

Terri A. Guarino
Health Agent

TOWN OF BOURNE BOARD OF HEALTH

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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/mtecp or www.townofbourne.com/health. Thank you in advance for your cooperation and following this new law.

Sincerely,

Terri Guarino, RS, CHO
Health Agent

Enclosures: Commissioner's Order, Signage

ORDER OF THE COMMISSIONER OF PUBLIC HEALTH PURSUANT TO THE
GOVERNOR'S SEPTEMBER 24, 2019 DECLARATION OF A PUBLIC HEALTH
EMERGENCY

On September 24, 2019, Governor Charles D. Baker issued a declaration that a public health emergency exists 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. For the reasons set forth in the declaration, in addition to evidence and facts presented at the Public Health Council meeting, and in consideration of the on-going federal and state investigation into the causes of vaping-related disease, I, with the approval of the Governor and the Public Health Council pursuant to G.L. c. 17, §2A, issue the following Order:

The sale or display of all vaping products to consumers in retail establishments, online, and through any other means, including all non-flavored and flavored vaping products, including mint and menthol, including tetrahydrocannabinol (THC) and any other cannabinoid, is prohibited in the Commonwealth.

“Vaping products” means: 1) 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 electronic cigarette, electronic cigars, electronic cigarillos, electronic pipes, electronic vaping product delivery pens, hookah pens, and any other similar devices that rely on vaporization or aerosolization; and 2) any component, part, or accessory of a product or device defined in subsection 1), even if sold separately. “Vaping products” does not include any product that has been approved by the federal Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

While this Order is in effect the Department of Public Health, along with any board of health or authorized agent pursuant to G.L. c. 111, §30, may take any enforcement action permitted by law or this Order to effectuate this Order as it applies to sales of vaping products to consumers.


Pursuant to the authority granted by G.L. c. 17, §2A, this Order may be enforced in the manner of a regulation adopted pursuant to G. L. c. 111, §31, and by injunction through proceedings initiated in the Superior Court. A person or entity found in violation of this Order may also be subject to the maximum fine provided in G. L. c. 111, §31; provided that violations shall be calculated on a per item and per transaction basis and may be punished cumulatively. Subject to valid court order issued by a court of competent jurisdiction, State Police or local law enforcement may seize any vaping products from entities or persons that continue to display or sell vaping products in violation of this Order.

The Cannabis Control Commission and the Division of Agricultural Resources shall enforce this Order to the extent it applies to their registered or licensed entities.

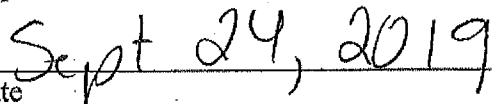
If any provisions of this Order or the application thereof to any person or entity or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of this Order or the application thereof to other persons, entities, and circumstances.

This Order takes effect immediately and shall remain in effect, unless extended with the approval of the Governor and the Public Health Council, through January, 25, 2020, or until the declared public health emergency is terminated, or the Order is otherwise rescinded by me, whichever happens first.

IT IS SO ORDERED.



Monica Bharel, MD, MPH, Commissioner
Department of Public Health



Date

Massachusetts Vaping Product Ban

On September 24, 2019, Governor 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.

The Commissioner of Public Health has temporarily prohibited the sale and display of all vaping products and e-cigarettes until further notice.

For help quitting:
MakeSmokingHistory.org
1-800-QUIT-NOW



Massachusetts Vaping Product Ban

On September 24, 2019, Governor 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.

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