

Town of Dover, MA Board of Health Regulations

Chapter 220 Smoking; Sale of Tobacco and Nicotine Delivery Products

Proposed amendments to section 220-2 Findings; purpose:

Current

There exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, various cardiac problems, allergies, and irritations to the eyes, nose and throat of both the smoker and nonsmoker exposed to secondhand smoke. Evidence further demonstrates that nicotine, present in tobacco, is extremely addictive. Almost 90% of all smokers begin smoking before the age 18 (the minimum legal age to be sold cigarettes in the Commonwealth), and every day an estimated additional 3,000 minors begin smoking in United States. There is an urgent health need to reduce easy access by youths to tobacco and nicotine products through strict enforcement of the state law prohibiting sales to minors, MGL c. 270, § 6, and additional measures. Therefore, these regulations are adopted pursuant to MGL c. 111, § 31, as reasonable health regulations designed to protect and improve the health of the residents of the Town of Dover.

Proposed

Remove item in parentheses that states: “the minimum legal age to be sold cigarettes in the Commonwealth.”

Add “the” in front of “United States”

Proposed amendments to section 220-6 Retail sale of tobacco products:

Current

B. No person shall sell tobacco products or nicotine delivery products to any person under the age of 21 years or, not being his/her parent or guardian, give tobacco products or nicotine delivery products to any person under the age of 21.

Proposed

B. No person, firm, corporation, establishment, or agency shall sell tobacco, nicotine, or e-cigarette products to anyone born on or after 1/1/2005.”

Current

D. All clerks selling tobacco products or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than 21 years of age. No such verification is required for any person over the age of 26. No clerk shall sell tobacco products or nicotine delivery products to a person under 21 years of age who has a note from an adult requesting such sale.

Proposed

D. All clerks selling tobacco products or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products was born on or after 1/1/2005.

Proposed amendments to section 220-10 Posting of state law required:

Current

In conformance with MGL c. 270, § 7, a copy of MGL c. 270, § 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. Such notice shall be the notice provided by the Massachusetts Department of Public Health for this purpose. Such notice shall be at least 48 square inches and shall be posted at the cash register which receives the greatest volume of tobacco product sales in such a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. For all other cash registers that sell tobacco products, a notice shall be attached which is no smaller than nine square inches, which is the size of the sign provided by the Massachusetts Department of Public Health. Such notice must be posted in a manner so that it may be readily seen by a person standing at or approaching the cash register. Such notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or more than nine feet from the floor.

Proposed

All retail establishments shall conspicuously post signage, made available from the Board of Health. Such signage shall include: (i) a copy of G.L. c. 270, §§ 6 and 6A; (ii) referral information for smoking cessation resources; (iii) a statement that sale of tobacco products, including e-cigarettes, to a person born on or after 1/1/2005 is prohibited; (iv) health warnings associated with using electronic nicotine delivery systems; and (v) except in the case of smoking bars, notice to consumers that the sale of flavored tobacco products are prohibited at all times. Such signage shall be posted conspicuously 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 feet or greater than nine feet from the floor. The signage may be in a form developed and made available by the Massachusetts Department of Public Health.

Proposed amendments to section 220-16 Effective date; amendments:

Current

This regulation shall take effect 30 days after publication of a summary of the regulation in a newspaper distributed in the Town of Dover. As required by MGL c. 111, § 31, an attested copy has been filed with DEP on June 8, 1994. This regulation was voted by a majority of this Board on April 25, 1994, amended on May 11, 1998, September 24, 2001, November 18, 2013, and July 10, 2023.

Proposed

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