

HOUSE No. 1582

The Commonwealth of Massachusetts

PRESENTED BY:

Tom Sannicandro

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 to reduce smoking by minors.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

Tom Sannicandro

7th Middlesex

Marjorie C. Decker

25th Middlesex

HOUSE No. 1582

By Mr. Sannicandro of Ashland, a petition (accompanied by bill, House, No. 1582) of Tom Sannicandro and Marjorie C. Decker for legislation to establish a civil infraction for the possession of cigarettes or cigarette rolling papers by minors
. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act to reduce smoking by minors.

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 270 of the General Laws is hereby amended by adding the following section:-

2 Section 6B. Possession of cigarettes or cigarette rolling papers by minors

3 Whoever, being under eighteen years of age, knowingly purchases, possesses, transports
4 or carries on his person, any tobacco or cigarette rolling papers, or alternative nicotine product or
5 vapor product shall be required to enroll in a tobacco education and cessation program,
6 provided, however, that this section shall not apply to a person who knowingly possesses,
7 transports or carries on his person, cigarettes or cigarette rolling papers in the course of his
8 employment. Such tobacco education and cessation program imposed by this section shall be
9 approved by the Massachusetts Tobacco Cessation and Prevention Program.

10 A police officer shall notify the parent or guardian of a person who violates this section
11 of the violation within forty-eight hours of the violation if the contact information of a parent or

12 guardian is reasonably ascertainable by the officer. The notice may be made by any means
13 reasonably calculated to give actual notice, including notice in person, by telephone, or by first-
14 class mail.

15 A person who violates this section shall forfeit any tobacco, alternative nicotine product
16 or vapor product and any false identification in his or her possession upon the request of any
17 police officer.

18 The court shall treat a violation of this section as a civil infraction. A person complained
19 of for such civil infraction shall be adjudicated responsible upon such finding by the court and
20 shall neither be sentenced to a term of incarceration nor be entitled to appointed counsel pursuant
21 to chapter 211D. An adjudication of responsibility under this section shall not be used in the
22 calculation of second and subsequent offenses under any chapter, nor as the basis for the
23 revocation of parole or of a probation surrender.

24 Whenever used in this section, the term “alternative nicotine product” shall mean any
25 non-combustible product containing nicotine that is intended for human consumption, whether
26 chewed, absorbed, dissolved or ingested by any other means; “alternative nicotine product” does
27 not include any tobacco product, vapor product, or any product regulated as a drug or device by
28 the United States Food and Drug Administration under Chapter V of the Food, Drug And
29 Cosmetic Act. Whenever used in this section, the term “vapor product” shall mean any non-
30 combustible product containing nicotine that employs a heating element, power source,
31 electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size,
32 that can be used to produce vapor from nicotine in a solution or other form; “vapor product”
33 includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar

34 product or device and any vapor cartridge or other container of nicotine in a solution or other
35 form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic
36 cigarillo, electronic pipe, or similar product or device; “vapor product” does not include any
37 product regulated as a drug or device by the United States Food and Drug Administration under
38 Chapter V of the Food, Drug And Cosmetic Act.