



TOWN OF ROCKLAND

Board of Health

Town Hall
242 Union Street
Rockland, Massachusetts 02370

To whom this may concern,

**Re: Tobacco Permit Application
August 1, 2016 – July 31, 2017**

Enclosed, is your Permit Application to sell Tobacco in the Town of Rockland. Please send the completed application and signed Tobacco Sales Permit Check list, along with a check for \$125.00.

You must have a tobacco permit if you have a cigarette vending machine, sell cigarettes or cigars from a mobile food cart, or if you sell cigarettes or cigars at a hotel from behind the counter.

Be sure you have the name of your Business on your Tobacco Sales Permit Check list along with a phone number.

If you don't have a copy of the Regulations of the Rockland Board of Health pertaining to the Sale of Tobacco Products to minors enacted in June 1999 and revised as of January 1, 2002, you may pick one up at the Board of Health Office.

Should you have any questions, please call Delshaune at (781)616-6815

Thank you,

Delshaune R. Flipp

Delshaune Flipp
Sr. Administrative Assistant

Telephone: (781) 616-6815

Fax: 781-871-2644

dflipp@rockland-ma.gov



TOWN OF ROCKLAND

Board of Health

242 Union Street Rockland, MA 02370

Tel 781-871-1874 X350 Fax 781-871-2644

Chairman:
Stephen Nelson

Vice Chairman:
Victoria Deibel

Member:
Patricia Halliday

Agent:
Janice McCarthy

APPLICATION FOR TOBACCO PERMIT

August 1, 2016 thru July 31, 2017

Business Name: _____

Business Address: _____

Business Telephone: _____

F.I.D. # _____

Contact Person: _____

Contact Person Telephone # _____

Signature of Applicant _____ **Date** _____

TOWN OF ROCKLAND TOBACCO SALES PERMIT CHECKLIST

This form must be initialed and signed by the owner/operator of the establishment applying for a Tobacco Sales Permit from the Town of Rockland Board of Health. No permit will be issued until this checklist has been completed and returned.

1. I have received, read and I understand all sections of the Regulations of the Rockland Board of Health Regarding the Sale of Tobacco Products to Minors enacted in June 1999 and revised April 10, 2012. **Initials** _____

2. I understand that it is against the law to sell tobacco products to anyone under the age of eighteen (18) years of age, regardless of how .old the person looks. **Initials** _____

3. I understand that it is against the law to sell tobacco products to anyone under the age of eighteen (18) years of age, regardless of how .old the person looks. **Initials** _____

4. I understand that Rockland Board of Health will conduct periodic compliance checks of my business to ensure that my establishment is not selling tobacco products to minors
This Means:
 - A) The Rockland Board of Health, or its designee will send minors into my establishment to attempt the purchase of a tobacco product.

 - B) The Rockland Board of Health, or its designee will conduct the compliance checks on all tobacco merchants, including bars and private clubs.

Initials _____

5. I understand that if I am caught selling tobacco products to minors, I will be penalized in accordance with Section 10 of the Town of Rockland Board of Health Tobacco Sales Regulations, enacted on June 1, 1999 and revised April 10, 2012, a copy of which was previously provided.

I acknowledge that I have read and understand all of the above statements. I further understand that failure to abide by these conditions may jeopardize my Tobacco Sales Permit.

(Signature)

Name of Business

Date



TOWN OF ROCKLAND

Board of Health

242 UNION STREET
ROCKLAND, MASSACHUSETTS 02370

TELEPHONE (781) 871-0154

REGULATIONS OF THE ROCKLAND BOARD OF HEALTH SALE OF TOBACCO PRODUCTS TO MINORS

Section 1

Declaration of Findings and Policy

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat, and

Whereas at least one-half of all smokers begin smoking before the age of eighteen (18),
and

Whereas an estimate 3,000 minors begin smoking every day in the United States, and

Whereas nicotine in tobacco has been found by the United States Surgeon General to be a powerfully addictive drug, and

Whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem, and

Whereas a Board of Health regulation requiring proof of age in order to purchase tobacco products is necessary in order to restrict the access of minors to tobacco products in the interest of public health,

Now, therefore, it is the policy of the Rockland Board of Health to discourage minors from experimenting with tobacco and to make tobacco products less accessible to minors.

Section 2

Authority

This regulation is promulgated under the authority granted to the Rockland Board of Health under the Massachusetts General Laws Chapter 111, Section 31 which states that "Boards of Health may make reasonable health regulations."

Section 3 Definitions

For the purpose of this regulation, the following words shall have the meanings respectively ascribed to them by this section:

Minor shall mean any individual less than 18 years of age.

Person shall mean any natural person or any firm, partnership, company, corporation, or other entity.

Tobacco product shall mean any product containing tobacco, including, but not limited to cigarettes, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco and bidis.

Self-Service Display shall mean any display of tobacco products which is so located that products are accessible to customers without assistance from an employee or store personnel excluding vending machines.

Vending Machine shall mean any automated or mechanical self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

Permit Holder shall mean an owner or operator of any establishment engaged in the sale of tobacco products that applies for and receives a tobacco sales permit.

Business Agent shall mean an individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of the establishment.

Section 4 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 parents or guardian, give products to a minor.
- 2) No person shall sell or permit the sale of tobacco products unless the location at which the tobacco products are available for purchase is posted with a notice which is clearly visible to anyone purchasing such products and which states: "Massachusetts State law prohibits the sale of tobacco products to any person under the age of eighteen (18) years of age. See M.G.L. Sh. 270, Sec. 6". Said notice shall be that notice provided by the Massachusetts Department of Public Health and available from the Rockland Board of Health.
- 3) Identification: Each retailer shall verify, by means of government issued photographic identification containing the bearer's date of birth that no person purchasing the

product is younger than 18 years of age. No such verification is required for any person over the age of twenty-six (26).

Section 5 Tobacco Sales Permit

- 1) No person shall sell or otherwise distribute tobacco or tobacco products within the Town of Rockland without first obtaining a tobacco sales permit issued by the Rockland Board of Health.
- 2) As part of the application process, the applicant will be provided with instructions on compliance with M.G.L. Ch. 270, Sec. 6 (sales of tobacco products to minors and penalties for violation thereof) and compliance with the Rockland Board of Health regulations.
- 3) Each applicant is required to sign a statement declaring that the applicant has read said instructions and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding the law.
- 4) The fee for a tobacco sales permit shall be *One Hundred Twenty-Five Dollars (\$125.00)* annually. All such permits shall be renewed annually *on August 1*.
- 5) A separate permit is needed for each location.
- 6) Each tobacco sales permit shall be displayed on the premises in a conspicuous place.
- 7) Issuance of a tobacco sales permit shall be conditioned on the applicant's consent to unannounced periodic inspections of his or her establishment to ensure compliance with this regulation.
- 8) A tobacco sales permit is non-transferable except a new permit will be issued to a retailer who changes location.

Section 6 Distribution

No person in the business of selling or otherwise distributing tobacco products for commercial purposes or any business agent or employee of such person shall distribute a cigarette(s) or other tobacco product free to any person.

Section 7 Packaging

No manufacturer, distributor, or retailer shall 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.

Section 8 Self-Service Displays

All self-service displays of tobacco products are prohibited.

Section 9 Tobacco Product Vending Machines

No person shall install or maintain a cigarette vending machine, or sell or distribute cigarettes by vending machine in the Town of Rockland unless the following stipulations are met:

- 1) The vending machine shall be equipped with a lock out device approved by the Board of Health. Said device shall lock out sales from the vending machine unless an employee releases the locking mechanism. The release mechanism must not allow continuous operation of the vending machine, and must not be accessible to customers. The lock out device must be operable at all times.
- 2) Vending machines must be posted with a sign stating that the machine is equipped with a lock out device and identifying the person(s) to contact to purchase tobacco products from the machine.
- 3) The vending machine must be located inside the main premises within clear view of the operator of the lock out device and at least fifteen (15) feet from any entrance or exit.
- 4) All tobacco product vending machines must display a conspicuous sign stating that it is illegal for minors to purchase tobacco products as defined in Section 3.
- 5) No sales of tobacco products are permitted from a vending machine which also offers for sale any non-tobacco products.
- 6) It shall be a violation of these rules and regulations for anyone to tamper with or willfully disconnect a lock-out device on a cigarette vending machine.
- 7) If, for any reason, the cigarette vending machine and/or lock-out device become inoperable, the machine must be made inaccessible for use, disconnected and/or removed immediately.

Section 10 Violations and Penalties

It shall be the responsibility of the permit holder where tobacco products are being sold to ensure compliance with all sections of this regulation pertaining to their place of business. The permit holder involved in violation of any of the provisions of this regulation will receive:

In the case of the first violation, a written warning will be issued and the holder of the permit shall be required to have all of the employees of the establishment directly involved in the sale of tobacco products, attend a tobacco sales educational program approved by the Board of Health and will be fined \$100.00.

In the case of a second violation within twelve months of a subsequent offense, the holder of the permit shall have the permit suspended for a period of three (3) consecutive days and the permit holder will be fined \$300.00.

In the case of a third offense within twelve months of a subsequent offense, the permit holder shall have the permit suspended for no less than ten (10) days and no more than thirty (30) days and will be fined \$500.00.

In the case of a fourth offense in a twelve month period, the permit holder shall have the permit revoked. Re-application for a permit may be submitted after one year.

The Rockland Board of Health shall provide notice of the intent to suspend a tobacco sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing which shall be no earlier than seven (7) days after the date of said notice. The permit holder will 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. The Rockland Board of Health, after a hearing, may suspend the tobacco sales permit.

During such time that a permit for tobacco products sales has been suspended for continuous violations of this regulation, all tobacco products must be removed from the sale floor and secured so as not to be available for sale. There must be signage placed on the entry ways and at all registers stating that tobacco product sales have been suspended and showing the dates of said suspension. Any person or entity selling any tobacco products without said permit shall be fined five hundred dollars (\$500.00) per day until said permit is re-instated by the Rockland Board of Health or its designated agent(s).

Any permit holder who does not have an appeal pending and does not pay a fine within twenty-one (21) days may be subject to the suspension of the tobacco sales permit granted pursuant to this regulation.

Each day any violation exists shall be deemed to be a separate offense as listed in the previous section.

**Section 11
Enforcement**

As an alternative to initiating criminal proceedings, violations of this regulation may be enforced in the manner provided in M.G.L. Ch. 40, Sec. 21D by the Rockland Board of Health or their designee. Any fines imposed under the provisions of this regulations shall inure to the Board of Health.

**Section 12
Severability**

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining section being in force.

This amended regulation will take effect May 1, 2012.
Regulation initially passed June 1, 1999.

Approved by
ROCKLAND BOARD OF HEALTH

Stephen B. Nelson *Stephen B. Nelson* Date 4/10/12
Chairman

Victoria T. Deibel *Victoria T. Deibel* Date 4/10/12
Vice Chairperson

Patricia Halliday _____ Date _____
Member