

CITY OF TAUNTON  
BOARD OF HEALTH

**REGULATION OF SALE AND DISTRIBUTION  
OF TOBACCO PRODUCTS**

The Board of Health of the City of Taunton, Massachusetts (herein "Board") in accordance with and under the authority of Section 31, Chapter 111 of the General Laws, hereby adopts the following Regulations of the Sale and Distribution of Tobacco Products effective November 1, 2000.

Sale and Distribution of Tobacco Products:

1. No natural person and no entity (herein collectively "Person") shall sell or commercially distribute or cause or permit to be sold or commercially distributed, cigarettes, chewing tobacco, snuff, or other tobacco product in any form whether similar or dissimilar to any of the foregoing (herein "Tobacco Product(s)") without having first obtained from the Board a valid Tobacco Sales and Distribution Permit ("Permit"). As used in this Regulation, the term "commercial distribution" means any transfer of a Tobacco Product between Persons except the occasional and casual transfer of a Tobacco Product between natural Persons in the nature of a gift or loan and where there is no reasonable expectation of direct or indirect economic benefit to the transferor from such transfer.

Notwithstanding the foregoing, a Person, without obtaining a Permit, may sell or commercially distribute a Tobacco Product to a Permit holder.

2. A Permit is not transferable.
3. A Permit must be posted within the premises of the Permit holder in a place and manner conspicuous to the public.
4. A copy of Section 6, Chapter 270 of the General laws, in sign form distributed by the Massachusetts Department of Public Health, shall be posted within the premises of the Permit holder in a place and manner conspicuous to the public.
5. A Permit is valid for one year and must be re-applied for annually in accordance with procedures established by the Board.
6. A fee for a Permit is \$5.00 unless the Board shall hereafter vote to change the fee.
7. The sale or commercial distribution of Tobacco Products by means of a Tobacco Vending Machine is prohibited except for:
  - a. Vending Machines that are located in facilities licensed under M.G.L. C. 138 s. 12 to serve alcoholic beverages for consumption on the premises, and
  - b. if the Vending Machine is equipped with a lock-out device that locks out sales from the Vending Machine unless the locking mechanism is released by Permit holder or by a natural Person who is under the control of the Permit holder upon the premises of the Permit holder, and
  - c. if the Vending Machine is located within the immediate vicinity and exclusive control of said Persons such that all purchases are observable by the Person controlling the lock-out device, and

- d. if the Vending Machine is posted with a sign stating that individuals under the age of eighteen (18) years of age are not permitted to purchase Tobacco Products and notifying said individuals of the lock-out device and identifying the Person to contact in order to purchase Tobacco Products from the Vending Machine.

A Tobacco Vending Machine is defined as any self-service device offered for public use which, upon insertion of a coin, coins, tokens, paper currency, or by other means dispenses any Tobacco Product.

8. Any sale or commercial distribution of any Tobacco Product by Permit holder or by a natural Person who is under the control of the Permit holder upon the premises of the Permit holder to any individual under the age of eighteen (18) years of age (without regard to whether such underage individual purports to act as agent for an individual over the age of eighteen years of age) shall constitute a violation of this Regulation. Each sale or distribution shall constitute a separate offense for which a separate penalty may be assessed.

9. The sale or commercial distribution of Tobacco Products in any state or condition other than the original factory-wrapped packaging (except individual cigars from a box) shall constitute a violation of this regulation.

10. No Person shall commercially distribute without charge any Tobacco Product or give or otherwise disseminate coupons or other similar devices designed to lower the ultimate price to be paid for a Tobacco Product to individuals under eighteen (18) years of age.

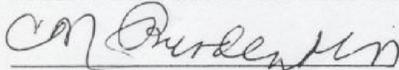
11. No Person shall erect or cause or permit to be maintained a free-standing or self-service display from which a customer may select a Tobacco Product without the intervention of a natural Person under the control of a Permit holder.

12. No Person (including Permit holders) shall sell or commercially distribute or cause or permit to be sold or commercially distributed any Tobacco Product until: (i) each such natural Person who is a Permit holder and all such natural Persons from time to time under the control of a Permit holder shall have read, understood and agreed to comply with this Regulation and applicable state laws regarding sale of Tobacco Products, and (ii) each such natural Person shall have signed a statement to the effect in a form prescribed by the Board, and (iii) each such natural Person shall have delivered a signed copy of the statement to the Board. Statements of natural Persons under the control of the Permit holder shall be retained and safeguarded by the Permit holder until requested by the Board.

13. If it comes to the attention of the Board that three or more violations of this regulation have occurred on the premises of a Permit holder or Person within a twelve month period, the Board or its duly delegated hearing officer will hold a hearing to determine whether to take disciplinary action against the Permit holder or Person, including without limitation suspension or revocation of the Permit or an order requiring the removal of all Tobacco Vending Machines on the premises of such Person. The Board shall provide advance written notice to the Permit holder. Such notice shall include a description of the allegations, which will be the subject of the hearing.

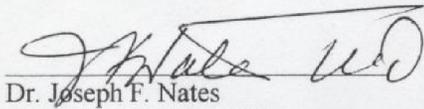
14. The penalty for any violation of this Regulation is a one hundred dollar (\$100.00) fine for the first violation, a one hundred dollar (\$100.00) fine for the second violation, and a two hundred dollar (\$200.00) fine for the third and any subsequent violations. The fine for a first violation may be waived if the Permit holder requests and receives merchant education within thirty (30) days of receipt of notice of the first violation. Fines must be paid promptly. Failure to timely pay a fine may result in the suspension of the Permit by the Board until the fine is paid. The Board may in addition refuse to renew a Permit where the Permit holder has an unpaid fine outstanding. Selling tobacco products without a Permit will result in their removal until such time as a Permit is issued. Each sale, distribution or other violation of this Regulation shall constitute a separate offense for which a separate penalty may be assessed.

TAUNTON BOARD OF HEALTH

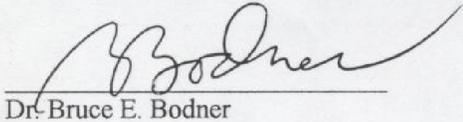


Dr. C. Nason Burden, Chairman

5/6/02  
Date



Dr. Joseph F. Nates



Dr. Bruce E. Bodner

Regulation adopted July 10, 2000  
Amendment to Section 7 adopted Oct. 2, 2000