

HOUSE No. 2021

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry

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 further regulating the sale of tobacco products to teenagers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>

<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

HOUSE No. 2021

By Mr. McMurtry of Dedham, a petition (accompanied by bill, House, No. 2021) of Paul McMurtry and others for legislation to further regulate the sale of tobacco products to teenagers. Public Health.

The Commonwealth of Massachusetts

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

An Act further regulating the sale of tobacco products to teenagers.

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. Chapter 94 of the General Laws is hereby amended by striking out section
2 307C, as appearing in the 2012 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 307C. The department of public health may, in consultation with the attorney
5 general and the department of revenue, establish regulations for persons engaged in the sale or
6 shipment of a tobacco product, as defined in section 6 of chapter 270, to prevent the sale or
7 delivery of a tobacco product to persons under 21 years of age in the commonwealth.

8 SECTION 2. Chapter 270 of the General Laws is hereby amended by striking out section
9 6, as so appearing, and inserting in place thereof the following section:-

10 Section 6. (a) As used in this section, the term, “tobacco product” shall mean any product
11 containing, made, or derived from tobacco or nicotine that is intended for human consumption,
12 whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other

13 means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe
14 tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes or other similar
15 products that rely on vaporization or aerosolization. "Tobacco product" shall include any
16 component, part or accessory of a tobacco product. "Tobacco product" shall not include any
17 product that has been approved by the United States Food and Drug Administration for sale as a
18 tobacco cessation product and is being marketed and sold solely for the approved purpose.

19 (b) Whoever sells a tobacco product to any person under the age of 21 or, not being his or
20 her parent or guardian, gives a tobacco product to any person under the age of 21 shall be
21 punished by a fine of not less than \$100 for the first offense, not less than \$200 for a second
22 offense and not less than \$300 for any third or subsequent offense.