

Canton Board of Health
“Regulation of the Sale of Tobacco and Nicotine Products”
Amended 2019

Statement of Purpose:

Whereas, according to the US Surgeon General’s “2014 Surgeon General's Report: The Health Consequences of Smoking” (Report), smoking remains the leading preventable cause of death and disease in the United States;

And whereas according to the US Surgeon General’s 2014 Report, “... tobacco smoke contains toxic chemicals that can damage DNA and lead to cancer and that one out of every three cancer deaths in this country is from smoking.

And whereas according to the Center for Disease Control and Prevention (CDC), nearly all tobacco use begins during youth and progresses during young adulthood. More than 3,200 children age 18 or younger smoke their first cigarette every day. Nearly 9 out of 10 smokers start before the age of 18 and almost all start smoking by age 26. Every adult who dies early because of smoking is replaced by two new young smokers. If smoking continues at current rates, 5.6 million—or 1 out of every 13—of today’s children will ultimately die prematurely from a smoking-related illness ... and that more than 400,000 babies born in the United States every year are exposed to chemicals in cigarette smoke before birth because their mothers smoke. In the last 50 years, 100,000 babies have died from smoking-related prematurity, low birth weight, sudden infant death syndrome (SIDS), or other conditions caused by exposure to chemicals in secondhand smoke during infancy or before they were born (Ibid) ... and that today about half of all children between ages 3 and 18 years in this country are exposed to cigarette smoke regularly (Ibid) ... and compared to children who are not exposed, children exposed to secondhand smoke have more, ear infections, more respiratory infections, more asthma attacks, and miss more days of school than children who don’t smoke (Ibid);

And whereas according to data published by the CDC and the U.S. Food and Drug Administration’s Center for Tobacco Products (CTP) in the April 16, 2015 Morbidity and Mortality Weekly Report (MMWR), current e-cigarette use among middle and high school students tripled from 2013 to 2014. And findings from the 2014 National Youth Tobacco Survey show that current e-cigarette use among high school students increased from 4.5 percent in 2013 to 13.4 percent in 2014, rising from approximately 660,000 to 2 million students and among middle school students, current e-cigarette use more than tripled from 1.1 percent in 2013 to 3.9 percent in 2014—an increase from approximately 120,000 to 450,000 students;

And whereas according to the US Surgeon General’s Report, there is no safe level of exposure to tobacco smoke... and cigarettes are designed for addiction. The design and contents of tobacco products make them more attractive and addictive than ever before. Nicotine addiction keeps people smoking even when they want to quit (Ibid) ... and any exposure to tobacco smoke—even an occasional cigarette or exposure to secondhand smoke is harmful (Ibid);

And whereas the Surgeon General's Advisory Committee on the Health Consequences of Using Smokeless Tobacco Summary Report, (Public Health Rep. 1986 Jul-Aug;101(4):355-73) states “...smokeless tobacco is used predominantly in the forms of chewing tobacco and snuff.”, and “National estimates indicate that more than 12 million persons age 12 and older in the United States used some form of smokeless tobacco...”. And, “The highest rates of smokeless tobacco use occurred among adolescent and young adult males. Examination of the relevant epidemiologic, experimental, and clinical data revealed that oral use of smokeless tobacco is a significant health risk. This behavior can cause cancer in humans, and the evidence is strongest for cancer of the oral cavity...”, and “Smokeless tobacco use can also lead to the development of noncancerous oral conditions, particularly, oral leukoplakias and gingival recession. Further, the levels of nicotine in the body resulting from smokeless tobacco can lead to nicotine addiction and dependence.”

And whereas the US Surgeon General and the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin... and there is no safe cigarette;

And whereas according to the Center for Disease Control and Prevention (CDC), the use of e-cigarettes is unsafe for kids, teens, and young adults. Most e-cigarettes contain nicotine which is highly addictive and can harm brain development, *through young adulthood, and other harmful substances in addition to nicotine.
(https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html);

And whereas young people who use e-cigarettes may be more likely to smoke cigarettes in the future. (Excerpted from Massachusetts Governor, Charlie Baker’s Emergency Order, September 24, 2019)

And whereas, vaping products use an e-liquid that may contain nicotine, THC and/or cannabinoid oils, in addition to a combination of flavoring, propylene glycol, vegetable glycerin, and other ingredients and may also contain toxic chemicals such as formaldehyde,

acrolein, acrylonitrile, propylene oxide, crotonaldehyde and acetaldehyde, as well as metal particles such as nickel, lead, and chromium, which can be inhaled into the lungs. (Excerpted from Massachusetts Governor, Charlie Baker's Emergency Order, September 24, 2019)

And whereas, nationally from 2017 to 2018 vaping use among youth has increased 78% among high school students and 48% among middle school students and the total number of children who are currently vaping rose to 3.6 million in 2018; (Excerpted from Massachusetts Governor, Charlie Baker's Emergency Order, September 24, 2019)

And whereas, these confirmed and probable cases in Massachusetts are among both teenagers and older adults and are linked to a range of vaped products; (Excerpted from Massachusetts Governor, Charlie Baker's Emergency Order, September 24, 2019)

And whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products continue to be a major problem;

A. Authority:

Now, therefore pursuant to the authority granted under Massachusetts General Laws Chapter 111, §31, the Canton Board of Health hereby promulgates this "Regulation of the Sale of Tobacco and Nicotine Products" (Regulation) to help reduce the unhealthy use of tobacco and nicotine products and to further regulate access to tobacco products, particularly to minors;

B. Definitions:

For the purpose of this Regulation, the following words shall have the following meanings:

Adult: persons of twenty-one (21) years of age or older..

Adult Only Retail Tobacco Store: An establishment that is not required to possess a retail food permit, and has the primary purpose to sell or offer for sale, but not for resale, tobacco and/or nicotine products and tobacco paraphernalia, and in which the entry of minor persons, as defined in this Regulation, under the minimum legal sales age is prohibited at all times, and that checks customer identification for age verification, and maintains a valid permit for the retail sale of tobacco and nicotine products as required having been issued by the Canton Board of Health.

Alternative Nicotine Product: For the purposes of this Regulation, "Alternative Nicotine Product" means a product or device not consisting of, or containing tobacco that provides nicotine, or for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. However, "Alternative Nicotine Product" excludes those products listed in the "Tobacco Product"

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definition, including but not limited to, cigarettes, smokeless tobacco, and electronic cigarettes (e-cigarettes), as these terms are separately defined in this Regulation. Any product approved by the United States Food and Drug Administration as a non-tobacco nicotine product for medical use for sale as a tobacco or nicotine cessation product, or for other medical purposes pursuant to 21 U.S.C. 321(g)(1), and sold in appropriate retail stores specializing in medical product sales are also excluded from this definition.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Business Owner: The owner or primary operator of a business, but who does not include the owner of the property or physical facility of the business unless he/she is also the Business Owner.

Characterizing Flavor (Flavor): A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, eucalyptus, peppermint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product. These shall be considered prohibited flavors as of January 1, 2020. Any questions about whether or not a product is flavored, that cannot be determined by this definition, shall be determined by a vote of the Board of Health.

1. **Component Part:** Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.
2. **Constituent:** Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.
3. **Distinguishable:** Perceivable by either the sense of smell or taste.
4. **Flavored Tobacco Product:** Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco

product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

5. **Smoke Constituent:** Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Dissolvable tobacco product "dissolvable tobacco product" means a smokeless tobacco product that dissolves in the mouth of the user.

“Electronic Cigarette”: (Also, e-cigarette) A nicotine delivery system that may or may not have the appearance of a cigarette, and that may or may not use battery power or some other form of heat or energy to assist in delivering nicotine to the user, and that provides vapor or liquid or other form of nicotine to the user, or relies on vaporization of solid or liquid nicotine.

Employee: Any individual who performs services for an employer.

Employer: Any individual, company, partnership, association, corporation, trust or other organized group of individuals, which uses the services of one (1) or more employees.

Minor: For the purpose of this Regulation, a minor is any individual who is under the age of twenty-one (21) years.

New Applicant: An existing or new business, establishment, individual, or other commercial entity applying for a Permit to Sell Tobacco or Nicotine Products.

Nicotine Containing Products: Nicotine containing products include, but are not limited to, nicotine containing candies, gums, and all other nicotine containing foods or drinks. For the purpose of this Regulation, this definition does not include cigarettes, cigars, or e-cigarettes.

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Nicotine Delivery Product: Any non-medical method, device, or nicotine-containing product made wholly or in part of or for a tobacco substitute or containing nicotine in any of its forms that is expected or intended for human consumption, whether or not smoke or vapor is produced, that is sold or otherwise distributed for the purpose of delivering nicotine in any of its forms to an individual, either directly or indirectly and either internally or externally, not including traditional tobacco products as defined in this Regulation, and which has not been prescribed by a licensed physician or other licensed medical personnel who can legally prescribe medication. Nicotine delivery products include, but are not

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limited to smokeless tobacco products as defined in this Regulation. Nicotine Products for Medical Use, including nicotine gum (medical), and nicotine patches, are exempt from prohibition of sale as provided by this Regulation for medical use if sold to adults 21 years of age or older. Nicotine delivery products include but are not limited to all nicotine containing candies and all other nicotine containing foods or drinks.

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Nicotine Product for Medical Use: Any nicotine containing product approved by the United States Food and Drug Administration (FDA) as a non-tobacco product for sale as a tobacco cessation product, or for other medical purposes pursuant to 21 U.S.C. 321(g)(1).

Non-Medical Nicotine Products: Tobacco and nicotine products not approved for medical use by the US Food and Drug Agency (FDA).

Non-Smoke: A vapor or gas that does not contain carbon dioxide (CO₂) and/or carbon monoxide (CO).

Out of Business: Means for the purpose of this Regulation, that a commercial retailer is no longer selling merchandise that had been permitted to be sold from a particular place or location of business, and is a term referring to a commercial retail business whose agent(s) has made a prima facie statement or inference that it is no longer conducting business for which it was permitted, and/or has not made sales of products regularly sold at the permitted place of business for thirty (30) calendar days or more, including, but not limited to tobacco and/or nicotine products, foods, beverages, and miscellaneous sundry items regardless of whether or not the commercial retail business has maintained a corporate status, profile, or identity with a State Secretary's Office. Two Board of Health inspection attempts where a commercial retailer is closed during regular business hours for a span of at least thirty (30) calendar days or more shall be presumptive evidence that the commercial retailer is Out of Business. A commercial retail business that has been closed to the public for thirty (30) days or more shall be deemed Out of Business unless the Board of Health had been previously notified in writing by certified mail, return receipt accepted, that said business space will be renovated and/or under construction for more than thirty (30) days and includes in writing a completion date when regular business shall resume. Such construction or renovations shall require Board of Health inspection to ensure consistency with this section of the Regulation.

Permit or Permit to Sell Tobacco or Nicotine Products:: A Tobacco or Nicotine Product Sales Permit (Permit) issued by the Canton Board of Health, or required pursuant to this Regulation. All Permits expire at midnight on December 31st of each year. Permits are not transferrable.

Permit Holder: Any person engaged in the sale or distribution of tobacco or nicotine products directly to consumers or any person who is required to apply for a tobacco and nicotine product sales permit pursuant to this Regulation, or his or her business agent who applies for and receives a tobacco and nicotine product sales permit from the Canton Board of Health. Businesses and business properties are not Permit Holders.

Person: An individual, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale or distribution of tobacco or nicotine products directly to consumers.

Probation or Probationary Period: The thirty-six (36) month period following any violation of this Regulation during which an additional violation of this Regulation would trigger a stricter response including greater fines, suspensions, and eventually permanent Permit revocation pursuant to §§K(1 through 6). Each time a violation occurs, the probationary period is renewed, re-commencing the thirty-six (36) month period starting from the date of the new violation.

Qualified Applicant: An existing business owner, individual, or other entity that has continuously held a Permit to Sell Tobacco that is not suspended or revoked, or that has been cited for a violation that is pending before the Board, and has applied to renew the existing Permit issued to that existing business, establishment, individual, or other entity.

Regulation: Canton Board of Health’s “Regulation of the Sale of Tobacco and Nicotine Products”

Reasonable Reach: Areas of a store that are on or in front of a cashier or sales counter, or otherwise where a minor could obtain access without violating any laws. Areas behind the cashier or sales counter are within reasonable reach unless access to that area is strictly limited by and to sales employees or other store employees only. Products that can be accessed with less than a 3-foot separation from access by a minor are considered within reasonable reach. Locked storage areas and locked display cabinets behind the cashier or sales counter are considered not within reasonable reach.

Self Service Display: Any display from which customers may select a tobacco or nicotine product without assistance from an employee or store personnel, excluding vending machines.

Smokeless Tobacco Product: For the purposes of this Regulation, smokeless tobacco shall be defined as any tobacco or nicotine product that does not produce smoke, but that may or may not produce a non-smoke vapor as defined in this regulation. E-cigarettes are exempt from this definition.

Snus: A moist powder tobacco product originating from a variant of snuff that is placed under the upper lip for extended periods and contains no added sweeteners.

Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, vaped, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, snus, or electronic cigarettes (all forms), electronic cigars, electronic pipes, electronic hookahs, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. “Tobacco product” includes any component or part of a tobacco product. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or prescribed by a licensed medical provider for other medical purposes and which is being marketed and sold or prescribed solely for that approved purpose. “Tobacco product” also includes any other merchandise for human consumption containing plant material from any of several plants belonging to the genus *Nicotiana*, of the nightshade family, including, but not limited to the species *Nicotiana tabacum*.

Additionally, e-cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine concentration, that rely on vaporization or aerosolization shall also be regulated pursuant to this definition unless provided otherwise.

Vape or Vaping: Means the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens, or any other form of payment, dispenses cigarettes, any tobacco or nicotine product.

C. Tobacco or Nicotine Product Sales to Minors Prohibited:

1. No person shall sell or distribute tobacco or nicotine delivery products as defined in this Regulation to minors, including but not limited to smokeless tobacco products, e-cigarettes, or any other non-medical nicotine delivery product, or permit such products to be sold or distributed to any minor as defined in this Regulation; No person shall give any tobacco or nicotine product to a minor.
2. In conformance with and in addition to Massachusetts General Law, Chapter 270, § 7, a copy of Massachusetts General Laws, Chapter 270, § 6, (Statute) shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products or any other non-medical nicotine delivery system. Any shop or other place that conducts the sale or distribution of cigars must also post a notice (Notice) that states, “WARNING: Cigars Are Not A Safer Alternative To Cigarettes Or

Smokeless Tobacco,” or, “WARNING: Cigar Smoke Contains Carbon Monoxide And Nicotine, An Addictive Drug.” The copy of the Statute and the Notices shall each be at least 48 square inches and shall be posted conspicuously by the permit holder in the shop or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The copy of the Statute and the Notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. The copy of the Statute and the Notices may be provided by the Canton Board of Health if available.

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3. **Identification:** Each person selling or distributing tobacco products, e-cigarettes, or any other medical or non-medical nicotine delivery product shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's recent photo and date of birth. The person selling tobacco or nicotine products shall verify that the purchaser is twenty-one (21) years of age or older. Verification is required for any person who appears to be under the age of thirty (30).

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D. Other Prohibited Items:

1. All non-medical use nicotine delivery products as defined in this Regulation including, but not limited to, dissolvable nicotine tablets, smokeless tobacco products as defined in this Regulation, and all other food, beverage or digestible products containing nicotine, are prohibited from sale or distribution, without exception, in the Town of Canton. All e-cigarettes, in any of its forms, including all nicotine and non-nicotine vape products are prohibited from sale in the Town of Canton. Nicotine products for medical use if prescribed by a licensed medical doctor, physician’s assistant, or nurse practitioner are exempt from this provision.

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Cigarettes, cigars, chewing tobacco, snuff and snus are exempt from §D.1 and shall be regulated the same as cigarettes and cigars.

2. Any alternative nicotine products, as defined above, are prohibited for sale or distribution in Canton.
3. All flavored tobacco or nicotine products for sale or distribution are prohibited for sale or distribution in Canton. This provision becomes effective on January 1, 2020.
4. Adult-only retail tobacco stores are exempt from §§ D (1) and (3) of the Regulation. However, E-cigarettes as defined in this Regulation, shall also be prohibited in Adult-only retail tobacco stores
5. Violations of this section shall be punishable pursuant to §§ K(1) and (2).

E. Tobacco and Nicotine Product Sales Permit (Permit):

No person shall sell or otherwise distribute tobacco or nicotine products within the Town of Canton without first obtaining a Permit to Sell Tobacco or Nicotine (Permit), which expires on December 31st annually, from the Canton Board of Health.

1. The Board shall not issue any new Permits to Sell Tobacco or Nicotine Products in the Town of Canton but may renew existing Permits in good standing as provided below.
2. The Board may continue to renew Permits for the Sale of Tobacco and Nicotine Products to qualified applicants currently holding a valid Permit i.e., to the Permit Holder, as defined in §B, Definitions, pursuant to the provisions in this Regulation, and provided the permit holder has not been found to have violated any of the terms of this Regulation three (3) or more times within the Probationary Period. Each business or establishment with more than one facility that sells tobacco products or nicotine delivery devices shall maintain a separate Permit for each facility in order to sell such products.
3. As part of the Permit reapplication process for current valid Permit holders, the qualified applicant will be provided with a copy of the most recent version of the Canton Board of Health “Regulation of the Sale of Tobacco and Nicotine Products” with 2019 revisions (Regulation). Each qualified applicant shall sign a statement declaring that the applicant has read said Regulation and that the applicant is responsible for instructing any and all employees who will be responsible for sales of tobacco products concerning both state laws regarding the sale of tobacco products and this Regulation.
4. Each qualified applicant who sells tobacco or nicotine products is required for renewal to provide proof of a current tobacco product sales license issued by the Massachusetts Department of Revenue before a Permit pursuant to this Regulation may be renewed by the Canton Board of Health.
5. The fee for a Permit renewal shall be determined at a public hearing by a simple majority vote of the Canton Board of Health. All such Permits shall, pursuant to the provisions in this Regulation, be renewed annually no later than January 1st of each year. Late renewal applications may be cause for the revocation of the Permit at the discretion of the Board of Health.

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6. A separate Permit is required for each qualified retail business or establishment that is selling tobacco and/or nicotine products. Renewal applications shall include a detailed description of the types and brands of tobacco or nicotine products to be sold. Possession of a Permit for one retail establishment does not automatically entitle a business owner to an additional Permit for a separate establishment.
7. Each Permit shall be displayed at the retail establishment in a conspicuous unobstructed place.
8. There are no provisions for “grandfathering” under this Regulation. There are no exceptions or variances to this Regulation.
9. Permit holders shall not allow any employee to sell cigarettes, or other tobacco products or non-medical nicotine delivery products, until such employee reads this Regulation and State laws regarding the sale of tobacco or nicotine products, and signs a statement, a copy of which will be placed on file in the office of the Canton Board of Health and the employer, stating that the employee has read this Regulation and applicable State laws. Employees are required to check the identification of any person appearing to be under the age of thirty (30) and shall not sell tobacco or nicotine products to anyone under the age of twenty-one (21) years pursuant to this Regulation.
10. Permits to Sell Tobacco and Nicotine Products in Canton are non-transferable.
11. Renewal of a Permit shall be conditioned on an applicant’s consent to unannounced, periodic inspections of his/her retail establishment by the Canton Board of Health or its agents and to the his/her compliance with this Regulation.

F. Free Distribution:

No person shall distribute, or cause to be distributed, any free samples of tobacco products, or any other non-medical nicotine delivery product.

G. Out-of-Package Sales: No person shall sell or cause to be sold, or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes or a cigarette package that does not have an intact tax seal.

H. Self-Service Displays:

1. Self-service displays of tobacco products or any other non-medical nicotine delivery products are prohibited. All humidors must be locked. Walk-in humidors must be locked so that access cannot be gained from the outside without unlocking it. Self-service displays that are located in facilities where the retailer checks the

identification of customers and ensures that no person younger than twenty-one (21) years of age (Adult-only) is permitted to enter at any time are exempted from this section of the Regulation.

2. It is a violation of this Regulation to display any tobacco or nicotine products within reasonable reach of a minor.

I. Tobacco Product Vending Machines

The use of tobacco product vending machines are prohibited everywhere in the Town of Canton and their use shall be subject to the penalties listed in §K2(a. and b.).

J. Responsibility:

It shall be the responsibility of the permit holder and/or his or her business agent to ensure compliance with all sections of this Regulation pertaining to his or her distribution of tobacco products and any other nicotine delivery product. Permit holders shall be held responsible for the compliance of this Regulation by his or her employees.

K. Violations and Penalties:

1. Violations of this Regulation shall be punishable as follows:
 - a. In the case of a first violation, the Permit Holder shall receive a fine in the amount of five hundred dollars (\$500) and the permit shall be suspended for three (3) consecutive business days.
 - b. In the case of a second violation within a thirty-six (36) months-period the Permit Holder shall be fined in the amount of one thousand dollars (\$1,000) and the permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of a third violation within a thirty-six (36) month period, the Permit Holder shall be fined in the amount of one thousand dollars (\$1,000) and the permit shall be permanently revoked.
 - d. All fines shall be paid prior to lifting of any Board of Health permit suspensions, regardless of the length of the suspension. Revocations shall be permanent.
 - e. There shall be no exemptions or exceptions from any of the penalties, and penalties shall not be negotiable.

2. Any Permit holder who engages in the sale or distribution of tobacco products or any other nicotine delivery system or device to any person while the Permit holder's Permit is suspended shall be subject to the permanent revocation of their Permit.
3. Any person who engages in the sale or distribution of tobacco products or nicotine delivery devices in the Town of Canton without having a valid Permit shall be subject to a fine of five hundred dollars(\$500) for each offense and the suspension of all Canton Board of Health issued permits for thirty (30) consecutive business days.
4. Each day that a violation of this Regulation occurs shall be considered a separate offense.
5. Refusal by a Permit holder to allow an inspection By the Board or its agents pursuant to this Regulation shall result in the suspension of the Permit for thirty (30) consecutive business days. Two (2) or more refusals to allow an inspection by the Board or its agents shall result in a permanent revocation of the holder's Permit.
6. The Canton Board of Health shall provide the Permit holder with written notice of the intent to suspend or revoke a Permit, which notice shall contain the reasons therefore and shall establish a time, place, and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The Permit holder or its agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons thereof in writing. The Canton Board of Health, after the hearing, may suspend, revoke, or reinstate the Permit. All tobacco products shall be removed from the retail establishment upon suspension or revocation of the Permit. Failure to remove all tobacco products shall constitute a separate violation of this Regulation and shall be subject to the penalties stated in §K(2) of this Regulation.
7. Any permit holder found in violation of this Regulation who does not pay the assessed fine within twenty-one (21) days from the date the fine is issued may be subject to criminal proceedings and/or permanent revocation of the tobacco seller's permit.
8. Permits assigned to Businesses that go Out of Business, as defined in this Regulation, shall automatically become permanently revoked with or without notification from the Canton Board of Health.
9. Revocations of a Permit are permanent. Revoked Permits shall no longer be available for reassignment or transfer, and shall not be available to any other entity.

L. Appeal:

Any person aggrieved by the final decision of the Board of Health may seek relief therefrom, in any court of competent jurisdiction, as provided by the General Laws of the Commonwealth of Massachusetts.

M. Enforcement:

Enforcement of this Regulation shall be by the Canton Board of Health, the Canton Police Department, or its designated agent(s).

N. Effective Date:

This Regulation shall take effect immediately.

Q. Severability:

This Regulation is severable. If any provision of this Regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Signed: _____

Dr. Alan Rapoport

Voted: ***DATE***

Signed: _____

Ruth Slattery

Signed: _____

Dr. Julie E. Goodman

Canton Board of Health