



**LOCATION AND SALES OF TOBACCO/NICOTINE DELIVERY PRODUCTS
OWNER / OPERATOR STATEMENT**

IMPORTANT- PLEASE READ AND INITIAL

1. I have read and I understand all sections of the City of Boston Regulation *Limiting Tobacco and Nicotine Access by Youth* (“*Youth Access Regulation*”) and the Massachusetts State Law and Regulations (“*105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems*”).

Initials

2. I understand that it is against the law to sell tobacco, including nicotine delivery products, to anyone under 21 years of age; regardless of how old the customer appears.

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3. I understand that retail establishments are required to request and examine a government issued photo ID prior to the sale of a tobacco product. The ID must indicate that the customer is at least 21 years of age. The ID must be examined every time a customer attempts to purchase any tobacco products, regardless of how old the customer appears.

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4. I understand that the owner/operator of a business holding a tobacco/nicotine delivery product sales permit will be held responsible for any and all violations of State Law and the Boston Regulations regarding the sale of tobacco and/or nicotine delivery products.

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5. I understand that I must require all employees who sell tobacco and/or nicotine delivery products to complete and sign a copy of the Employee Agreement provided by BTCP. I must keep a copy of these completed forms on premises and available for inspection at all times. Failure to do so may result in a fine and/or suspension of my permit.

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6. I understand that the Boston Tobacco Control and Prevention Program (BTCP) will conduct frequent and unannounced compliance checks of my business to ensure that persons under the legal age (21 years of age) are unable to purchase tobacco/nicotine delivery product from my place of business. This means:

- a. BTCP will send persons under 21 years of age into my establishment to attempt the purchase of tobacco/nicotine delivery products.
- b. These individuals may or may not look 21 years of age.
- c. These individuals may or may not respond truthfully when asked their age.

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7. I understand that under no circumstances will the underaged individual employed by BTCP return to the retail establishment while the citation is issued.

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8. I understand that the BTCP may conduct unannounced inspections of my business to ensure compliance with all other legal requirements concerning the sale and display of tobacco and/or nicotine delivery products.

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9. I understand that self-service displays are prohibited. Self-service displays are displays from which customers may get a tobacco/nicotine product or tobacco/nicotine product package without assistance from store owner/operator Tobacco must be kept beyond the reach of all customers at all times.

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10. I understand that other government agencies, such as the Food and Drug Administration, may conduct additional compliance checks at my place of business. I understand that if I am caught selling tobacco and/or nicotine delivery products to persons under the age of 21, it may result in a fine and/or suspension or loss of this businesses permit to sell tobacco products pursuant to the Regulation.

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11. I understand that the Youth Access Regulation prohibits the sale of single cigarettes (loosies). Employee's personal cigarettes should be kept on their person or within their personal property. If caught selling single cigarettes, a fine and/or suspension will be issued. Open packs of cigarettes cannot be present behind the counter at any time.

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12. I understand that the Youth Access Regulation requires all retail establishments to sell cigars in an original package of at least 4 cigars unless the retail price meets the following minimum retail pricing requirements:

- a. A single cigar package must retail at \$2.90 or higher
- b. A package of two or more cigars must retail at \$5.80 or higher

Cigar packages with special promotional offerings (i.e. promotional advertised price; buy one get one free or buy one get two free) are not excluded from this provision. If there is one cigar in the package, regardless of the promotional offering, it must retail at \$2.90 or higher. If there are two or more cigars in the package, regardless of the promotional offering, it must retail at \$5.80 or higher.

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13. I understand that as the permit holder and/or individual in charge of where tobacco and/or nicotine delivery products are being sold, or person involved in violating any of the provisions of the Youth Access regulations may receive a fine or permit suspension, revocation or non-renewal as follows:

- a. 1st violation within 24 months: \$200.
- b. 2nd violation within 24 months: \$400 and a 7-day permit suspension.
- c. 3rd violation within 24 months: \$600 and a 30-day permit suspension.
- d. 4th and subsequent violations within 24 months: \$800 and a 60-day permit suspension.



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- e. 5th and subsequent violation within 24 months may lead to permit revocation or non-renewal of your permit.

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14. I understand that the Massachusetts State law establishes additional restrictions on the sale of flavored tobacco and nicotine delivery products. The Boston Public Health Commission is required to enforce these provisions of state law. Information about the new Massachusetts law is available online at www.mass.gov/newtobaccolaw. Penalties for a violation of the Massachusetts State Law:
- a. 1st violation within 36 months: \$1,000.
 - b. 2nd violation within 36 months: \$2,000 and a 7-day permit suspension.
 - c. 3rd and subsequent violations within 36 months: \$5,000 and a permit suspension of a 30day
- Repeat violators will also be subject to a tobacco product sales permit suspension. Failure to pay imposed fine(s) shall constitute a separate violation.

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15. I understand that the Tobacco Control Program reserves the right to assess the violations under the City of Boston Regulation Limiting Tobacco and Nicotine Access by Youth (“Youth Access Regulation”) schedule and/or assessing the violations using the Massachusetts State Law (“105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems”) schedule.

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16. I understand that the sale of blunt wraps is prohibited. Blunt wraps are defined as a “cigarette-like rolling material that is thick and dark and usually made 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 factors 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. If caught **selling or storing** blunt wraps anywhere on premises/store, a fine and/or suspension will be issued.

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17. I understand that the sale of flavored tobacco/nicotine delivery products or tobacco product flavor enhancer including, but not limited to cigarettes, cigars, rolling paper, chewing tobacco, rolling and pipe tobacco, bidis, snuff, e-cigarettes/vape, e-hookah and e-liquid with a distinguishable taste or aroma, other than the taste or aroma of tobacco are prohibited at all retailers except Smoking Bars permitted prior to November 2008. Retail Establishments and Adult Only Retail Tobacco Stores must maintain records obtained by the manufacturer that validate that the tobacco or nicotine product is not flavored for each product to e sold in the retail establishment. This documentation must have originally come from the manufacturer and must demonstrate that the products offered for sale do not contain prohibited flavoring and must be kept on the premises and be made available upon request.

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18. I understand that the sale of nicotine delivery products with a nicotine content greater than 35 milligrams per milliliter is prohibited at all retailers except Adult Only Retail Tobacco Stores and Smoking Bars. The sale of nicotine delivery products such as electronic-cigarettes, e-liquid and vaping products must be in compliance with the State Law and the City of Boston regulations. Retail Establishments must maintain records obtained by the manufacturer that validate the nicotine content of electronic nicotine delivery products available for sale on the store/premises. This documentation must have originally come from the manufacturer and must state the nicotine content in milligrams per milliliter and must be kept on the premises and be made available upon request.

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19. I understand that the City of Boston Regulation Limiting Tobacco and Nicotine Access by Youth (“Youth Access Regulation”) and the State Law (“105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems”) requires the posting of signage at all times inside the retail establishment. These signs are available online and/or by calling Tobacco Control at (617) 534-4718. Establishments must use the signs developed and/or provided by the City “BPHC” and the Massachusetts State Law. Failure to post the required signs may result in a fine and/or suspension.

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20. I understand that I cannot advertise tobacco or nicotine delivery products that cannot be sold within my establishment under law or regulation. Furthermore, I cannot use advertisements with celebrities, mascots, sponsorships, cartoon or similar endorsements.

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21. I understand that I cannot accept or redeem, offer to accept or redeem any coupon that provides any tobacco product without charge or less than the listed or non-discounted price. Free samples of tobacco products are prohibited.

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22. I understand that I cannot sell any tobacco products out of the factory/manufacturer original wrapped package including repackaging or dispensing of any tobacco products for retail sale. Furthermore, it is **prohibited** to refill a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

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23. I understand that I cannot sell any liquid nicotine container packaging unless the substance is contained in child-resistant packaging.



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24. I understand that new 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 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. Application fees are non-refundable.

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25. I understand that threatening, aggressive, 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.

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26. I understand that as the permit holder and/or individual in charge of where tobacco and/or nicotine delivery products are being sold, or person involved in the sale of tobacco and/or nicotine delivery products, it is required 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/Smoking Tobacco and/or Electronic Nicotine Delivery Retailer's License(s), must be submitted with your Permit for Location and Sales of Tobacco Products application without exception.

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27. I understand that **Smoking Bars** may sell flavored tobacco and tobacco product flavor enhancers including, but not limited to E-cigarettes, E-cigars, E-pipes, E-hookah, E-liquid, and flavor enhancers including mint, menthol, and wintergreen for **on-site consumption only. [Smoking-Bar-Only].**

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28. I understand that persons under the age of 21 are not allowed to enter Adult Only Retail Tobacco Stores and Smoking Bars. This applies even if the individual does not intend to make a tobacco purchase from the store or is accompanying another person of legal age (21 years of age) into the establishment. The owner/operator MUST ensure that all individuals meet minimum legal age requirement and has verified their valid proof of identification before allowing any entry to the establishment. Furthermore, all employees MUST be 21 years or older to work in Adult-Only Retail Tobacco Stores and Smoking Bars. **[Adult Only Retail Tobacco Stores and Smoking Bars Only]**

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By signing this form, I acknowledge that I have read and understood all of the above statements. I further understand that failure to abide by these conditions/laws/regulations, as well as all of the requirements of the Boston Regulation *Limiting Tobacco and Nicotine Access by Youth and the State Law ("105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems")* may jeopardize my *Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products*.

Establishment Name

Print Name

Signature

Date