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APPLICABLE CITATIONS ON FIRST SALE TO SOMEONE UNDER 21

Amended 4/11/22

STATE LAW REQUIRES AN ID FOR ALL POTENTIAL TOBACCO/VAPE BUYERS, A/K/A “THE FENWAY RULE”

105 CMR 665.000

665.010: Sale of Tobacco Products and Electronic Nicotine Delivery Systems

(A) No person shall sell or provide a tobacco product to any individual younger than 21 years old, as verified by said person's valid government-issued photographic identification.

STATE LAW REQUIRES SUSPENSION FOR A FIRST TIME SALE TO A MINOR:

105 CMR 665.000

665.040: Requirements for Retail Establishments

(D) Sale of a tobacco product by a retail establishment to a person younger than 21 years old shall result in the retail establishment being prohibited from selling tobacco products for up to 30 consecutive business days, or for a longer term as enacted, adopted, or promulgated in a rule, regulation or other measure by the appropriate and legally designated health authority of the city, town, or other legally constituted governmental unit within the Commonwealth.

STATE LAW MANDATES A \$1000 FINE FOR A FIRST TIME VIOLATOR:

105 CMR: DEPARTMENT OF PUBLIC HEALTH

665.045: Violations

Unless otherwise specified or provided for in 105 CMR 665.000, violations of 105 CMR 665.000 shall be assessed as follows:

(A) It shall be the responsibility of any person to ensure compliance with 105 CMR 665.000. If an inspection pursuant to 105 CMR 665.000 reveals a retail establishment, retailer, and/or his or her business agent does not comply with the provisions of 105 CMR 665.000, the retail establishment shall be ordered to comply with the violated provision of 105 CMR 665.000. In

addition to the correction order, the following fines and actions apply against any person who violates 105 CMR 665.000, provided, however, that such fines and actions related to any violation within a retail establishment shall apply against the retailer and/or his or her business agent and not an employee thereof:

1. (1) In the case of a first violation, a fine of \$1,000 shall be imposed.