

2007

FAIRHAVEN BOARD OF HEALTH TOBACCO RETAILER EDUCATION FACT SHEET

1. Tobacco retailers are required to comply with all aspects of the Tobacco Control Regulation Affecting “Youth Access to Tobacco Products”. Following are helpful reminders to assist you in complying with local and state regulations. To view the full text of the document go to Fairhaven Town Hall, Board of Health Administrative Office, 40 Center Street, Fairhaven, MA 02719.

➤ **TOBACCO SALES PERMIT:**

- Retailers who wish to sell cigarettes in Massachusetts must apply for/ hold a valid current Massachusetts Department of Revenue (MDOR) Retailer’s License for Sale of Cigarettes for 2006-2008.
- All retailers who wish to sell tobacco products in the Town of Fairhaven must file a Tobacco Sales Permit Application, which includes the Fairhaven Board of Health Tobacco Sales Permit Acknowledgment and Checklist Form *before a* “Tobacco Sales Permit” can be issued. Applicants must provide proof of a current Cigarette Retailer’s License filed with the MDOR at the time of initial application and at the time of permit renewal. Only owners of establishments with a permanent, non-mobile location are eligible to apply for a permit and sell tobacco products in the Town of Fairhaven.
- The fee for a tobacco sales permit is currently **\$100.00** as determined annually by the Fairhaven Board of Health, and set forth in the Board of Health's Fee Schedule for Licenses, Permits and Services. All such permits shall be renewed annually by December 31st. Applications for renewal must be submitted at least (30) thirty-days prior to the expiration date *or a late filing fee may apply*. The application must be fully completed and filed at the Fairhaven Town Hall, Board of Health Administrative Office, 40 Center Street, Fairhaven, MA 02719 between 9:00 a.m. and 3:30 p.m. Monday thru Friday. A check or money order payable to the Town of Fairhaven should accompany each application for a “Tobacco Sales Permit” for each establishment/location where tobacco products will be sold in the amount of \$100.00. *All permits expire* on December 31st of each year.
- Establishments are required to *post the true original permit* “Tobacco Sales Permit” (not a copy) upon receipt so that the public can readily see it. (You are also required to post true original Board of Health Food Establishment and Retail Food Establishment Permits, as well as, a current Massachusetts Department of Revenue license to sell cigarettes, if required.)
- A tobacco sales permit is *non-transferable* from a person or a location. A new owner of an establishment that sells tobacco must apply for a new tobacco sales permit. *No new permit will be issued for a given location unless and until all outstanding penalties incurred by the previous permit holder at that location are satisfied in full.*
A tobacco sales permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired.
- 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.

➤ **TOBACCO VENDING MACHINES:**

- All tobacco vending machines are prohibited in the Town of Fairhaven.

➤ **PACKAGING /DISTRIBUTION:**

- Distribution of any free samples of cigarettes or tobacco products in the Town of Fairhaven is prohibited. Such restrictions shall not apply to use of coupons from magazines, newspapers, periodicals or attached packaging.
- Sale of single cigarettes is strictly prohibited.
- Tobacco may be sold in original *factory-wrapped packages* only.
- Sale of cigarettes in minimum quantity of 20 per pack including bidis (hand-rolled imported flavored cigarettes).

➤ **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.

➤ **SALES TO MINORS:**

- Sales of all tobacco products to minors (under 18 years) are strictly prohibited.
- The age of any customer who appears to be under the age of 27 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, a valid Massachusetts Identification card, a valid Passport issued by the US government, or by the government recognized by the US government, and a valid US-issued active duty Military Identification Card.
- A written note or telephone call from an adult does not authorize minor to purchase tobacco products.

➤ **SALES BY EMPLOYEES:**

- Select employees wisely and carefully instruct all employees to verify age as noted above in Sales To Minors.
- Regularly monitor employees' performance to ensure that they are following the establishment's instructions.
- All employees must read B.O.H. "Youth Access to Tobacco Products" Regulation.
- *At the time of hire*, all employees must sign an *Employee 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 Agreement* upon receipt of your *initial permit* and *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 individual cigars, blunts or blunt wraps must also post a "cigar health warning" notice as required under Massachusetts Consumer Protection Laws if there is no health warning notice on the product.
- Failure to post Regulation Notices as required – Written warning and/or fine of \$25.00
- Removal of notices is prohibited -Written warning and/or fine of \$10.00.

VIOLATIONS AND SUBSEQUENT PENALTIES, FINES, SUSPENSION, REVOCATION AND HEARINGS

➤ **SALE AND/OR DISTRIBUTION OF TOBACCO PRODUCTS:**

- First Violation –**\$100.00** Fine
- Second Violation within *24 months* - **\$200.00** Fine & Suspension of permit for 7 consecutive business days.

- Three or More Violations within 24 month period - **\$300.00** Fine & Suspension of permit for 30 consecutive business days.
- 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 must be removed from the premises whenever an establishment's "Tobacco Sales Permit" is suspended or revoked.

2. Important contacts:

- To obtain MDOR Retailer's License for Sale of Cigarettes, contact-Massachusetts Department of Revenue, Tobacco Excise Tax Unit Regional Office, 218 Main Street, Fall River, MA 02721 at 508-678-2844 X 37501 or X37503; or register online at www.mass.gov/dor
 - Greater New Bedford Tobacco Control Program at (508) 991-6269 to request tobacco sales permit application, merchant education, employee agreements, or regulatory signage.
3. The Fairhaven Board of Health in collaboration with the Greater New Bedford Tobacco Control Program will conduct periodic compliance checks with area youth to monitor retailer compliance with the Board of Health regulation affecting "Youth Access to Tobacco Products". Your cooperation and assistance in addressing this important public health issue by not selling tobacco products to youth in our community is greatly appreciated.