



Assisting Massachusetts Boards of Health through
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Massachusetts Association of Health Boards

Cheryl Sbarra, J.D.

Executive Director

Senior Staff Attorney

63 Shore Road, Suite 25

Winchester, MA 01890

(781)721-0183

www.mahb.org sbarra@mahb.org

Minimum Required Penalties for Violation of Tobacco Sales Law

105 CMR 665.040(d) and 105 CMR 665.045 set fines and suspensions for violation of the Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery systems as follows:

1. In the case of a first violation, a fine of \$1,000 **shall** be imposed. In addition, if the violation is a sale of a tobacco product to a person under the age of 21, the local tobacco sales permit shall be suspended for up to 30 consecutive business days.
2. In the case of a second violation within a 36-month period from the first violation, a fine of \$2,000 **shall** be imposed, and the local tobacco permit may be suspended for up to 7 consecutive business days or longer if the local regulation requires a longer suspension period.
3. In the case of a third or subsequent violations within a 36-month period from the first violation, a fine of \$5000 **shall** be imposed, and the local tobacco permit may be suspended for at least 7 consecutive business days and up to 30 consecutive business days or longer if the local regulation requires a longer suspension period.

Because this state regulation sets these fines and penalties as minimum standards, a municipality cannot impose fines or penalties that are less than these mandated minimum standards.

This information is being provided for educational purposes only and is not intended as legal advice. For legal advice, please contact your municipal attorney.

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