

# SENATE NO. 1690

## **AN ACT** TO CONTROL YOUTH ACCESS TO TOBACCO

*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. Section 2 of Chapter 64C of the General Laws, as appearing in the 2004 Official Edition,  
2 is hereby amended by inserting after the words “Sixty-two C,” in line four, the following words:

3 “and unless such license is limited to the sale of cigarettes at a location that is not within 500 feet of  
4 the real property comprising any house of worship, a public or private accredited preschool, accredited  
5 headstart facility, elementary, vocational, or secondary school, whether or not in session, or any public  
6 park or playground or any other property on which any after school program is operated for the benefit  
7 of elementary, middle or high school students.”

8 2) Said Section 2 of said Chapter 64C of the General Laws as appearing in the 2004 Official Edition,  
9 as so appearing, is hereby amended by adding the following paragraph:

10 The Commissioner of Revenue shall, after a hearing, suspend for seven days the license of any person  
11 who violates section six (6) or six-A (6A) of Chapter 270 and, in the case of a combination thereof, or  
12 two or more violations of either aforementioned section, the Commissioner of Revenue shall, after a  
13 hearing, suspend said license for thirty (30) consecutive business days.

14 3) Section six of Chapter 270 of the General Laws, as so appearing, is hereby amended by striking out  
15 the words “one hundred dollars for the first offense, not less than two hundred dollars for a second  
16 offense and not less than three hundred dollars for any third and subsequent offense” and inserting in  
17 place thereof the following words: “not less than two hundred fifty dollars for the first offense, not less

18 than four hundred fifty dollars for the second offense and not less than six hundred fifty dollars for a  
19 third or subsequent offense.”

20 4) Section 6A of said Chapter 270 of the General Laws, as so appearing, is hereby amended by striking  
21 out the words “not less than twenty-five dollars for the first offense, not less than fifty dollars for the  
22 second offense and not less than one hundred dollars for a third and subsequent offense” and inserting  
23 in place the following words: “not less than seventy-five dollars for the first offense, not less than one  
24 hundred fifty dollars for the second offense and not less than two hundred fifty dollars for a third or  
25 subsequent offense.”

26 5) Section one of this act shall not apply to any license issued pursuant to Section two of Chapter 64C  
27 of the General Laws before the effective date of this act.

28 6) The State shall establish a special designation for businesses that sell tobacco products entitled  
29 “Child Safe Tobacco Store” where the business owner or agents agree by oath of signature on an  
30 affidavit supplied by the local board of health to refrain from displaying tobacco ads on the outside of  
31 the business or anywhere where they may be easily viewed by minors, including inside advertising  
32 visible from the outside of the establishment and also including advertising within 5 feet of the floor  
33 on the inside of the establishment. The business owner or agents must further agree to post  
34 information about the Quit Line, or its equivalent, and Quit Works or its equivalent. The business  
35 owner or agents must also agree to check the identification of any individual attempting to purchase a  
36 tobacco product if said individual appears under 27 years of age, pursuant to 940 Code of  
37 Massachusetts Regulations Section 21.04(2b).