Dear Retailer:

On November 27, 2019, Governor Baker signed into law “An Act Modernizing Tobacco Control.” Beginning June 1, 2020, the following sections of the state law will go into effect. These include:

- Prohibiting the sale of all flavored tobacco and vape products, including menthol and mint, except at Massachusetts Department of Revenue (DOR)-approved Smoking Bars for on-premises use ONLY;
- Imposing an excise tax on the sale of vaping products;
- Requiring that vape product retailers obtain a state license and any required local permit; and
- Requiring that vape product distributors obtain a state license.

DOR is responsible for the excise tax and the state licenses - not cities and towns. For more information, please visit DOR’s website at www.mass.gov/dor.

As a tobacco and/or vape product retailer, please note that the ban on the sale of flavored vape products, which went into effect on November 27, 2019, will extend to traditional tobacco products including, but not limited to, cigarettes, cigars, chew tobacco, spit tobacco, bidis and loose tobacco. As of June 1, 2020, general tobacco retailers and adult-only retail tobacco stores cannot sell these products. Only Smoking Bars are exempt from this policy and only for on-premises consumption.

A sample list of affected products includes, but is not limited to:

- Newport, Kool and Salem menthol cigarettes
- Copenhagen, Grizzly and Skoal mint or flavored dip/chew tobacco
- Cigars, cigarillos or bidis in fruit, candy, mint, menthol or liquor flavors
- Any other tobacco or vape product that has a taste or aroma other than tobacco
- Nicotine products even if they do not contain tobacco
Please note that as of June 1, the sale of any tobacco product, including cigarettes, will be prohibited to anyone under the age of 21 statewide. State law also substantially raises the fines for sales to minors and violations of the flavored tobacco product sales restriction policy (amongst other state law policies). Penalties assessed for violations of Massachusetts General Law, Chapter 270, Section 6 are:

- $1000 for a first violation (instead of $100);
- $2000 for a second violation within 36 months (instead of $200); and
- $5000 for a third or subsequent violation within 36 months (instead of $300)

Local cities and towns cannot lower these fines. Repeat violators will also be subject to a local tobacco product sales permit suspension.

To read and better understand this amended state laws, see Mass. Gen. Laws Chapter 270, Section 6 or search for “MGL Ch. 270, §6”.

If you have any questions regarding this letter please contact the Burlington Board of Health at 781-270-1955 or at boh@burlington.org.

Sincerely,

Marlene Johnson

Marlene Johnson, R.S.
Health Agent

Cc: File
    Board of Health
No Menthol...
- Cigarettes
- Cigars
- Chew
- Any other Tobacco or Vape Products

No Mint or Wintergreen...
- Chew
- Dip
- Spit
- Pinch
- Pouch
- SNUS

No Flavored...
- Cigarillos
- Blunt Wraps
- Liquid Vape Products
- CBD Vape Products
  ...that has taste or aroma other than tobacco

No Flavored Pods Including...
- JUUL
- PUFF
- SEA
- eonsmoke

*** at this time JUUL can only be sold at Adult-Only Retail Tobacco Stores***
No Flavored Vape...
- Pens
- Bars
- Sticks
- Hookah
- Disposable/Reusable
- or Other Devices

No Flavor Enhancers...
- Cigarette
- Cigar
- Vape Products
*Regardless of Tobacco or Nicotine Content*

No Flavored Premium Cigars...
- Alcohol
- Cognac
- Wine
- Spice
- Fruit
- Nut
- Mint
*This Includes Premium Cigars Stored In Humidors*

No Flavored Small Cigars & Cigarillos...
- Alcohol
- Wine
- Spice
- Fruit
- Nut
- Mint
*This Includes Small Cigars Stored In Humidors*
New Tobacco/Vape Sales Law

- No Sales to anyone under 21 yrs.

- Flavored tobacco products and vape products (including mint, menthol and wintergreen) can only be sold in licensed smoking bars, for onsite consumption only.

- Unflavored E-cigarettes with nicotine content over 35 mg/per ml can only be sold in adult-only retail tobacco stores and licensed smoking bars.

- Flavored e-cigarettes with any strength of nicotine content can only be sold in licensed smoking bars, for onsite consumption only.

- Starting June 1, 2020, e-cigarettes and vaping products will increase in price because of a new tax.

- Vape product retailers and distributors must obtain a state license and any required local permits.

For more information about the new law visit mass.gov/NewTobaccoLaw
For questions about local regulations and the new state law contact the Burlington Board of Health at 781-270-1955 or boh@burlington.org.
Help for those who want to quit vaping, smoking or using other tobacco products is available for FREE at 1-800-QUIT-NOW (1-800-784-8669) and KeepTryingMA.org