

**GUIDELINES FOR THE IMPLEMENTATION AND  
ENFORCEMENT OF BOSTON PUBLIC HEALTH COMMISSION’S  
REGULATION LIMITING TOBACCO AND NICOTINE ACCESS  
BY YOUTH (“YOUTH ACCESS REGULATION”)**

APPROVED:



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**SECTION I. PURPOSE**

The Boston Public Health Commission has determined that regulation of the sale of tobacco products is necessary to protect the health of youth under the age of twenty-one from the risk of addiction and life-threatening disease. These guidelines are promulgated to set forth the implementation and enforcement procedures of the Boston Public Health Commission’s Regulation Limiting Tobacco and Nicotine Access by Youth (hereinafter “Regulation”).

**SECTION II. DEFINITIONS**

1. **Adult-Only Retail Tobacco Store** – A retail establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products, including nicotine, and tobacco and nicotine delivery product paraphernalia, and in which the entry of persons under the age of twenty-one (21) is prohibited at all times. The sale or distribution of any product other than tobacco products, including nicotine, and paraphernalia in adult-only retail tobacco stores is prohibited. Smoking, including vaping, is prohibited in any adult-only retail store permitted as an adult-only retail tobacco store after November 2008.
2. **Bidi (also spelled “beedie”)** – A product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculpra*), or any product that is offered to, or purchased by, consumers as bidis.
3. **Blunt Wrap** – Rolling material that is thick and dark and usually containing made, or derived from tobacco leaves. Blunt wraps come in flavored varieties and are heavily marketed to the youth and often used as drug paraphernalia. The Boston Tobacco Control Program may consider factors beyond the marketing and

labeling to make determinations as to whether a product constitutes a blunt wrap, and may consider characteristics including, but not necessarily limited to: the visual appearance of the product, whether the product is in a readily usable state as a cigar from its packaging without any modification, preparation or assembly, and total amount of fill tobacco relative to the rolling material.

4. **Business Agent** – An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.
5. **Characterizing Flavor** – A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or nicotine delivery product or component part thereof, including but not limited to, tastes or aromas relating to menthol, mint or wintergreen, any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco or nicotine delivery product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma or because of the provision of ingredient information.
6. **Cigar** – Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece and is in a readily usable state from its packaging without any modification, preparation or assembly required as may be found in a kit or roll-your-own package. Tobacco leaf in such kits or packages shall be considered “blunt wraps” for the purpose of this regulation. The Boston Tobacco Control Program may make determinations as to whether a product constitutes a cigar based on factors including, but not necessarily limited to the product’s usability as a cigar and the manner in which the product is rolled.
7. **Cigarette** – Shall be defined as that term is defined in the Federal Cigarette Labeling and Advertising Act, 15 U.S.C. §1331 et seq. (“FCLAA”).
8. **Component Part** – Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.
9. **Constituent** – Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.
10. **E-Cigarette** – Any electronic device composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of any liquid or solid. This term shall include such

devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, e-hookah, or under any other product name.

11. **Educational Institution** – Any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.
12. **Employee** – An individual who performs services for an employer in exchange for wages or profit.
13. **Employer** – An individual, partnership, association, corporation, trust, school, college, university or other educational institution, or other organization or entity, including a public or private authority or municipal or other governmental agency that regularly engages the services of one (1) or more employees.
14. **Flavored Tobacco Product** – Any tobacco product or any component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is flavored.
15. **Health Care Institution** – An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.
16. **Nicotine Delivery Product** – Any manufactured article or product made wholly or in part of a tobacco substitute or otherwise containing nicotine that is expected or intended for human consumption, but not including a tobacco substitute prescribed by a licensed medical provider or a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose such as the nicotine patches, nicotine lozenges, and nicotine gum. Nicotine delivery products include, but are not limited to, e-cigarettes, e-hookah, nicotine liquid, nicotine juice, nicotine water, and nicotine hand gel. Nicotine Delivery products include any product that can deliver nicotine to the user through the inhalation of vapor, and includes any component of such product, including liquid for use in the device regardless of whether the liquid contains nicotine, whether or not sold separately.

17. **Paraphernalia** – Any device, equipment, or instrument used, intended for use, or designed for use in smoking, inhaling, ingesting, absorbing or otherwise introducing tobacco or nicotine delivery products into the human body, or for preparing tobacco or nicotine delivery products for smoking, vaping, inhaling, ingesting, or otherwise introducing into the human body, including devices for holding tobacco, rolling paper, wraps, cigarette rolling machines, pipes, water pipes, carburetion devices, bong, and hookahs. For the purposes of this Regulation, scales and other measuring devices shall not constitute paraphernalia.
18. **Retailer** – Any person or entity who sells tobacco or nicotine delivery products to individuals in the City of Boston, or who operates a facility located within the City of Boston where tobacco product vending machines are located.
19. **Retail Establishment** – Any physical place of business or section of a physical place of business where tobacco or nicotine delivery products are offered to consumers. The term shall include those portions of any physical place of business where vending machines that dispense tobacco products are located.
20. **Self-Service Display** – A display from which customers may select a tobacco or nicotine delivery product without assistance from an employee, including, but not limited to, commercial roll your own tobacco machines, but excluding vending machines.
21. **Smoking Bar** – An establishment whose business is primarily devoted to the serving of tobacco products for consumption by guests on the premises, in which the serving of food or alcohol is only incidental to the consumption of such tobacco products, and in which the entry of persons under the age of twenty-one (21) is prohibited at all times. The establishment must annually demonstrate that revenue generated from the serving of tobacco products is equal to or greater than sixty percent (60%) of the total combined revenue generated by the service of such tobacco products, beverages, and food. Revenue considered as evidence for the purpose of this regulation shall be that used in calculating the meal tax amount filed on Massachusetts Department of Revenue Form MAB-4, Line 1 for the preceding four filings and those used in calculating the cigar and smoking tobacco excise tax amount filed on Massachusetts Department of Revenue Form Cigar-1 for the preceding four filings. Smoking bars and any other workplace or work space that currently permits smoking in Boston, including certain private clubs and nursing homes operate under a limited grandfather provision from the November 2008 amendments to the Workplace Smoking Regulation. After November 2008, no new smoking bars or establishments of any kind can be permitted as exempt from the Workplace Smoking Regulation under any circumstances.

22. **Tobacco Product** – A cigarette, cigar, chewing tobacco, pipe tobacco, bidi, snuff, other tobacco or nicotine delivery product in any form.
23. **Tobacco Product Flavor Enhancer** – Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product.

### **SECTION III. SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS**

#### **A. Permitting**

1. This Regulation applies to all retailers, retail establishments, adult-only retail tobacco stores, smoking bars, and other individuals or entities selling tobacco and/or nicotine delivery products. If an individual or entity believes that it is not a retailer, retail establishment or retail tobacco store as defined in the Regulation, such entity may request a ruling by the Tobacco Control Program.
2. No retailer or retail establishment shall sell tobacco or nicotine delivery products without first obtaining a Permit for Location and Sale of Tobacco Products.
3. A permit fee as determined by the Boston Public Health Commission's Executive Director shall be assessed annually.
4. Permit applications and renewal applications are granted at the discretion of the Tobacco Prevention & Control Program, and may be denied upon consideration of previous violations of this Regulation or other Board Regulation or applicable law by the applicant establishment or an individual associated with the retailer. A permit may be denied if a permit holder has failed to pay outstanding fines.
5. An application for a Permit for Location and Sales of Tobacco Products shall include the following:
  - a. A completed Location and Sales of Tobacco Products Permit Application;
  - b. A check or money order made payable to the Boston Public Health Commission for the applicable permit fee.
  - c. A signed and dated Owner/Operator Statement; and
  - d. For all retailers selling tobacco products regulated by the Massachusetts Department of Revenue (DOR), a copy of the retailer's DOR Cigarette and/or Cigars and Smoking Tobacco and/or Electronic Nicotine Delivery Retailer's License Form CT-3T.
6. A completed application, including the Owner/Operator Statement and CT-3T, and permit fee must be submitted through an online payment portal made available by the program, mailed, or otherwise delivered to the Boston Public

Health Commission, 1010 Massachusetts Avenue Boston, MA 02118, Attn:  
Revenue Dept./Tob.

7. A Permit for Location and Sales of Tobacco Products is non-transferable. A new owner of an establishment that sells tobacco, including nicotine delivery products, shall apply for a new permit. A new permit application submitted pending review or adjudication of a violation of this Regulation is subject to approval by the Tobacco Control Program. Proof of sale and bona fide change of ownership may be requested. An application for a Permit for Location and Sales of Tobacco Products may be denied for failure to prove a bona fide change of ownership. If any fine(s) or suspension(s) remain from the previous ownership, the sale of any tobacco products is prohibited during the pendency of the new Permit for Location and Sales of Tobacco Products application. A Permit for Location and Sales of Tobacco products may be approved or denied at the discretion of the Commission. In its discretion, the Commission may withhold a permit to an owner or manager of a tobacco retail establishment that has previously been lost or given up a permit in connection with violations of this Regulation or other law or regulation.
8. A Permit for Location and Sales of Tobacco Products shall expire on December 31<sup>st</sup> of each calendar year and is subject to renewal annually.
9. A Permit for Location of Sales of Tobacco Products must be displayed in a manner making them conspicuous to employees and patrons at all times.

**B. Tobacco and Nicotine Delivery Product Sales Restrictions**

1. The sale or distribution of tobacco products, as defined herein, must comply with federal and state law related to the sale of tobacco and nicotine products, including, but not limited to, those provisions found at M.G.L. Ch. 270, §§6, 6A, 7, M.G.L. Ch. 112, §61A, and 105 CMR 665 where those provisions are more restrictive. Where any provision, restriction, or fine established in state law is more protective of youth access, the state law shall control and may be enforced by the Tobacco Control Program.
2. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to sell or distribute a tobacco product to a person under twenty-one (21) years of age.
3. The Regulation requires examination of a valid government-issued photographic identification prior to the sale of a tobacco product, regardless of the apparent age of the customer. Acceptable forms of identification include:
  - a. A Driver's License;
  - b. A Massachusetts Liquor Identification Card;

- c. A Massachusetts Identification Card;
  - d. A Passport Issued by the United States or a government that is officially recognized by the United States;
  - e. A Passport Card for a Passport issued by the United States; and
  - f. A Military Identification Card.
4. A retail establishment must sell cigars in an original package of at least four (4) cigars unless the retail price meets the following minimum retail pricing requirements:
- a. No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and ninety cents (\$2.90) or more.
  - b. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars and eighty cents (\$5.80) or more.
  - c. The cigar packaging and pricing restriction in this Section shall not apply to:
    - i. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Boston, or
    - ii. Any retail tobacco store or smoking bar as both terms are defined by M.G.L. Ch. 270 s. 22 or implementing regulation provided that the establishment is authorized by the Boston Public Health Commission to allow smoking on the premises pursuant to a grandfather exemption to the Workplace Smoking Regulation.
  - d. Cigars sold with special promotional offerings are not excluded from this requirement.
5. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed an individual cigarette or bidi or any package that contains fewer than twenty (20) cigarettes or bidis.
6. No educational institution located in the City of Boston shall sell or cause to be sold tobacco products, including nicotine delivery products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.
7. No health care institution located in the City of Boston shall sell or cause to be sold tobacco products, including nicotine delivery products. Additionally, no

retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

8. No retailer, retail establishment, or other individual or entity shall sell blunt wraps or cause blunt wraps to be sold.
9. A retailer, retail establishment, or employer shall not allow an employee or other individual to sell a tobacco product in accordance with this regulation until such employee or individual has signed a statement acknowledging that he/she has read and understands the Youth Access Regulation. A copy of such statement of acknowledgment shall be placed on file with the retailer, retail establishment, or employer.
10. A retailer, retail establishment, or other individual may not sell or cause to be sold a tobacco product from a self-service display unless the sale is in strict compliance with the requirements set forth in 940 CMR 21.04(2) and 940 CMR 22.06(2).
11. Under state regulation at 105 CMR 665.010(B), retail establishments shall not place any tobacco product on the counter, but shall place all tobacco products for sale behind the counter where retail sales are made in the establishment and out of the reach of consumers. This provision shall not apply to retail tobacco stores or smoking bars that are authorized by the Boston Public Health Commission to allow smoking on the premises pursuant to a grandfather exemption to the Workplace Smoking Regulation.
12. In addition to the City of Boston Code, Ordinances, Chapter XVI, subsection 16-40.2(d), Attorney General's regulations at 940 CMR 21.04(4) and 22.06(4) ban vending machines containing tobacco products, except in adult-only establishments licensed to sell alcohol for consumption on the premises. There are three requirements for all vending machines containing tobacco products. First, they must feature lock-out devices requiring an employee to unlock the vending machine for each sale. Second, they must be located where all sales are easily observed by an employee. Third, they must display a sign stating that minors are not permitted to purchase tobacco and notifying customers of the lock-out device.
13. No retailer, retail establishment, or other individual or entity shall sell or distribute, or cause to be sold or distributed, or offer for sale, any flavored tobacco product or tobacco product flavor enhancer to a consumer.
  - a. Massachusetts law relative to restricting the sale of flavored tobacco and nicotine products and tobacco product flavor enhancer permits these products to be sold only in a smoking bar for on-site consumption.
  - b. Prior to the sale of such tobacco and nicotine products in a retail establishment other than a smoking bar, the product's manufacturer must submit to the owner, retailer, or other person in charge of any retail

establishment that is not a smoking bar documentation indicating that the tobacco or nicotine product is not flavored for each product to be sold in the retail establishment.

- c. For the purposes of verifying compliance with these restrictions, the owner, retailer, or other person in charge of any retail establishment that is not a smoking bar must maintain record of the flavor content for all tobacco and nicotine products sold or offered for sale within the retail establishment, to demonstrate that products offered for sale do not contain prohibited flavoring, and provide such records upon request of any authorized enforcement agent.
14. Under state law, G.L. c. 270 s. 29(b), no person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter outside of a retail tobacco store or smoking bar as those terms are defined in state law. The Tobacco Control Program is authorized to enforce this requirement. State regulation at 105 CMR 665.010(C) states:
- a. Retail establishments including retail tobacco stores or smoking bars may sell or provide unflavored electronic nicotine delivery systems with nicotine content less than or equal to 35 milligrams per milliliter.
  - b. Prior to the sale of such a product in a retail establishment other than a retail tobacco store or smoking bar, the product's manufacturer must submit to the owner, retailer, or other person in charge of any retail establishment that is not a retail tobacco store or smoking bar documentation indicating the nicotine content expressed as milligrams per milliliter for each product to be sold in the retail establishment.
  - c. The owner, retailer, or other person in charge of the retail establishment must maintain record of the nicotine content submitted by the manufacturer for each electronic nicotine delivery system sold or offered for sale within the retail establishment, and provide such records upon request of any authorized enforcement agent, including Boards of Health or their agents and the Department or its agents.
15. A retailer seeking to be deemed an adult-only retail tobacco store for the purposes of being authorized to sell nicotine delivery products exceeding nicotine content restrictions set forth in state law or regulation shall present a statement of intent to be deemed an adult-only facility to the Tobacco Control Program and shall comply with the following requirements:
- a. The retailer must verify the age of all patrons by requesting and examining a government-issued photographic identification from all entrants immediately upon entry into the store and will be responsible for ensuring that no person under the age of 21 enters or remains in the physical space where the retailer is located. BPHC-issued signage to this effect must be posted on each entrance to the retail establishment.

- b. The retailer may only sell or distribute tobacco products and nicotine and related paraphernalia. The retailer must annually demonstrate that all revenue is generated from the sale of tobacco products, including nicotine products and nicotine and tobacco-related paraphernalia. The Tobacco Control Program may also conduct visual inspection to determine whether any products other than tobacco and nicotine products and their paraphernalia, as defined here, are being offered for sale or distribution.
  - c. An establishment seeking to operate as an adult-only retail tobacco store must exclusively occupy an enclosed physical space, and may not include or share enclosed physical space with any other business establishment, including any business with any type of liquor, food, or restaurant license. If a retailer operates their business in a shared space with another business, they cannot be deemed to be an adult-only retailer.
16. In keeping with the Workplace Smoking Regulation, smoking, as defined in that Regulation, including vaping any substance, will not be allowed in any retail tobacco store unless the establishment was authorized to allow smoking before the adoption of the November 2008 amendments to the Workplace Smoking Regulation.
17. Smoking bars and any other workplace or work space that currently permits smoking in Boston, including certain private clubs and nursing homes operate under a limited grandfather provision of the Workplace Smoking Regulation. No new smoking bars or establishments exempt from the Workplace Smoking Regulation will be permitted under any circumstances.
18. Under Massachusetts law, G.L. c. 270, s. 22, nursing homes, licensed pursuant to G.L. c. 111 s. 71 and any acute care substance abuse treatment center under the jurisdiction of the commonwealth, may apply to the local board of health having jurisdiction over the facility for designation of part of the facility as a residence exempt from workplace smoking laws. No such designations are allowed within the city of Boston.

#### **SECTION IV. SIGNAGE**

In addition to signage set forth in State Law or Regulation, the Program may require additional signage, including specific signage for Adult-Only Retail Stores, Smoking Bars and other grandfathered businesses exempt from the Workplace Smoking Regulation.

#### **SECTION V. ENFORCEMENT**

1. It shall be the responsibility of the retailer, retail establishment, or other individual or entity having control of such establishment to ensure compliance with all sections of this Regulation.
2. Owners, business agents, or other persons having control of a retail establishment are encouraged to seek the assistance of the Tobacco Control Program for advice or guidance on the regulation.
3. Owners, business agents, or other persons having control of a retail establishment who observe or are made aware of a violation of the Regulation should take all reasonable steps to ensure that the violation is not repeated.
4. Threatening and harassing conduct, including, but not limited to, intimidation of a compliance officer and/or refusing to allow a compliance officer access to the premises may be deemed to constitute a violation of the Regulation. In such instances, the retailer, retail establishment, retail tobacco store, or smoking bar is subject to permit revocation.
5. A single inspection or investigation may result in multiple citations if multiple violations are found and correspond to different sections or elements of the Regulation. Each calendar day a retailer, retail establishment, individual, or entity operates in violation of any provision of this regulation shall be deemed a separate violation.
6. The permit holder and/or individual in charge of the area where tobacco and/or nicotine delivery products are being sold, or person involved in violating any of the provisions state law or regulation at 105 CMR 665.000 may be punishable by the fines and suspensions set forth therein, restated in part as follows:
  - a. In the case of a first violation within thirty-six (36) months, the retail establishment shall be fined one thousand dollars (\$1,000).
  - b. In the case of a second violation within a period of 36 months from the first violation, the retail establishment shall be fined two thousand dollars(\$2,000); and a prohibition on the sale of tobacco products may be imposed for at least one day and up to seven consecutive business days.
  - c. In the case of a third violation within a period of 36 months from the first violation or additional violations during that time period, a fine of \$5,000 shall be imposed; and a prohibition on the sale of tobacco products may be imposed for at least seven consecutive business days and up to 30 consecutive business days.
  - d. Failure to cooperate with inspections pursuant to this regulation shall result in the prohibition on the sale of tobacco products for up to 30 consecutive business days.

7. Where an act or omission violates both the Boston Youth Access Regulation and state regulations, the higher penalties, described above, will be assessed in compliance with state regulations.
8. The permit holder and/or individual in charge of the area where tobacco and/or nicotine delivery products are being sold, or person involved in violating any provision of the Boston Youth Access Regulation that does not also constitute a violation of state law or regulation may receive a fine, permit suspension, revocation, or non-renewal as follows:
  - a. In the case of a first violation within twenty-four (24) months, the retail establishment shall be fined two hundred dollars (\$200.00).
  - b. In the case of a second violation within 24 months from the first violation, the retail establishment shall be fined four hundred dollars (\$400.00) and the Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products shall be suspended for seven (7) consecutive business days.
  - c. In the case of a third violation within 24 months, the retail establishment shall be fined six hundred dollars (\$600.00) and the Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products shall be suspended for thirty (30) consecutive business days.
  - d. In the case of a fourth violation within 24 months, the retail establishment shall be fined eight hundred dollars (\$800.00) and the Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products shall be suspended for sixty (60) consecutive business days.
9. For reference, violations of the Boston Youth Access Regulation that do not also constitute a violation of state law or regulation include tobacco sales by an educational or health care institution, sale of blunt wraps, failure of employee to sign a statement acknowledging receipt of the Regulation, and failure to obtain or post a Boston Permit for Location and Sales of Tobacco products.
10. Each calendar day an employer, person, business or entity operates in violation of any provision of this regulation shall be deemed a separate violation.
11. Upon the fifth and subsequent violation, Tobacco Control may permanently revoke a Permit for Location and Sales of Tobacco Products. If a Permit for Location and Sales of Tobacco Products is not revoked, a retailer may be subject to subsequent repeat fines and suspensions of the Permit and Sales of Tobacco Products, unless a higher fine is set forth in state law or regulation.

12. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Boston Public Health Commission or a City of Boston department or agency from suspending, denying, or revoking any license or permit issued by and within the jurisdiction of such department or agency for repeated violations of this regulation.
13. All tobacco and/or nicotine delivery products must be removed from the retail establishment, building and property containing the retail establishment, during a period of suspension. The products cannot be covered up or stored within the establishment, property, or building or located anywhere on the premises.
14. Fines shall be paid within twenty-one (21) days of the date of receipt of the citation. Failure to pay a fine within twenty-one days may result in suspension of a Permit for Location and Sales of Tobacco/Nicotine Products.
15. Notice of a citation or cease and desist order may be provided within two (2) business days of the violation by:
  - a. In hand service to the owner, employer, business agent, or other person having control of the retail establishment, smoking bar, or retail tobacco store; or
  - b. Alternatively, notice may be mailed within seven (7) days by first-class mail to the owner, business agent, or other person having control of the retail establishment, smoking bar, or adult-only retail tobacco store.
16. Fines must be paid by mail in the form of a check or money order made payable to the "Boston Public Health Commission", Tobacco Control Program, 1010 Massachusetts Avenue, Boston, MA 02118 Attn: Revenue Dept./TOB. If a check is returned for insufficient funds or account closure, an additional \$25.00 fee will be assessed. In the case of a returned check, all subsequent fines levied must be paid by money order.
17. Complaints regarding violation of this Regulation may be submitted confidentially in writing to the Tobacco Control Program, 1010 Massachusetts Avenue, Boston, MA 02118 or by calling 617-534-4718.

## **SECTION VI. APPEALS**

All citations and fines issued pursuant to the Regulation may be appealed in accordance with the Youth Access Regulation, implementing procedures and protocols, or applicable state regulations.