

Accompanying the tenth recommendation of the Department of Public Health (House, No. 219). Commerce and Labor.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Ninety-One.

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**AN ACT TO PROTECT THE HEALTH OF CHILDREN.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 6 of Chapter 270 of the General Laws,  
2 as most recently amended by Chapter 345 of the Acts of 1985 is  
3 hereby amended by deleting the first line "Whoever sells or  
4 markets a cigarette to a person under eighteen" and inserting  
5 "Whoever sells or markets a cigarette to a person under eighteen"  
6 and by adding at the end of the section the following sentence: —  
7 An individual who sells, distributes or gives away cigarettes or  
8 other tobacco products shall require persons he knows or has  
9 reason to believe to be under the age of eighteen to show proof  
10 of identity and age by displaying a motor vehicle license or other  
11 valid form of identification.

1 SECTION 2. Section 7 of Chapter 270 of the General Laws,  
2 as appearing in the 1986 Official Edition is hereby amended by  
3 adding the following: —

4 This section and Section 6 of this Chapter may be enforced by  
5 the Department of Public Health or the Board of Health of the  
6 appropriate city or town. Payment of the fine following the  
7 issuance of a complaint pursuant to this section but prior to trial  
8 shall be considered a civil penalty and will not result in any  
9 criminal or probation record. Fines paid pursuant to a complaint  
10 initiated by the Department of Public Health shall be payable to  
11 the Commonwealth of Massachusetts to be used by the  
12 Department to assist in the funding of the administration of

- 13 Section 6 and 7 of this Chapter and other efforts to curb smoking.  
14 Fines paid pursuant to a complaint initiated by a city or town  
15 shall be payable to the city or town.

1 SECTION 3. Chapter 270 of the General Laws is hereby  
2 amended by inserting after Section 16A the following section: —

3 Section 16B. No person or entity shall, except at full market  
4 price, in or upon any part of the streets, parks, public grounds,  
5 public buildings, or other public places within the Common-  
6 wealth, distribute or allow to be distributed any smoking or  
7 tobacco product for any commercial purpose.

8 Any person or entity who violates this section shall be punished  
9 by a civil fine of not less than twenty-five (25) nor more than fifty  
10 (50) dollars for each violation. This section may be enforced by  
11 the Department of Public Health or the Board of Health of the  
12 appropriate city or town. Payment of the fine following the  
13 issuance of a complaint pursuant to this section but prior to trial  
14 shall be considered a civil penalty and will not result in any  
15 criminal or probation record. Fines paid pursuant to a complaint  
16 initiated by the Department of Public Health shall be payable to  
17 the Commonwealth of Massachusetts to be used by the  
18 Department to assist in the funding of efforts to curb smoking.  
19 Fines paid pursuant to a complaint initiated by a city or town  
20 shall be payable to the city or town.

1 SECTION 4. Chapter 270 of the General Laws is hereby  
2 amended by adding, after Section 6A, the following new  
3 sections: —

4 Section 6B. As used in this section and section 6C, the  
5 following words shall, unless the context clearly requires  
6 otherwise, have the following meanings: —

7 “Minors” means any individual who is under the age of  
8 eighteen.

9 “Vending machines” means any automated, self-service device  
10 which, upon insertion of money, tokens or any other form of  
11 payment, dispenses cigarettes or any other tobacco product.

12 Section 6C. No person shall install or maintain a vending  
13 machine to distribute or sell tobacco products unless the vending  
14 machine is located within ten feet and plain view of the regular

15 location of the person designated to supervise the purchase of  
16 tobacco products at the vending machine. Notwithstanding any  
17 other provisions of the General Laws, local Boards of Health may  
18 further regulate the location of tobacco vending machines or may  
19 prohibit all tobacco vending machines within its boundaries.

20 Any person or entity who violates this section shall be punished  
21 by a civil fine or not less than twenty-five (25) nor more than fifty  
22 (50) dollars for each violation.

23 This section may be enforced by the Department of Public  
24 Health or the Board of Health of the appropriate city or town.  
25 Payment of the fine following the issuance of a complaint  
26 pursuant to this section but prior to trial shall be considered a  
27 civil penalty and will not result in any criminal or probation  
28 record. Fines paid pursuant to a complaint initiated by the  
29 Department of Public Health shall be payable to the Common-  
30 wealth of Massachusetts to be used by the Department to assist  
31 in the funding of efforts to curb smoking. Fines paid pursuant  
32 to a complaint initiated by a city or town shall be payable to the  
33 city or town.

