LOCATION AND SALES OF TOBACCO AND/OR NICOTINE DELIVERY PRODUCTS OWNER/OPERATOR STATEMENT

THIS FORM IS ALSO AVAILABLE IN SPANISH BY REQUEST

1. I have read and I understand all sections of the City of Boston Regulation *Limiting Tobacco and Nicotine Access by Youth ("Youth Access Regulation") and the Massachusetts State Law and Regulations 105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems ("State Law").*

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Initials

2. I understand that the sale of tobacco and/or nicotine delivery products to anyone under 21 years of age is prohibited. Retail establishments are required to request and examine a government issued photo ID prior to the sale of a tobacco and/or nicotine delivery product. Digital forms of IDs are not acceptable. The ID must indicate that the customer is at least 21 years of age. The ID must be examined every time a customer attempts to purchase any tobacco and/or nicotine delivery product, regardless of how old the customer appears. Retail establishments may not sell a tobacco and/or nicotine product to a person if the retailer knows that the person is purchasing the product on behalf of someone who cannot provide valid identification verifying that they are at least 21 years of age.

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Initials

3. I understand that the owner/operator of a retail establishment holding a Boston Public Health Commission (BPHC) *Permit for Location and Sales of Tobacco/Nicotine Delivery Products* operated by the *Boston Tobacco Prevention and Control Program* (BTCP) will be held responsible for any and all violations of State Law and the Youth Access Regulation regarding the sale of tobacco and/or nicotine delivery products.

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Initials

4. I understand that I must require all employees who sell tobacco and/or nicotine delivery products to complete and sign a copy of the *Employee Agreement* provided by the BTCP. I must keep copies of these completed forms within the retail establishment and be made available during inspections.

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Initials

5. I understand that the BTCP will conduct frequent and unannounced compliance checks of my retail establishment to ensure that persons under the legal age (21 years of age) are unable to purchase tobacco and/or nicotine delivery products from my retail establishment. This means:
   a. BTCP will send persons under 21 years of age (Underage Buyers) into my retail establishment to attempt the purchase of tobacco and/or nicotine delivery products.
   b. These individuals may or may not look 21 years of age.
   c. These individuals may or may not respond truthfully when asked their age.
   d. These individuals are trained to attempt to purchase a tobacco product in a realistic manner. They will not request a receipt when making a purchase, but will accept one if it is offered.
   e. Threatening and aggressive conduct towards a BPHC Underage Buyer is prohibited and may be deemed a violation of the *Youth Access Regulation*.

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Initials

6. I understand that BTCP will not reveal the identity of the Underage Buyer to the retail establishment under any circumstances. Under no circumstances will the Underage Buyer employed by BTCP return to the retail establishment at the request of the business owner.

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Initials

7. I understand that if the identity of the Underage Buyer is known and there is photographic or video footage of the individual, I may not share the image or video footage of the Underage Buyer under any circumstances, except to BTCP. Sharing of this information jeopardizes the safety and well-being of the Underage Buyer and may be deemed to constitute a violation of the *Youth Access Regulation*. In such instances, retail establishments may be subject to permit revocation.

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Initials

8. I understand that the BTCP may conduct unannounced inspections of my retail establishment to ensure compliance with all legal requirements concerning the sale and display of tobacco and/or nicotine delivery products.

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Initials

9. I understand that self-service displays are prohibited. Self-service displays are displays from which customers may get a tobacco and/or nicotine delivery product without the assistance of a staff member.

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Initials

10. I understand that the sale of single cigarettes (*also known as "loosies*") is prohibited. Open packs of cigarettes cannot be present behind the counter at any time.

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Initials

11. I understand that the *Youth Access Regulation* requires retail establishments to sell cigars in an original package that meets the following minimum retail pricing requirements:
    a. A single cigar package must retail at *$2.90 or higher*
    b. A package of two or more cigars must retail at *$5.80 or higher*

    Cigar packages with special promotional offerings (i.e. promotional advertised price; buy one get one free) are not excluded from this provision.

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Initials

12. I understand that violations of any of the provisions of the Youth Access Regulation may result in a fine, a permit suspension, and/or a permit revocation as follows:
    a. 1st violation within 24 months: $200
    b. 2nd violation within 24 months: $400 and a 7-day permit suspension
    c. 3rd violation within 24 months: $600 and a 30-day permit suspension
    d. 4th and subsequent violations within 24 months: $800 and a 60-day permit suspension
    e. 5th and subsequent violations within 24 months may lead to permit revocation or non-renewal of permit

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Initials

14. I understand that the State Law establishes restrictions on the sale of tobacco and/or nicotine delivery products. The BTCP is authorized to assess violations under the Youth Access Regulation penalty schedule and/or assess violations under the State Law penalty schedule. Violations of any of the provisions of the State Law may result in a fine and/or a permit suspension as follows:
    a. 1st violation within 36 months: $1,000 (3-day suspension for an underage tobacco sale)
    b. 2nd violation within 36 months: $2,000 and a 7-day permit suspension.
    c. 3rd and subsequent violations within 36 months: $5,000 and a 30-day permit suspension.

    Repeat violators may also be subject to a tobacco product sales permit suspension. Failure to pay imposed fine(s) shall constitute a separate violation.

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Initials

15. I understand that the sale of blunt wraps, as defined in Section (II)(3) of the *Youth Access Regulation* is prohibited.

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Initials

16. I understand that the sale of flavored tobacco and/or nicotine delivery products or tobacco and/or nicotine delivery product flavor enhancers with a distinguishable taste or aroma, other than the taste or aroma of tobacco are prohibited at all retailer establishments ***except*** Smoking Bars. Retail establishments and Adult Only Retail Tobacco Stores ***must*** maintain records obtained from the manufacturer that validate that the tobacco and/or nicotine delivery product is ***not*** flavored for the product to be sold. **Paper copies of this documentation must be kept on the premises and be made available upon request.**

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Initials

17. I understand that the sale of nicotine delivery products with a nicotine content greater than 35 milligrams per milliliter is prohibited at all retail establishments ***except*** Adult Only Retail Tobacco Stores and Smoking Bars. Retail establishments must maintain records obtained from the manufacturer that validate the nicotine content of nicotine delivery products available for sale at the retail establishment. **Paper copies of this documentation must be kept on the premises and be made available upon request.**

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Initials

18. I understand that the Youth Access Regulation and State Law require the posting of signage at all times. These signs are available online at https://www.boston.gov/government/cabinets/boston-public-health-commission/tobacco-prevention-and-control/tobacco-regulations/how-obtain-or-renew-new-tobacco-sales-permit and/ or by calling BTCP at (617) 534-4718

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Initials

19. I understand that the delivery of tobacco products, either directly or through third-party delivery platforms such as Uber Eats, DoorDash, Instacart and Gopuff, is prohibited. Additionally**,** tobacco retail locations may not be mobile; all sales must occur in person at a fixed, licensed retail location.

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Initials

20. I understand that the storing of restricted tobacco and/or nicotine delivery products within the retail establishment is **STRICTLY PROHIBITED**. In addition, during the term of a permit suspension, all tobacco and/or nicotine delivery products must be removed from the retail establishment. They may not be placed in a storage closet or covered with material or signage during the period of the permit suspension.

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Initials

21. I understand that retail establishments cannot accept or redeem coupons that provide any tobacco and/or nicotine delivery product without charge, or at a price less than the listed or non-discounted price. Eg. Buy 2 for less; $10 off when you buy 2 packs.

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Initials

22. I understand that the sale of tobacco and/or nicotine delivery products out of the factory/ manufacturer original wrapped package is prohibited. Furthermore, it is prohibited to refill a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

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Initials

23. I understand that the advertisement of restricted tobacco and/or nicotine delivery products is prohibited. Furthermore, the displaying of tobacco and/or nicotine delivery product advertisements with celebrities, mascots, sponsorships, cartoon or similar endorsements is prohibited.

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Initials

24. I understand that liquid nicotine must be sold in child resistant packaging.

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Initials

25. I understand that new permit applications and renewal applications are granted at the discretion of the BTCP. Such applications may be denied upon previous violations of *the Youth Access Regulation* or other local or state regulation where applicable by the applicant, retail establishment or an individual associated with the retailer. A permit application may be denied if a permit holder has failed to pay outstanding penalties or serve outstanding permit suspensions. Permit application fees are non-refundable.

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Initials

26. I understand that threatening, aggressive, and harassing conduct, including, but not limited to, intimidation of a Compliance Officer and/or refusing to allow a Compliance Officer access to the retail establishment may be deemed a violation of the *Youth Access Regulation*. In such instances, retail establishments may be subject to permit revocation.

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Initials

27. **THIS SECTION IS FOR ADULT ONLY RETAIL TOBACCO STORES AND SMOKING BARS ONLY**
I understand that persons under the age of 21 are not allowed to enter Adult Only Retail Tobacco Stores and Smoking Bars. This applies even if the individual does not intend to make a tobacco and/or nicotine delivery purchase from the retail establishment or is accompanying another person of legal age (21 years of age) into the retail establishment. The owner/operator **MUST** ensure that all individuals meet minimum legal age requirement and has verified their valid proof of identification before allowing any entry to the retail establishment. Furthermore, all employees MUST be 21 years or older to work in Adult Only Retail Tobacco Stores and Smoking Bars.

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Initials

By signing this form, I acknowledge that I have read and understood all of the above statements. I further understand that failure to abide by these conditions/laws/regulations, as well as all of the requirements of the City of Boston Regulation Limiting Tobacco and Nicotine Access by Youth ("*Youth Access Regulation*") and the Massachusetts State Law and Regulations 105 CMR 665.000: Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems ("State Law") may jeopardize my Boston Public Health Commission's *Permit for Location and Sales of Tobacco and/or Nicotine Delivery Products*.

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Establishment Name

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Owner/Operator Name

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Signature

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Date