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Director of Public Health

TOWN OF BELCHERTOWN
Board of Health
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413-323-0406

February 24, 2025

Dear Tobacco Retailer;

At their February 12, 2025 meeting the Board of Health moved to correct a clerical error found in the Belchertown Tobacco regulations that went into effect January 1, 2025.

Please replace your copy of page 12 of the Belchertown Tobacco Regulations with this *page 12*.

Thank you.

Belchertown Board of Health

Q. Prohibition of the Sale of Tobacco Products by Health Care Institutions:

No health care institution located in Belchertown shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold tobacco products, as defined herein.

R. Prohibition of the Sale of Tobacco Products by Educational Institutions:

No educational institution located in Belchertown shall sell or cause to be sold tobacco products, as defined herein, including by any person or retailer on the property of an educational institution.

S. Incorporation of State Laws and State Regulations:

1. The sale or distribution of tobacco products, as defined herein, must comply with state statutes including but not limited to those provisions found at G.L. c. 270, §§6, 6A, 7, 28, 29 and G.L. c. 112, §61A.
2. The sale or distribution of tobacco products, as defined herein, must comply with state regulations including but not limited to those provisions found at 940 C.M.R. 21.00, Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts, 940 C.M.R. 22.00 Sale and Distribution of Cigars in Massachusetts; and 105 C.M.R. 665.00, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems.

T. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate G.L. c. 270, §§6, 28, 29 and 105 C.M.R. 665.000, [and §D of this regulation,] the following penalties apply:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and, additionally, if the violation is a sale of a tobacco product to a person born on or after January 1, 2004, the Tobacco Product Sales Permit shall be suspended per 105 C.M.R. 665.040(d), for three (3) days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for fifteen (15) consecutive business days.
2. For violations of all other sections specific to the Belchertown Board of Health, [except for §D of this regulation,] the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00).