

HOUSE No. 1997

By Mr. Armstrong of Plymouth, petition of John A. Armstrong for legislation to prohibit the sale of tobacco products which have been contaminated by fire, smoke or water. Mercantile Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Eight.

AN ACT PROHIBITING THE SALE OF TOBACCO PRODUCTS WHICH HAVE BEEN CONTAMINATED BY FIRE, SMOKE OR WATER.

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

1 Chapter 94 of the General Laws is hereby amended by insert-
2 ing after section 217 the following section:—

3 *Section 217A.* No person shall deliver, sell, offer for sale or
4 have in possession with intent to sell any cigarettes, cigars,
5 tobacco, pipes or any other implement used for smoking which
6 may be inserted into the mouth or nostrils, which have been
7 contaminated by fire, smoke or water resulting from fire or
8 flood, without authority to so do from the division of food and
9 drugs of the department of public health. Any person violating
10 or contributing to the violation of the above section shall be
11 punished by a fine of not less than two hundred nor more than
12 five hundred dollars, or six months in jail.

The Commissioners of the Department of Health

Table 1001—Food and Drug Administration

1. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation.
2. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a second offense.
3. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a third or subsequent offense.
4. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a fourth or subsequent offense.
5. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a fifth or subsequent offense.
6. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a sixth or subsequent offense.
7. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a seventh or subsequent offense.
8. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is an eighth or subsequent offense.
9. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a ninth or subsequent offense.
10. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a tenth or subsequent offense.
11. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is an eleventh or subsequent offense.
12. Any person who is engaged in the business of manufacturing, distributing, or selling any food, drug, or cosmetic, or any device, shall be liable for a civil penalty of not more than \$100,000 for each violation if the violation is a twelfth or subsequent offense.