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**Notification of Public Hearing, Lynn Board of Health
Lynn City Hall, Room 407, Tuesday October 8, 2013 @ 6:45 p.m.**

**Summary of revised Lynn Board of Health Regulation Restricting the Sale of Tobacco to
Minors:**

**Regulation of the City of Lynn Board of Health
Restricting the Sale of Tobacco Products
And the Sale and Use of Nicotine Delivery Products**

C. Definitions

E-Cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices and dentist offices.

Nicotine Delivery Product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration (FDA) for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes. **Any FDA-approved nicotine product, including, but not limited to, nicotine gum and nicotine patch used for cessation purposes, are not subject to this regulation.**

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

D. Tobacco and Nicotine Delivery Product Sales to Minors Prohibited:

1. No person shall sell tobacco or nicotine delivery products or permit tobacco or nicotine delivery products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco or nicotine delivery products to a minor.

E. Tobacco and Nicotine Delivery Product Sales Permit:

1. No person shall sell or otherwise distribute tobacco or nicotine delivery products at retail establishments within the City of Lynn without first obtaining a Tobacco and Nicotine Delivery Product Sales Permit issued annually by the Lynn Board of Health. Only owners of establishments with a permanent, non-mobile location in Lynn are eligible to apply for a permit and sell tobacco products or nicotine delivery products at the specified location in Lynn.

K. Non-Residential Roll-Your-Own Machines:

All Non-Residential Roll-Your-Own machines are prohibited.

L. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Health Care Institutions:

No health care institution located in Lynn shall sell or cause to be sold tobacco or nonFDA-approved nicotine delivery products. No retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products or nonFDA-approved nicotine delivery products.

M. Prohibition of the Sale of Tobacco and Nicotine Delivery Products by Educational Institutions:

No educational institution located in Lynn shall sell or cause to be sold tobacco or nicotine delivery products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

N. E-Cigarette Use

The use of e-cigarettes are prohibited wherever smoking is prohibited per M.G.L. Ch. 270, §22 and the City of Lynn Environmental Tobacco Smoke (ETS) Workplace and Public Place regulation.

**A FULL COPY OF THE REGULATION IS AVAILABLE IN THE INSPECTIONAL SERVICES DEPARTMENT ROOM
401 LYNN CITY HALL**

Advertise Item Tuesday September 24, 2013 & Tuesday October 1, 2013