

Hi Bonny-

Trying to get clear on our reg changes for tomorrow's discussion and compared the last regs we have to the new ones you sent.

The proposed new regs contain the following new language:

- 4 new "whereas" clauses in the Statement of purpose
- 1 new definition (Bona fide purchaser
- Manufacturer doc requirements: 1-7 under Manufacturer Doc Definition
- Oral Nic pouch definition
- Section D No sales to persons born after Jan 1, 2005- with this being the main one!
- Sec G Oral nic pouches
- Violation choice 1 or 2 in Section V

In comparing, I also noticed these were not in new regs: (Will you check ? Maybe I don't have the most correct, latest version)

A. Statement of Purpose:

Whereas, ever use of e-cigarettes among students in Massachusetts is 30.9% for high schoolers and 10.9% for middle schools, representing a 20.3% decrease for high schoolers, and a 4.6% decrease for middle schoolers from 2019 to 2021;¹

Whereas, the New England Commission on Higher Education requires colleges and universities to maintain a safe and healthy environment for students,² which is incompatible with the sale of tobacco and nicotine products;

Sectn D - #4 All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

Sec E #7 No single retail establishment shall have more than one Tobacco Product Sales Permit

Sec E (8b and c)

-and the total allowable number of Tobacco Product Sales Permits under paragraph (a) shall be reduced by the number of the retired permits.
- A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.

¹ MA YRBS 2017

² New England Commission on Higher Education, *Standards for Accreditation* at 24 (2021), <https://www.neche.org/resources/standards-for-accreditation>.

