

**HOUSE . . . . . No. 1158**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Paul K. Frost and Kimberly N. Ferguson*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to local boards of health and the sale of legal tobacco products in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>

**HOUSE . . . . . No. 1158**

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By Representatives Frost of Auburn and Ferguson of Holden, a petition (accompanied by bill, House, No. 1158) of Paul K. Frost, Kimberly N. Ferguson and Thomas M. Stanley for legislation to prohibit local boards of health from banning the sale of tobacco products sold legally in the Commonwealth. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1951 OF 2015-2016.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to local boards of health and the sale of legal tobacco products in the Commonwealth.

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

1           Notwithstanding any general or special law to the contrary, Boards of Health in cities and  
2 towns shall not have the power to ban the community-wide sale of legal tobacco products by  
3 authorized stores, establishments and any other entities legally allowed to sell tobacco in the  
4 Commonwealth and within the existing by-laws of the community, wholesale or retail, without  
5 receiving the approval of town meeting or city council to create such a by-law within the city or  
6 town. This provision shall not interfere with a Board of Health’s ability to take action for an  
7 emergency and immediate health concern for a certain brand of the tobacco product or from a  
8 specific location if a health code violation has otherwise occurred or some other emergency

9 health issue should arise so long as such action is not to ban the legal sale for the sake of doing  
10 so.