

# Summary of State Tobacco Laws

## Sales to Minors

- It is illegal to sell tobacco products to any person under the age of 18. It is illegal for anyone, except a parent or guardian, to give a tobacco product to an individual under the age of 18. (MGL C. 270 S. 6)
- Owners of vending machines that contain cigarettes or tobacco must have attached on the front of the machine a notice furnished by the Commissioner of Revenue reading: "Persons under 18 are prohibited from using this machine." (MGL C. 64C S. 10)

It is illegal to sell tobacco products to any person under the age of 18. It is illegal for anyone, except a parent or guardian, to give a tobacco product to an individual under the age of 18. Under regulations passed by the Massachusetts Attorney General, retailers must card anyone who appears to be 27 years old or younger before selling him or her tobacco products. The retailer may only accept a government-issued, photographic identification to verify a purchaser's age. The sole exception is for parents and legal guardians who give their child a tobacco product. (MGL c. 270 s. 6; 940 CMR s.21.04(2); 22.06(2).)

Owners of vending machines that contain cigarettes or tobacco must have attached on the front of the machine a notice furnished by the Commissioner of Revenue reading "Persons under 18 are prohibited from using this machine." (MGL c. 64C s.10)

Massachusetts requires that notice of the minimum legal age sales law is posted at retail establishments selling tobacco. State law provides detailed instructions that proprietors must display a sign at each cash register. A forty-eight inch sign must be posted at the cash register that handles the greatest volume of tobacco product sales. All other cash registers in a retail establishment must display the same message in a smaller nine square inch sign. The sign will be provided by the Massachusetts Department of Public Health or the local Board of Health. (MGL c.270 s.7; 105 CMR s.590.009(f).)

Under regulations of the Massachusetts Attorney General, any retailer who sells hand rolled cigars or displays for purchase manufactured cigars outside of their original packaging must display a state-mandated warning about cigar consumption in a sign at least 50 square inches in size (940 CMR 22.06(2).) These signs are available from the website of the Attorney General.

Massachusetts only allows self-service displays in adult-only facilities. Massachusetts prohibits self-service displays from which customers may take a tobacco product without assistance from a store employee. Tobacco must be kept beyond reach of all consumers (940 CMR 21.04 (2); 22.06(2).)

Massachusetts bans vending machines containing tobacco products, except in establishments licensed to sell alcohol for consumption on the premises. There are three requirements for all vending machines containing tobacco products. First, they must feature lock-out devices requiring an employee to unlock the vending machine for each sale. Second, they must be

located where all sales are easily observed by an employee. Third, they must display a sign stating that minors are not permitted to purchase tobacco and notifying customers of the lock-out device. (940 CMR.211.04(4); 22.06 (4).)

Massachusetts prohibits any person from selling single unpackaged cigarettes, little cigars and portions of a smokeless tobacco container. (MGL c.94 s.307A; 940 CMR 21.04 (1)(b); 22.06 (1)(b).)

## **Schools**

- Students are prohibited from using tobacco products within public school buildings, in public school facilities, on public school grounds, or on public school buses. Schools must establish policies that prohibit tobacco use by all individuals in these areas. (MGL C. 71 S. 37H)
- Public colleges and universities must provide non-smoking dormitories. Each public institution must allow an individual to state their preference on the college application. (MGL C. 15A S. 16A)

## **Hiring Practices**

- No person appointed on or after January 1, 1988, who smokes any tobacco product shall continue in office as: a uniform officer of the state police; an employee of the Department of Corrections whose regular or incidental duties require the care, supervision, or custody of prisoners and criminally insane persons; a city or town police officer or firefighter; or an investigator or examiner empowered to perform police duties for the Registry of Motor Vehicles. (MGL C. 22 S 9A, C. 27 S. 2, C. 41 S. 101A, C. 90 S. 29)

## **Workplaces**

- As of July 5, 2004, all workplaces that have one or more employees must be smoke-free.
- Smoking is prohibited in common work areas, hallways, conference and meeting rooms, offices, employee lounges, restrooms and staircases; auditoriums, theaters, concert halls and convention centers; museums, libraries, schools, colleges and classrooms; restaurants, bars, taverns, food courts and supermarkets; medical facilities, health facilities, child care centers, camps for school age children; public transportation such as trains, planes, taxis, buses, airports, train and bus stations, terminals and enclosed outdoor platforms; and public buildings owned by the commonwealth or a political subdivision, such as a city or town.

Exemptions where smoking may be permitted, if certain conditions are met.