth General Court
(2025-2026)
—

SENATE, December 18, 2025.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, Senate, No. 270) of Patrick M. O'Connor for legislation relative to small businesses and the sale of certain cultural products, report the accompanying bill (Senate, No. 2745).

For the committee,
Pavel M. Payano

SENATE No. 2745

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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. Chapter 32A of the General laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after Section 30B, the following new section:-

3 Section 33C. As used in this section, the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:-

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

8 “Shisha Tobacco Product,” a tobacco product smoked or intended to be smoked in a
9 hookah and includes and may be referred to as, hookah tobacco, waterpipe tobacco, maasel,
10 narghile, and argileh.

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

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

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

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

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

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

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

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

SECTION 2. The Department of Public Health shall promulgate rules and regulations to implement the provisions of this act.