



TOWN OF
AMHERST
MASSACHUSETTS

BOARD OF HEALTH

Risha Hess: Chair; Premila Nair, Betsy Brooks, Jack Jemsek, Daya Mena

Amherst Board of Health Public Hearing: February 6, 2025
Large Activity Room, Bangs Community Center, 70 Boltwood Walk, Amherst, MA

The Amherst Board of Health is seeking to update its regulation dealing with the sale of tobacco products and vape products. The purpose of the hearing is to receive testimony from businesses, residents and other interested parties. No vote will be taken at the end of the public hearing. Written testimony will be accepted until February 28th and can be mailed to Kiko Malin at the Amherst Public Health Department, 70 Boltwood Walk, Amherst MA 01002 or emailed to malink@amherstma.gov.

The following are summaries of substantial policies that are under review:

1. "Retitle the Regulation to "Restricting the Sale of Tobacco and Vape Products"
A wording change would indicate regulations of Tobacco and Vape products are for a community greater than just the "youth"
2. "Eliminate the Requirement for retail tobacco sellers to take and pass and the "Tobacco Quiz" provided by the town"
Previous regulations required that all retail employees who sell tobacco products must take and pass a Tobacco Quiz about the State's tobacco laws. The new regulation eliminates this requirement and recommends that the quiz be used as a resource for retail employees.
3. "Update regulations on Oral nicotine pouches (pg. 9, §8)"
New regulations highlight the definition of oral nicotine pouches and emphasize that oral nicotine pouches can only be sold in adult-only retail tobacco stores
4. "Clarifying the definition for Tobacco Product Flavor Enhancer to include flavored rolling papers (pg. 6)"
New regulations clarify that rolling papers with characterizing flavor are considered tobacco product flavor enhancers. This reinforces the prohibition on the sale of flavored tobacco products.
5. Adopted a single unified fining structure for all tobacco violations, combining both state and local penalties (pg. 12, §7)"
New regulations unify both state and local tobacco violations into one structure to reduce unnecessary confusion. New regulations eliminate an automatic 7-day permit suspension for a first violation, unless that violation is a sale to a minor.

6. "Update the price of cigars to match state regulations" (pg. 11, §6A)
New regulations call for an increase in the price of cigars to match state regulations. Single cigar prices will be increased from \$2.50 to \$2.90. The multi pack will be increased from \$5.00 to \$5.80.
7. "Eliminate the regulation prohibiting anyone under the age of 21 from selling tobacco products."
Previous regulations prohibited anyone under the age of 21 years from selling tobacco products. New regulations eliminate this requirement. However, anyone under the age of 21 years is prohibited from entering or working in an adults-only retail establishment.
8. "Added New Regulation on Tobacco Sales Permit Location Changes and Retail Density Requirements" (pg. 8, §j)
New regulations mandate that if a business with a tobacco sales permit changes its location, either through sale or relocation, the new location must meet the established retail density requirements for tobacco retailers in that area. This new regulation also prohibits tobacco sales within (1000) feet of another tobacco retail store
9. "New regulations require that the BOH shall hold a hearing if there are four violations within a three-year period" (pg. 12, §B)
Previous regulations stated that the BOH may hold a hearing.
10. "Removing the definition of a Government ID"
New regulations do not define the type of ID a customer can use, just that it is a government issued ID
11. Correct the number of permits currently issued in Amherst; transfer of permits (pg. 8, §i)
Previous regulations stated that the number of permits issued in Amherst shall not exceed 18. New regulations reflect the current number, which is 14, and permits will not exceed that number. However, a business holding a valid tobacco permit may transfer the permit to a purchaser, subject to the approval of the Board of Health.
12. "Expand on the definition of "Manufacturer's Documentation" (pg. 5)
New regulations expand on the definition of "Manufacturer Documentation", adding specifications of what a manufacturer's documentation must include.
13. Update regulations on Revocation of Tobacco Sales Permits During Suspension (pg.12 §E)
New regulations outline reasons why a permit issued for the sale or distribution of tobacco products may be revoked if the permit holder engages in these activities while their permit is suspended.