

MILTON BOARD OF HEALTH
TOBACCO SALES PERMIT: Supplemental Information

DATE: _____ ESTABLISHMENT: _____ ADDRESS: _____

I am applying for a Milton Board of Health Permit to Sell Tobacco Products. I understand and have read Milton Regulations Chapter 5 - Sale of Tobacco Products to Minors, highlights of which are provided below.

D. Tobacco Sales to Minors Prohibited:

1. No person shall sell tobacco products or permit tobacco products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco products to a minor.
2. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Milton Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
3. Identification: Each person selling or distributing tobacco products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.
4. All retail sales of tobacco must be face-to-face between the seller and the buyer.

E. Tobacco Sales Permit:

1. No person shall sell or otherwise distribute tobacco at retail within Milton without first obtaining a tobacco sales permit issued annually by the Milton Board of Health.
2. As part of the tobacco sales permit application process, the applicant will be provided with the Milton Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding both state laws regarding the sale of tobacco and this regulation. Each applicant, or their designee, is required to attend a Milton Board of Health training session as a condition of receiving a tobacco sales permit.
3. Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco sales permit can be issued.
4. The fee for a tobacco sales permit shall be determined by the Milton Board of Health annually. All such permits shall be renewed annually by December 31.
5. A separate permit is required for each retail establishment selling tobacco.
6. Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.
7. No tobacco sales permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer and provided to the Board of Health upon request, that he/she has read the regulation and applicable state laws.
8. A tobacco sales permit is non-transferable. A new owner of an establishment that sells tobacco must apply for a new tobacco sales permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
9. Issuance of a tobacco sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.

F. Free Distribution:

No person shall distribute, or cause to be distributed, any free samples of tobacco products.

G. Out-of-Package Sales:

No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

H. Self Service Displays:

All self service displays of tobacco products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. The only exception is self service displays that are located in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

I. Tobacco Vending Machines:

All tobacco vending machines are prohibited.

J. Violations:

1. It shall be the responsibility of the permit holder and/or his or her business agent to ensure compliance with all sections of this

regulation pertaining to his or her distribution of tobacco.

The violator shall receive:

- a. In the case of a first violation, a fine of one hundred dollars (\$100.00).
 - b. In the case of a second violation within 24 months of the date of the first violation, a fine of two hundred dollars (\$200.00) shall be assessed and the tobacco sales permit shall be suspended for ten (10) consecutive business days.
 - c. In the case of a third or subsequent violation occurring within 24 months of the second violation, a fine of three hundred dollars (\$300.00) shall be assessed and the tobacco sales permit shall be suspended for thirty (30) consecutive business days or may be revoked.
2. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the tobacco sales permit for thirty (30) consecutive business days.
3. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products directly to a consumer while his or her permit is suspended shall be subject to a fine of three hundred dollars (\$300.00) for each day a sale occurs and the suspension of all board of health issued permits for thirty (30) consecutive business days.
4. The Milton Board of Health shall provide notice of the intent to suspend a tobacco sales permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision, and the reasons therefore in writing. After a hearing, the Milton Board of Health may suspend or revoke the tobacco sales permit if the Board finds that a sale to a minor occurred. For the duration of a suspension, all tobacco products shall be removed from the retail establishment or be placed in boxes that are sealed and moved out of the public area of the establishment to a separate room that is accessible only to employees. All tobacco products shall be removed from the retail establishment upon revocation of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

K. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue.

Each day any violation exists shall be deemed to be a separate offense.

L. Enforcement:

Enforcement of this regulation shall be by the Board of Health of Milton or its designated agent(s).

Any citizen who desires to register a complaint pursuant to the regulation may do so by contacting the Board of Health of Milton or its designated agent(s) and the Board shall investigate.

M. Severability:

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

N. Effective Date:

This regulation shall take effect on July 1, 2006.

MASSACHUSETTS LAWS AND REGULATIONS: MGL Ch. 270 Sec. 22 prohibits smoking in workplaces and MGL Ch. 270 Sec. 6 prohibits the sale of tobacco products to minors (anyone under 18 years of age).

I further understand that the Milton Board of Health and/or the Milton Police Department will conduct periodic compliance checks to determine if tobacco products are being sold to minors. In addition, the Board of Health will conduct periodic, unannounced inspections to determine compliance with all provisions of these regulations. Fines will be issued for non-compliance. ***I am fully aware that illegal sales of tobacco products may result in the suspension or revocation of my Permit for Tobacco Sales and that Permits must be renewed annually.*** I am responsible for instructing any and all employees who will be responsible for tobacco sales regarding both state laws regarding the sale of tobacco and Milton Regulation: Chapter 5 - Sale of Tobacco Products to Minors. I am required to attend a Milton Board of Health training session as a condition of receiving a tobacco sales permit.

Name of Person Applying: _____

Signature

Printed

Title of Person Applying: _____

Massachusetts Department of Revenue License to Sell Tobacco: # _____ **[MUST BE COMPLETED]**