

DRAFT PROPOSED AMENDED REGULATIONS

Section 1

A. Purpose

These regulations are intended to protect the public health and general welfare by ensuring that access to and distributions of all nicotine and tobacco products are in accordance with existing Federal and State laws, including, but not limited to M.G.L. Chapter 270 sections 6 and 7, governing the use, sale and distribution of tobacco products which have been declared injurious to public health by the Surgeon General of the United States.

B. Authority

These regulations are adopted by the Randolph Board of Health under the authority of Massachusetts General Law, Chapter 111, section 31.

C. Rational Statement

“Whereas conclusive evidence exists that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke [hereinafter ETS], which includes both exhaled smoke and the side stream smoke from burning tobacco products, causes the death of 53,000 Americans each year (McGinnis JM, Goerge W, ‘Actual Causes of Death in the United States’, JAMA 1993 270:2207-2212); and whereas the U.S. Environmental Protection Agency classified secondhand smoke as a known human carcinogen (IARC-WHO, 2002);

Whereas there exists conclusive evidence that tobacco smoke causes cancer, cardiovascular disease, respiratory disease, negative birth outcomes, allergies, and irritation to the eyes, nose, and throat; and whereas the majority of all smokers begin smoking as teenagers; an estimated three thousand (3,000) minors begin smoking every day in the United States; and the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products remains a major problem;

Whereas the U.S. Food and Drug Administration has conducted laboratory testing which found that e-cigarettes contain toxic chemicals and carcinogens; and has further determined that the use of certain unregulated nicotine delivery products, which contain addictive nicotine, present a strong potential for subsequent use and addiction to tobacco products, particularly among youth; and e-cigarettes and other unregulated nicotine delivery products are not approved for tobacco cessation; and the present regulatory gap in state and federal law allows for these products to be sold to minors;

Whereas nicotine has been found to increase blood pressure, respiration and heart rate and has been observed to contribute to cardiovascular disorders including cardiomyopathy, peripheral

vascular disease, atherosclerosis, hypertension, direct coronary spasm and ischemia, potentially leading to coronary artery disease and myocardial infarction;

Whereas in a Massachusetts sample of 5,000 youth age twelve to eighteen years, 16.4% reported they had smoked a cigar; and whereas youth cigar use has grown in the Boston area, even as youth cigarette smoking decreased nearly 50% between 1995 and 2009; the price of a pack of cigarettes can be more than ten times the price of a single cigar since minimum packaging requirements, bans on flavoring, and certain taxes do not presently apply to cigars; and lower priced cigars are attractive to youth looking for a less expensive alternative to cigarettes; and nicotine levels in cigars are generally much higher than nicotine levels in cigarettes;

Whereas ~~now~~ ~~therefore~~, the Board of Health of Randolph recognizes the right of those who wish to breathe smoke free air and establishes this regulation to protect and improve the public health and welfare by prohibiting smoking in certain public places and workplaces;-

**NOW THEREFORE**, in furtherance of its mission to protect, promote, and preserve the health and wellbeing of Randolph citizens and pursuant to the authority granted to it under M.G.L. c. 111 § 31, the Randolph Board of Health enacts these regulations, as follows:

## Section II DEFINITIONS

The definitions in this section apply to words and phrases used in these regulations:

*Bidi* (also spelled “beedie”) means a product containing tobacco that is wrapped in temburni leaf (*diospyros melanoxylon*) or tendu leaf (*diospyros exculptra*), or any product that is offered to, or purchased by, consumers as bidis.

*Board of Health* means ~~t~~The Randolph Board of Health.

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*Business* means ~~A~~any sole proprietorship, partnership, joint venture, corporation, trust, retailer, retail establishment, retail tobacco store or other business entity, including retail establishments where goods and services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional and commercial services are delivered.

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*Business Agent* means an individual who has been designated by the owner or operator of a retail establishment to be the manager or otherwise in charge of said establishment.

*Cigar* means any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece.

*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”).

*E-Cigarette* means 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, or under any other product name.

~~E-Cigarette~~ — Any electronic nicotine delivery product 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 solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Employee means any individual who performs services for an employer in return for wages or profit.

Employer means any business, individual, partnership, association, corporation, trust, or other organized group of individuals, including the Town of Randolph or any agency thereof, which regularly uses the services of one (1) or more employee.

Nicotine Delivery Product means 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 or other product -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. Nicotine delivery products include, but are not limited to, E-Cigarettes.

~~Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States 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. Nicotine delivery products include, but are not limited to, e-cigarettes.~~

Permittee for Location & Sale means — Any business, sole proprietorship, partnership, joint venture, corporation or other place of business including retail establishments and bars, that have been issued a permit by the Town of Randolph Health Department regulating the location and sale of nicotine delivery products and/or tobacco products in the Town of Randolph.

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Photographic Identification means a — A document containing a person's photographic likeness and date of birth such as found in, but not limited to, a valid Massachusetts driver's license, Massachusetts identification card issued by the Registry of Motor Vehicles, or valid United States passport.

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Private Club means : ~~Any~~ any not-for-profit entity created and organized pursuant to M.G.L. Chapter 180 as a charitable corporation with a defined membership. A private club is not a place of public accommodation but rather is distinctly private. Criteria used to determine whether a club is distinctly private include, but are not limited to, those factors identified in 204 CMR 10.02. If the private club holds an alcoholic beverage license, said license shall be a “club license” or a “war veterans club license” as defined in M.G.L. Ch. 138, §12 and by the Massachusetts Alcohol Beverage Control Commission. Said alcoholic beverage license is subject to the terms set forth by the local licensing authority.

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Public place means, for the purposes of these regulations only, : ~~Any outdoor, Municipally-owned park, athletic field, or designated space for public gatherings, or Athletic field or place of gathering.~~

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Retailer means any person or entity who sells tobacco or nicotine delivery products, or accessories, to individuals in the Town of Randolph, or who operates a facility located within the Town of Randolph where tobacco product vending machines are located.

Retail Establishment means any physical place of business or section of a physical place of business where tobacco or nicotine delivery products, or accessories, 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.

Retail Tobacco Store means 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 and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of ~~eighteen (18)~~ Twenty-one (21), is prohibited at all times.

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Self-service or vending machine that dispenses tobacco products means a ~~display or vending machine~~ from which individual packages or cartons of manufactured nicotine containing products may be selected by a customer.

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Smoking means : ~~The~~ the inhaling, exhaling, burning, holding or carrying of any lighted cigar, cigarette, pipe, or other lighted tobacco product in any form or other tobacco products or non-tobacco products designed to be combusted and inhaled.

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Smoking Bar means an establishment whose business is primarily devoted to the serving of tobacco products for consumption by guests on the premises and in which the serving of food or alcohol is incidental to the consumption of such tobacco products and prohibits the entry of persons under the age of ~~eighteen (18)~~ Twenty-one (21) at all times. Such establishment must demonstrate annually 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 serving of such tobacco products, beverages, and food. ~~Smoking bar: An establishment that is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by~~ Such establishment is required pursuant to Mass. General Laws Ch. 270, §22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars".

~~*Tobacco means* \_\_\_\_\_ *Products* containing tobacco in any of its forms including *Products* but not limited to cigarettes, cigars, smokeless tobacco, chewing tobacco, pipe tobacco, bidi, or snuff.~~

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~~*Tobacco Product shall be defined as a cigarette, cigar, smokeless tobacco, chewing tobacco, pipe tobacco, bidi, snuff, or other tobacco in any form.*~~

~~Tobacco Product shall be defined as a cigarette, cigars, chewing tobacco, pipe tobacco, bidi, snuff, other tobacco or nicotine delivery product in any form.~~

~~*Employee* \_\_\_\_\_ *Any individual who performs services for an employer for consideration.*~~

~~*Employer* \_\_\_\_\_ *Any business, including the Town of Randolph or any agency thereof, which regularly uses the services of two (2) or more employees.*~~

~~*Individual* \_\_\_\_\_ *An employee, volunteer or any other person who patronizes an area where tobacco products are sold.*~~

~~*Retailer* \_\_\_\_\_ *For the purpose of these regulations, any retail store utilized for the sale of tobacco products and accessories.*~~

~~*Smoking* \_\_\_\_\_ *The lighting of any cigar, cigarette, pipe or other tobacco Product or having possession of any lighted cigar, cigarette, Pipe or other tobacco product.*~~

### Section III

#### TOBACCO AND NICOTINE SALES TO MINORS PROHIBITED

##### A. Identification Required

~~No retailer shall sell or permit to be sold cigarettes or other tobacco products to anyone under the age of eighteen (18). Additional, retailers must request to see a customer's photo identification bearing the customer's date of birth before selling cigarettes or other tobacco products to anyone who has not yet reached his or her twenty seventh (27<sup>th</sup>) birthday.~~

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~~Tobacco Sales to Persons Under the Minimum Legal Sales Age Prohibited:~~

~~1. **No person, business, private club, retailer, retail establishment, retail tobacco store, smoking bar or other entity shall sell or distribute or cause to sell or distribute a tobacco product or a nicotine delivery products or permit tobacco or electronic delivery products, as**~~

~~defined herein, to be sold to~~ to a person under the minimum legal sales age. The minimum legal sales age in the Town of Randolph is hereby established as 21 years of age. ~~Nothing in these regulations shall prevent a person under the age of 21 from receiving tobacco products or nicotine delivery products from their parent or guardian or not being the individual's parent or legal guardian, give~~ tobacco products, as defined herein, to a person under the minimum legal sales age. The minimum legal sales age in Randolph is 21 years of age.

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2. A business, private club, retailer, retail establishment, retail tobacco store, smoking bar or other individual or entity shall request and examine a government-issued photographic identification prior to the sale of a tobacco product or nicotine delivery product to a person appearing under twenty-seven (27) years of age.

3. No business, private club, retailer, retail establishment, retail tobacco store, smoking bar or other individual or entity shall sell or cause to be sold a tobacco product or nicotine delivery product by means of a self-service or free-standing display unless such display is in strict compliance with the regulations promulgated by the Office of the Attorney General, specifically including, but not limited to 940 CMR 21.04. This provision shall not apply to retail tobacco stores.

B. Permit for Location and Sales of Tobacco or Nicotine

As of ~~January 1, 2017~~<sup>1999</sup>, and upon receipt of an application and fee from a business or retailer, the Randolph Board of Health will issue a “Permit for location and Sales” that will specify the name, address and approved location for businesses or retailers who sell tobacco products and/or nicotine delivery products.

As of ~~January 1, 2017~~<sup>1999</sup>, all retailers who sell tobacco products or nicotine delivery products will be required to hold and maintain a valid “Permit for Location and Sales” from the Randolph Board of Health for each location at which tobacco products or nicotine delivery products are sold. Any person or entity selling tobacco products or nicotine delivery products without said permit shall be fined according to Section V, until such permit is issued by the Randolph Board of Health or its designated agent(s). Said permit must be posted on the permitted premises.

After receiving said permit, the merchant will receive signage from The Board of Health reading “Sale of cigarettes or any tobacco products or nicotine delivery products to persons under age twenty-~~one~~<sup>eighteen (18)</sup> is not permitted illegal in the Town of Randolph, M.G.L. chapter 270, Sections 6 & 7.” Any permitted merchant not posting said signage will be in non-compliance ~~with~~ this regulation and subject to penalties per Section V.

The term for the permit shall be for one calendar year unless suspended or revoked. The initial permit shall be in effect from January 1<sup>st</sup>, ~~2017~~<sup>1999</sup>, to December 31<sup>st</sup>, ~~2017~~<sup>1999</sup>. Any permit issued after January 1 will not be prorated. The fee for one calendar year, or fraction thereof, of a tobacco product or nicotine delivery product retailer’s “Permit for Location and Sales” shall be one – hundred dollars (\$100.00).

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A “Permit for Location and Sales” is non-transferable. A new Permit must be issued to a tobacco retailer who changes locations.

Applications for renewal of a “permit for Location and Sales” shall be filed in accordance with the administrative procedures established by vote of the Randolph Board of Health. The required fee must accompany each application.

During such time that a “Permit for Location and Sales” of tobacco products [or nicotine delivery products](#) has been suspended for violations of this regulation, all tobacco products [and nicotine delivery products](#) must be removed from all sales areas and kept under lock and key or removed from the premises.

c. Out-of-Package Sales

~~As of January 1, 1999,~~ no person or entity may sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes.

d. Free Distribution/Samples

No person or business shall distribute or cause to be distributed any free samples of cigarettes or any other tobacco products [or nicotine delivery products](#).

e. Self-Service Displays

As of ~~January 1, 2017~~~~1999~~, self-service displays of all tobacco products [and nicotine delivery products](#) are ~~p~~Prohibited in the Town of Randolph except when such displays are ~~l~~located in facilities where the retailer ensures in writing to the Randolph Board of Health that no person younger than ~~twenty-one~~~~eighteen~~ ~~(1821)~~ ~~y~~Years of age is present or permitted to enter [into the location of the self-service display](#) at any time. Counter Displays which prohibit self-service are permitted within the Town of Randolph.

[All humidors including, but not limited to, walk-in humidors must be locked.](#)

[Tobacco Product Vending Machines, Nicotine Delivery Product Vending Machines and Roll-Your-Own Machines are prohibited.](#)

f. Sales by Employees

No commercial entity selling tobacco products [or nicotine delivery products](#) shall allow any employee to ~~sell~~ cigarettes or other tobacco products [or nicotine delivery products](#) until such employee reads the ~~se~~ ~~Randolph Board of Health's~~ regulations, [and any other regulations of the Randolph Board of Health relating to tobacco or nicotine](#), ~~regarding the sale of tobacco~~ and signs a statement [so indicating](#), a copy of which will be placed on file in the office of the employer, ~~that he/she has read the regulations~~.

g. Smoking bars are prohibited in the Town of Randolph.

~~h. Nicotine Delivery Products Sales are prohibited for persons under 18-21 year old.~~

~~i. All self-service displays of tobacco products and/or Nicotine Delivery Products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.~~

~~j.~~

~~K. Tobacco Vending Machines and Roll Your Own Machines are prohibited.~~

~~L.~~

~~M. All tobacco vending and or Nicotine Delivery Product machines are prohibited.~~

~~**SECTION IV SMOKING PROHIBITIONS**~~

~~**A. Smoking Prohibited in Public Places.**~~

~~1.~~

~~*No person shall smoke in any public place in the Town of Randolph. If the Town of Randolph owns land located outside of the Town that meets the definition of "public place" contained in these regulations, smoking shall also be prohibited on such land.*~~

~~2. Pursuant to M.G.L. Ch. 270, §22(j) smoking is also hereby prohibited in Town-owned public parks, playgrounds, beaches, fields, swimming areas, school athletic fields and non- school athletic fields located within the Town of Randolph.~~

~~3. The use of Tobacco Products that create odor, smoke or vapor or Nicotine Delivery Products that create odor, smoke or vapor is prohibited in the Town of Randolph in any location where smoking is prohibited pursuant to M.G.L. ch. 270, §22. The use of such products is also prohibited in public places in the Town of Randolph and in Town-owned public parks, playgrounds, beaches, fields, swimming areas, school athletic fields and non- school athletic fields located within the Town of Randolph.~~

~~4. Consumption of marijuana in a way that creates odor, smoke or vapor is prohibited in the Town of Randolph in any location where smoking is prohibited pursuant to M.G.L. ch. 270, §22. The use of such products is also prohibited in public places in the Town of Randolph and in Town-owned public parks, playgrounds, beaches, fields, swimming areas, school athletic fields and non- school athletic fields located within the Town of Randolph.~~

~~2.~~

~~**B. Smoking Prohibited in Workplaces.**~~

~~*1.(a) It shall be the responsibility of the employer to provide a smoke free environment for all employees working in an enclosed workplace.*~~

~~2.~~

~~*2. Smoking is hereby prohibited in the Town of Randolph in accordance with M.G.L. Ch. 270, §22 (commonly known as the "Smoke-free Workplace Law).*~~

~~3.~~

~~*Pursuant to M.G.L. Ch. 270, §22(j) smoking is also hereby prohibited in:*~~

~~*a. Town owned public parks, playgrounds, beaches, fields, swimming areas athletic and non- school athletic fields.*~~

~~4.~~

*~~b. The use of e-cigarettes, all non-tobacco smoking products and marijuana is prohibited wherever smoking is prohibited per M.G.L. Ch. 270, §22 and Section 4(e) of this regulation.~~*

Section ~~IV~~V

ENFORCEMENT

- A. It shall be the responsibility of the permit holder to assure compliance with all sections of these regulations pertaining to the place of business. Failure to do so shall be a violation of the “Permit for location and Sales”.
- B. Enforcement of these regulations shall be by the Randolph Board of Health and/or its designated agent(s). The Randolph Police Department shall also be empowered to enforce violations of Section IV of these regulations through the issuance of violation notices and fines to individual smokers on forms approved by the Board of Health. ~~Except for Section IV whereby the Randolph Police Department will enforce violations regarding public place smoking.~~
- C. Any citizen who desires to register a complaint of non-compliance with these rules and regulations ~~of~~ with M.G.L. Chapter 270 sections 6 ~~and~~ 7 may do so in writing to the Randolph Board of Health.
- D. The Board of Health shall issue a written “Notice of Non-Compliance” to any entity or individual that violates these regulations citing any non-compliance, the corrective action to be taken within ten (10) working days of receipt of the Notice of Non-Compliance; and the right to file a written request for a hearing before the Board of Health in accordance with section ~~IV~~ (F).
- E. All “Notices of Non-Compliance” shall be sent by certified mail to the Holder of the “Permit for Location and Sales”, shall be hand delivered to the violator at the time of the offense, or shall be sent by certified mail to the home or business address of the violator, if the violator is not a permittee under these regulations.

Section ~~IV-V~~(continued)

- F. Any person or entity ~~The holder of a “Permit for Location and Sales”~~ receiving a non-compliance notice may request a hearing before the Randolph Board of Health. Said request shall be in writing and filed with the Board of Health within seven (7) calendar days of receipt of the written notice of non-compliance.
- G. The Board of Health shall schedule the requested hearing within Twenty-one (21) calendar days of receipt of the written request of a Hearing.

H. Following the hearing, the Board of Health shall uphold, amend or rescind the penalty noted in the Notice of Non-Compliance. Written notice of the Board of Health's action shall be given to the accused violator, holder of the "Permit for Location and Sales".

#### Section ~~V~~VI

#### PENALTIES, FINES, SUSPENSION AND/OR RECVOICATION OF PERMIT

A. A holder of a "Permit for Location and Sales" who is found to be in violation of any of the provisions of these regulations shall receive:

(1) For a permit-holder under these regulations, in the case of a first violation of any section of these rules and regulations, suspension of the "Permit for Location and Sales" ~~shall be~~ for a period of three (3) consecutive days and a fine of one-hundred dollars (\$100.00), ~~except where~~ For a non-permit-holder under these regulations, where the violation consists of tobacco product sales or nicotine delivery product sales that are made without a "Permit for Location and Sales", then the seller will be subject to a fine of an additional fifty dollars (\$50.00) per day from the date of the violation until a properly-filed permit application is received by the Randolph Board of Health. In the case of a non-permit-holder who is found to be in violation of any other provisions of these regulations, the first violation will be a fine of \$50.

(2) For a permit-holder under these regulations, in the case of a second violation within twenty-four (24) months of the first violation, a suspension of the "Permit for Location and Sales shall be implemented for a period of twenty-one (21) consecutive days and a fine of two-hundred dollars (\$200.00) shall be issued. For a non-permit-holder under these regulations, where the second violation consists of tobacco product sales or nicotine delivery product sales that are made without a "Permit for Location and Sales", then the seller will be subject to a fine of an additional \$300.00 per day from the date of the violation until a properly-filed permit application is received by the Randolph Board of Health, and the Board of Health will immediately suspend any permit issued in response to that application for a period of 21 consecutive days. In the case of a non-permit-holder who is found to be in violation of any other provisions of these regulations, the second violation will be a fine of \$100.

(3) For a permit-holder under these regulations, in the case of a third violation within twenty-four (24) months of the first violation, a suspension of the "Permit for Location and Sales" shall be implemented for a period of ninety (90) consecutive days and a fine of three hundred dollars (\$300.00) shall be issued. For a non-permit-holder under these regulations, where the third violation consists of tobacco product sales or nicotine delivery product sales that are made without a "Permit for Location and Sales", then the seller will be subject to a fine of an additional \$400.00 per day from the date of the violation until a properly-filed permit application is received by the Randolph Board of Health, and the Board of Health will immediately suspend any permit issued in response to that application for a period of 90 consecutive days. In the case of a non-permit-holder who is found to be in violation of any other provisions of these regulations, the third violation will be a fine of \$150.

Section ~~V~~VI(continued)

During such time that a “Permit for Location and Sales” of tobacco products or nicotine delivery products has been suspended for violations of this regulation, all tobacco products and nicotine delivery products must be removed from the permitted premises. Any person or entity selling any tobacco products or nicotine delivery products during the suspension of a ~~without said~~ permit shall be fined and additional fifty dollars (\$50.00) per day until said permit is ~~issued or~~ reinstated by the Randolph Board of Health or its designated agent(s).

All associated costs could be charged against the violator if found as such and shall not be limited to court costs, fees, or any associated costs.

Failure to pay fines will result in revocation of permit.

No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Randolph Board of Health, or any other Town Department or Agency, from suspending or revoking any license or permit issued by and within the jurisdiction of such department or agency for repeated violations of this regulation.

Failure to pay the fine, if that fine is upheld after hearing, within twenty-one (21) days of the date of final decision of the Board of Health shall result in automatic suspension of any applicable permit.

Section ~~V~~VII

HEARINGS

The Randolph Board of Health shall provide notice to the permit holder or other violator of the intent to issue a fine or suspend or revoke a tobacco product or nicotine delivery product sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The alleged violator or permit holder shall have an opportunity to be heard at such hearing and shall be notified of the Randolph Board of Health’s decision and the reasons therefore, in writing. All tobacco products and nicotine delivery products shall be removed from the permitted premises upon suspension of the tobacco product or nicotine delivery sales permit. Failure to remove said products shall constitute a separate violation.

Section VIII

OTHER APPLICABLE LAWS

These regulations shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable health, safety or fire codes, regulations or statutes.

Nothing in this Regulation shall be deemed to preempt the further limitation of the sale of tobacco products or nicotine delivery products in the Town of Randolph by any local regulatory body within the limits of its authority and jurisdiction.

Section ~~IXVIII~~ SEVERABILITY

The invalidity of any section or provision of these regulations shall not invalidate any other section or provision thereof, nor shall it invalidate any permit, fine or suspension which previously has been issued, unless so ordered by a Court of Law with proper authority over the Board of Health.

Section XI

EFFECTIVE DATE

These regulations shall take effect on January 1, 2017~~1999~~ and shall supersede the prior regulations of the Randolph Board of Health entitled REGULATIONS GOVERNING THE DISTRIBUTION OF NICOTINE AND TOBACCO PRODUCTS in their entirety. -

~~Regulations amended on Monday, April 5<sup>th</sup>, 2010 effective July 1<sup>st</sup>, 2010~~

~~Regulations amended on Monday, May 4<sup>th</sup>, 2015 effective July 1<sup>st</sup>~~

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~~Regulations amended on Monday, October 3<sup>rd</sup>, 2016 effective January 1<sup>st</sup>, 2017~~  
FOR THE BOARD OF HEALTH

Mark Kittredge, Chairman

Thomas J. Fisher, Vice Chairman

Dr. David Kaplan, CHO RS, Member

Esther Muhammad RN, Member

Nellie Brown Janga BS, Member