HOUSE . . . . . No. 2020

By Mr. Stefanini of Framingham, petition of John A. Stefanini for legislation to further restrict the access of tobacco products to children for the purpose of protecting the health of such children. Health Care.

The Commonwealth of Massachusetts

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

AN ACT TO PROTECT THE HEALTH OF CHILDREN.

Whereas, Students have easy access to tobacco products including cigarettes and smokeless tobacco; and

Whereas, Images conveyed by some professional athletes portray the use of smokeless tobacco as necessary to play the game and other prominent figures in society encourage the use of cigarettes; and,

Whereas, The use of tobacco products promotes serious illness and death; and,

Whereas, Thirty-three million times each year the tobacco laws of Massachusetts are violated giving minors illegal access to tobacco products; and,

Whereas, One hundred twenty-five thousand people in Massachusetts under the age of eighteen will die prematurely because of the use of tobacco products.

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

SECTION 1. Section 6 of Chapter 270 of the General Laws, as most recently amended by Chapter 345 of the Acts of 1985, is hereby amended by adding at the end of the section the following sentence: — An individual who sells, distributes or gives away cigarettes or other tobacco products shall require persons he knows or has reason to believe to be under the age of eighteen to show proof of identity and age by displaying a motor vehicle license or other valid form of identification.

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

This section and section 6 of this chapter may be enforced by the Department of Public Health of the appropriate city or town. Payment of the fine following the issuance of a complaint pursuant to this section but prior to trial shall be considered a civil penalty and will not result in any criminal probation record. Fines paid pursuant to a complaint initiated by the Department to assist in the funding of the administration of Section 6 and 7 of this chapter and other efforts to curb smoking. Fines paid pursuant to a complaint initiated by a city or town shall be payable to the city or town.

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

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

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

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

4 Section 6B. As used in this section and section 6C, the following
5 words shall, unless the context clearly requires otherwise, have
6 the following meaning: —
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 in 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 of not less than twenty-five (25) nor more than
22 fifty (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.