



Brian Chapdelaine
Interim Health Director

CITY OF EASTHAMPTON

BOARD OF HEALTH

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Easthampton, MA 01027
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Public Health
Prevent. Promote. Protect.

CORRECTION/CEASE AND DESIST ORDER

This CORRECTION/CEASE AND DESIST ORDER is issued to:

Name of Establishment: Union Mart

Address: 123 Cottage St., Easthampton, MA 01027

Date: May 23, 2023

Please be advised that on **April 16, 2023, at approximately 1:47 pm** a **youth compliance inspection** was conducted by **Pioneer Valley Tobacco Coalition** on behalf of the **City of Easthampton Health Department**.

Union Mart violated the state law entitled “An Act to Modernize Tobacco Control” and 105 CMR 665.000 by [check all that apply]:

- ☒ Selling a tobacco product to a person under the Minimum Legal Sales Age;
- ☐ Selling a flavored tobacco product or tobacco product flavored enhancer product;
- ☐ Offering for sale a flavored tobacco product or tobacco product flavor enhancer;
- ☐ Failure of a non-age restricted retail establishment to maintain a record of the documentation submitted by the manufacturer or manufacturer’s agent certifying that an unflavored nicotine delivery product has a nicotine content of 35 milligrams per milliliter or less;
- ☐ Failure to maintain a record of the documentation submitted by the manufacturer or a manufacturer’s agent certifying that such tobacco product does not meet the definition of a flavored tobacco product or tobacco product flavor enhancer and that the product lacks any characterizing flavor.
- ☐ Other, see the below additional violations, with any necessary additional pages attached:

Additional violations:

You are hereby ordered to cease and desist from violating An Act to Modernize Tobacco Control and 105 CMR 665.000.

In addition, the following fines and actions apply against **Union Mart** for violations of 105 CMR 665.000:

☒ First violation: a fine of One Thousand (\$1,000.00) Dollars; additionally, if the violation is the sale of a tobacco product to a person under the age of 21, the Tobacco Product Sales Permit shall be suspended for **up to 30 business days per vote of the Easthampton Board of Health** pursuant to 105 CMR 040(d). **On May 17, 2023, the Easthampton Board of Health voted for a suspension period of 3 business days beginning June 1, 2023.**

☐ Second violation within a 36-month period from the first violation: a fine of Two Thousand (\$2,000.00) Dollars and a possible permit suspension for at least one (1) day and up to seven (7) consecutive days as required by state law or for a longer term as promulgated in a local regulation;

☐ Third violation within a 36-month period from the first violation or additional violations during that time-period: a fine of Five Thousand (\$5,000.00) Dollars and a possible permit suspension of at least seven (7) consecutive business days not less than thirty (30) days as required by state law or for a longer term as promulgated in a local regulation.

Consistent with 105 CMR 665.000, if this is a second, third or subsequent violation within a 36-month period as indicated above, a Hearing Notice with the date and time of the hearing will be served forthwith on **Union Mart** regarding the above-described violation[s] at which time the Board of Health shall hear facts relative to this matter and determine whether to suspend or revoke **Union Mart** tobacco sales permit.

You are hereby ordered to pay the amount of \$1000.00 by check or money order made payable to the **City of Easthampton** within twenty-one (21) days of receipt of this order to the address below:

Address: 50 Payson Ave., Easthampton, MA 01027

If you wish to contest any part of this order, you have the right to request a Hearing before the Board of Health. This request must be made by you, in writing, and filed within seven (7) days after the date this Order was served or actually received. Any affected party has a right to appear at said hearing.

Failure to comply with this order may result in additional penalties as permitted by law.

Signed by:

Name: Brian Chapdelaine

As agent of the **City of Easthampton Board of Health**