

**Committee on Public Health
Bill Summary**

Bill No.	H2419
Title:	<i>An Act relative to local boards of health and the sale of legal tobacco products in the Commonwealth</i>
Sponsor:	Representative Paul Frost
Committee:	Public Health
Hearing Date:	July 14, 2025
Similar Matters:	None
Prior History:	Refile of H2166 of 23-24; Referred to Public Health; Accompanied a study order.
Reporting Deadline:	September 12, 2025

Current Law:

- **M.G.L. Chapter 111 § 27B** permits a board of health or other legal authority to adopt reasonable rules and regulations for the promotion of general health within its jurisdiction, notwithstanding any law, ordinance, or bylaw to the contrary. A board of health has the authority to properly carry out its powers as an independent entity of government.
- **M.G.L. Chapter 111 § 31C** permits boards of health or other legal authorities for such purpose to regulate atmospheric pollution, including the emission of smoke, particulate matter, soot, cinders, ashes, toxic substances, fumes, vapors, gases, and more as may arise within its bounds and which constitutes a nuisance, a danger to the public health, or impairs the public comfort and convenience. Before submitting rules and regulations to the Department of Environmental Protection for approval, the board of health or legal authority must hold a public hearing on the proposed measures.

Summary:

This bill would prohibit boards of health in cities and towns from banning the community-wide sale of legal tobacco products without first receiving the approval of a town meeting or city council to create such a bylaw. This bill would not restrict a board of health's ability to take action for an emergency and immediate health concern regarding a specific consumer product, if a health code violation has occurred or some other emergency health issue has arisen.