

BOH and Retailers 9.24.19

Body of email/notice

To Local Health Departments:

On September 24, 2019, Governor Charles D. Baker declared a public health emergency in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products, and the epidemic of e-cigarette use among youth. Pursuant to the Governor's Declaration and with the approval of the Governor and the Public Health Council, today the Commissioner of the Massachusetts Department of Public Health, Monica Bharel, MD, MPH, issued an Order to temporarily prohibit the sale and public display of all vaping products in retail establishments, online, and by any other means in Massachusetts. The growing multistate outbreak of severe lung disease associated with vaping and the epidemic facing youth use of e-cigarettes has led to this necessary and important action. Attached you will find a copy of the Commissioner's Order, a copy of the Governor's Declaration of a Public Health Emergency, and a guidance document that details recommendations for enforcement of this Order and resources for municipalities.

The role of local public health is critical in protecting the residents of the Commonwealth and I fully appreciate the work that being done on the municipal level, every day.

Thank you for your partnership in the fight against this epidemic.

Sincerely,

Ron O'Connor

September 24, 2019

Dear Tobacco Retailer:

On September 24, 2019, Governor Charles D. Baker declared a public health emergency in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products, and the epidemic of e-cigarette use among youth. Pursuant to the Governor's Declaration and with the approval of the Governor and the Public Health Council, the Commissioner of the Massachusetts Department of Public Health, Monica Bharel, MD, MPH, issued an Order to temporarily prohibit the sale and public display of all vaping products in retail establishments, online, and by any other means in Massachusetts.

This letter is to inform you that to comply with this Order you may not sell vaping products and must remove all vaping products from public display.

What products are prohibited from sale and display?

- All non-flavored and flavored vaping products, including mint and menthol; and products used to vape tetrahydrocannabinol (THC) and any other cannabinoid
- Vape products are any product intended for human consumption by inhalation, regardless of nicotine content, whether for one-time use or reusable, that relies on vaporization or aerosolization, including but not limited to e-cigarettes, e-cigars, e-pipes, vape pens, hookah pens, and other similar devices that rely on vaporization or aerosolization. This includes any component, part, or accessory of these product or devices defined, even if sold separately

When will retailers be able to sell vape products again?

- The Commissioner's Order is effective immediately. The Order lasts for four months and may be extended.

What will happen if retailers don't comply with this Order?

This rule may be enforced by state and local officials and failure to comply may result in fines, seizure of vape products or other penalties. If you have questions, please visit: www.mass.gov/dph/mtcp or contact your local board of health.

Thank you for following this new law.

Sincerely,

Enclosure: Commissioner's Order