



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
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**To:** Tobacco Retailers  
**From:** Commissioner Robert Goldstein, Massachusetts Department of Public Health  
**Date:** July 1, 2024  
**RE:** Implementation of 105 CMR 665.000 and Flavored Tobacco Product Return for Retail Establishments  
**CC:** Local Boards of Health

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On June 6, 2024, the Massachusetts Department of Public Health (the "Department") issued an advisory entitled "Implementation of 105 CMR 665.000 and Restriction on the Sale of Flavored Tobacco Products."<sup>1</sup> In that advisory, the Department determined that the following tobacco products are "flavored tobacco products" within the meaning of [Massachusetts General Law, Chapter 270, Section 28](#) and the Department's regulation [105 CMR 665.000](#):

1. Newport Non-Menthol Green;
2. Newport EXP Non-Menthol;
3. Camel Crush Non-Menthol Oasis;
4. Camel Crisp Non-Menthol Green Box; and
5. Maverick Non-Menthol.

In that same advisory the Department also required retail establishments that are not licensed smoking bars to remove these products from their premises by July 6, 2024.

The Department has been made aware that retail establishments that cannot legally sell flavored tobacco products may require more time to return said products to the manufacturer. In order to provide retailer establishments an opportunity to return products for reimbursement and remove the above referenced products from the premises of Massachusetts tobacco retailers the Department is extending its July 6, 2024 deadline to September 4, 2024 for retail establishments that can demonstrate the following:

1. The retail establishment does not intend to sell the above reference flavored tobacco products for sale;

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<sup>1</sup> Dep't of Public Health, *Implementation of 105 CMR 665.000 and Restrictions on the Sale of Flavored Tobacco Products* (June 6, 2024), available at <https://www.mass.gov/doc/dph-flavor-guidance-letter-2-2024/download>.

2. The retail establishment has removed the above reference flavored tobacco products from all public areas of the premises;
3. The retail establishment is storing the above reference flavored tobacco products in a way that clearly identifies that the tobacco products cannot be offered for sale and are in the process of being returned; and
4. The retail establishment has initiated the process to return the above referenced flavored tobacco products.

Please note that the Department determined that the above referenced tobacco products are flavored tobacco products and in violation of Massachusetts General Law, Chapter 270, Section 28 and the Department's regulation 105 CMR 665.000. The intent of this advisory is to provide retailer establishments that meet the above referenced requirements additional time (until September 4, 2024) to return existing inventory of these products. Retail establishments that are not licensed smoking bars cannot offer for sale the above referenced flavor tobacco products or any flavored tobacco product.