

# NEW BEDFORD BOARD OF HEALTH TOBACCO PRODUCTS AND ELECTRONIC NICOTINE DELIVERY SYSTEMS RETAILER EDUCATION FACT SHEET

**Tobacco and/or Electronic Nicotine Delivery Systems Retailers are required to comply with all aspects of the Tobacco Control Regulation: Restricting the Sale of Tobacco Products and Electronic Nicotine Delivery Systems. The following are helpful reminders to assist you in complying with local and state regulations.**

## **TOBACCO PRODUCTS AND ELECTRONIC NICOTINE DELIVERY SYSTEMS SALES PERMIT:**

- Retailers who wish to sell tobacco and/or electronic nicotine delivery systems in the City of New Bedford must hold a valid current Massachusetts Department of Revenue **Cigarette Retailer's License** (if applicable), **Cigar & Tobacco Retailer's License** (if applicable), and **ENDS Retailer's License** (if applicable).
- All retailers who wish to sell *Tobacco and/or Electronic Nicotine Delivery Systems* in the City of New Bedford must file and complete a **Tobacco and Electronic Nicotine Delivery Systems Sales Permit Application**, which includes the **New Bedford Board of Health Acknowledgment and Checklist Form** before a permit can be issued.
- The fee for *Tobacco Products and Electronic Nicotine Delivery Systems* Permit is **\$250.00**, as determined annually by the New Bedford Board of Health and set forth in the Board of Health's Fee Schedule for Licenses, Permits and Service.
- Applications for renewal **must** be submitted at least (30) thirty-days prior to the expiration date or a late filing fee of **\$50** shall apply. The application must be processed at the New Bedford Health Department, 1213 Purchase St. New Bedford, Ma. 02740 8:00am-4:00pm Monday – Friday. A check or money order payable to the City of New Bedford should accompany each application for the permit for each establishment/location where the products will be sold. **All permits will expire on December 31<sup>st</sup> of each year.**
- Establishments are required to post the original Tobacco Products and Electronic Nicotine Delivery Systems Sales Permit & a current Massachusetts Department of Revenue Cigarette Retailer's License (if applicable), Cigar & Tobacco Retailer's License (if applicable), and ENDS Retailer's License (if applicable) upon receipt so that the public can readily see it.
- A permit is non-transferable from a person or location. A new owner of an establishment that sells *Tobacco Products and/or Nicotine Delivery Products* must apply for a new permit. ***No new permit will be issued for a given location unless and until all outstanding penalties or fees incurred by the previous permit holder at that location are satisfied in full.***
- Issuance of a *Tobacco Products and Nicotine Delivery Products* Permit shall be contingent upon each applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

## **TOBACCO AND ELECTRONIC NICOTINE DELIVERY SYSTEMS VENDING MACHINES ARE NOT PERMITTED IN THE CITY OF NEW BEDFORD**

## **PACKAGING/DISTRIBUTION:**

- Sale and/or distribution of Tobacco products and Electronic Nicotine Delivery Systems are prohibited in all Health Care Institutions.
- Tobacco products may be sold in original factory-wrapped packages only.
- Cigarettes, little cigars, and bidis must be sold in minimum quantity packs of 20 only.
- Sale of flavored cigarettes (including menthol) is strictly prohibited.
- Distribution of any free samples/coupons of Tobacco Products and/or Electronic Nicotine Delivery Systems in the City of New Bedford is prohibited.
- ***City of New Bedford Ordinance Section 17-19 prohibits the sale and distribution of blunt wrappers and any drug paraphernalia in conjunction with MGL Ch. 94C 321; violation is subject to a fine of \$200. In addition, any retailer found to be in violation is subject to a Board of Health hearing for possible suspension or revocation of their Tobacco Products and Nicotine Delivery Products Sales Permit and any other Board of Health issued permit.***

## **SELF-SERVICE DISPLAYS:**

New Bedford Board of Health and/or Massachusetts Consumer Protection Laws **ban self-service displays** for tobacco products and nicotine delivery products, including Walk-In Humidors except in "Adult-Only" retail establishments.

## SALES TO MINORS:

- Sales of all Tobacco Products and/or Nicotine Delivery Products to youth (under 21 years of age) is strictly prohibited.
- The age of any customer attempting to purchase a tobacco product must be verified by means of valid government-issued photographic ID that includes date of birth; such as a valid original Massachusetts driver's license/out-of-state drivers' license, a valid Massachusetts ID card, a valid Passport issued by the US government or country recognized by the US, a valid US-issued active-duty Military Identification Card, or US Immigration Card.

## SALES BY EMPLOYEES:

- Hire employees wisely and carefully instruct all employees to verify age as noted above in **Sales to Minors.**
- At the time of hire, all employees must sign an **Employee Sales Agreement** provided by the B.O.H. indicating that the Regulation has been read and that the employee will comply with the provisions of the Regulation.
- Review the Regulation with all employees at least once annually and have all employees sign an updated B.O.H. Employee Sales Agreement annually upon receipt of your permit renewal.
- **Employers must keep a copy of signed B.O.H. Employee Agreements on site at all times in a known location by all employees**, available for inspection by Health Inspectors during your regular business hours.

## TOBACCO CONTROL REGULATION POSTING OF NOTICES:

- Post Regulation signage at each entrance and at each register, in accordance with provisions of the local Board of Health Regulation and Massachusetts Attorney General Regulations (Consumer Protection Laws).
- Any business selling cigars must also post "Cigar Health Warning" as required under Massachusetts Consumer Protection Laws.
- Failure to post Regulation Notices as required by this regulation will incur a fine of \$25.00
- Removal of notices is prohibited and will incur a fine of \$10.00.

## Violations and Subsequent Penalties: Fines, Suspension, Hearings, and/or Revocation of Sales Permit

- First Violation - **\$1000.00 Fine** (if violation is the sale of a tobacco product to a person under the age of 21, Suspension of permit for 3 consecutive business days, per vote of the New Bedford Board of Health)
- Second Violation within 36 months - **\$2000.00 Fine & Suspension of permit for 7 consecutive business days and a possible BOH hearing.**
- Three or More Violations within 36 months - **\$5000.00 Fine & Suspension of permit for 30 consecutive business days and a possible BOH hearing regarding revocation of permit.**
- Refusal to cooperate with inspections pursuant to regulation shall result in **suspension of permit for 30 consecutive business days.**
- **Failure to comply with suspension order will result in revocation of ALL Board of Health issued permits for 30 consecutive business days.**
- **All Tobacco Products and Nicotine Delivery Products must be removed** from the premises whenever an establishment's Tobacco Products and Electronic Nicotine Delivery Systems permit is suspended or revoked

### \*Important contact information:

- To obtain a Mass. Dept. of Revenue Tobacco Retailers Licenses, you can register online at [www.mass.gov/dor](http://www.mass.gov/dor).
- If you have any questions, you can contact the Mass. Dept. of Revenue (M-F 9am-4pm)—617-887-5090
- For Permits, Merchant Education, Employee Agreements, or regulatory signage contact the New Bedford Health Dept. at 508-991-6199 x67503

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_