

# Municipal Tobacco Control Technical Assistance Program

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## LOCAL POLICIES ON BANNING FLAVORED "OTHER TOBACCO PRODUCTS" (OTP)

<u>MUNICIPALITY</u>	<u>ENACTMENT DATE</u>	<u>EFFECTIVE DATE</u>	<u>2010 POPULATION</u>
1. Arlington	12/3/14	3/1/15	43,711
2. Ashland	10/14/14	1/1/15	16,993
3. Belmont	9/17/14	1/1/15	25,204
4. Concord	6/9/14	11/1/14	17,668
5. Duxbury	10/16/14	2/1/15	15,172
6. Fairhaven	11/10/14	1/1/15	15,900
7. Hatfield	9/10/14	1/1/15	3,275
8. <b>Newton</b>	6/16/14	9/22/14	85,146
9. North Andover	9/29/14	1/5/15	28,422
10. Sherborn	4/16/14	6/1/14	4,119
11. Yarmouth	6/2/14	7/1/14	23,793
12. Williamstown	9/8/14	1/5/15	7,700

**POPULATION TOTAL:** 287,103 (4.4% of state's 6,547,629 residents) Cities in Bold

### HISTORY:

In June of 2009, the federal government, recognizing the damaging role flavored tobacco products play in encouraging youth initiation, banned the sale of flavored cigarettes, except for menthol flavoring. In July of 2009, the state of Maine extended that federal ban to include cigars.

In January of 2012, the city of Providence enacted an ordinance to mimic and extend the federal ban to include all OTP (Other Tobacco Products), such as cigars, smokeless and chew tobacco, as well as to include electronic cigarettes. Providence was sued in federal court and in February 2013 prevailed at the U.S. Court of Appeals. This is notable as Massachusetts is in the same federal court district as Rhode Island, therefore, this ruling extends to Massachusetts.

This policy recognizes that cheap, flavored tobacco products are attractive to youth, resulting in reported increase of such usage in Massachusetts and nationwide. The policy DOES prohibit the sale of all flavored tobacco products and flavored e-cigarette, except for in qualified retail tobacco stores and "smoking bars". This policy DOES NOT prohibit the sale of menthol tobacco products nor the sale of all e-cigarettes.

12/15/14

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## MUNICIPALITIES WITH MINIMUM PRICING FOR CIGARS

- |                        |                         |                         |
|------------------------|-------------------------|-------------------------|
| 1. Abington            | 28. Falmouth            | 55. Peabody             |
| 2. Acton               | 29. <b>Fitchburg**</b>  | 56. <b>Pittsfield**</b> |
| 3. Adams               | 30. Franklin            | 57. Plainville**        |
| 4. Amherst             | 31. Gill                | 58. Rochester           |
| 5. Arlington           | 32. <b>Greenfield</b>   | 59. Rockport            |
| 6. Ashland**           | 33. Hatfield**          | 60. <b>Salem</b>        |
| 7. Athol               | 34. Hubbardston**       | 61. Saugus              |
| 8. Bedford             | 35. Hudson*             | 62. Scituate            |
| 9. Belmont**           | 36. Leicester*          | 63. Seekonk             |
| 10. <b>Beverly**</b>   | 37. <b>Leominster**</b> | 64. Shelburne           |
| 11. Billerica          | 38. <b>Lowell*</b>      | 65. Sherborn*           |
| 12. Bolton**           | 39. <b>Malden</b>       | 66. South Hadley        |
| 13. <b>Boston*</b>     | 40. Marion              | 67. Stoughton           |
| 14. <b>Braintree</b>   | 41. <b>Medford</b>      | 68. Sudbury             |
| 15. Brewster           | 42. Medway**            | 69. Sunderland*         |
| 16. Bridgewater        | 43. Middleton           | 70. Townsend            |
| 17. Brimfield**        | 44. Millbury            | 71. Wayland**           |
| 18. Buckland           | 45. Montague            | 72. Westport            |
| 19. <b>Chelsea</b>     | 46. Needham             | 73. W. Boylston         |
| 20. Cohasset*          | 47. <b>Newburyport</b>  | 74. Westford**          |
| 21. Concord**          | 48. <b>Newton**</b>     | 75. Whately             |
| 22. Dedham             | 49. <b>Northampton*</b> | 76. Westwood            |
| 23. Deerfield*         | 50. North Attleboro*    | 77. <b>Weymouth*</b>    |
| 24. Duxbury**          | 51. North Reading**     | 78. Williamstown**      |
| 25. <b>Easthampton</b> | 52. Norwood             | 79. Yarmouth**          |
| 26. Edgartown          | 53. Orange**            |                         |
| 27. Fairhaven**        | 54. Oxford              |                         |

**34.7% of state's population lives in listed municipalities. (2,271,312 of 6,547,629 residents)**

### NOTES:

- (1) Cities in capital letters. First to enact: Boston on February 2, 2012.
- (2) **No asterisk (49):** These municipalities require that single cigars be sold for at least \$2.50; two-packs for at least \$5.00; three-packs for at least \$7.50 and 4-packs, or larger, at market rate (no minimum). **One asterisk (11):** These municipalities require the same pricing policy above but four-packs (or larger packs) must be sold for at least \$5.00 at retail, except Boston is \$2.50 and not \$5.00. **Two asterisks (21):** These municipalities require single cigars be sold for at least \$2.50 and that all multi-packs be sold for at least \$5.00 at retail.
- (3) Definition: Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Ch. 64C, Section 1, Paragraph 1.

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## LOCAL POLICIES ON INCREASING THE MINIMUM AGE FOR TOBACCO SALES

### MUNICIPALITIES AND EFFECTIVE DATES WITH MLSA OF 21

1. Acton	1/1/15	22. Medway	9/15/14
2. Andover	2/1/15	23. <b>Melrose</b>	7/1/14
3. Arlington	7/1/15	24. Needham	4/1/05
4. Ashland	1/1/14	25. <b>Newton</b>	9/22/14
5. Belmont	1/1/15	26. Norwood	7/1/14
6. <b>Braintree</b>	10/1/14	27. Reading	7/1/14
7. Bridgewater	1/1/15	28. <b>Salem</b>	1/1/15
8. Brimfield	9/1/14	29. Saugus	1/1/15
9. Brookline	6/1/15	30. Scituate	5/1/14
10. Canton	1/1/14	31. Sharon	5/19/13
11. Concord	11/1/14	32. Sherborn	6/1/14
12. Dedham	1/1/14	33. Stoneham	6/1/14
13. Dover	1/4/14	34. Wakefield	7/1/14
14. Duxbury	2/1/15	35. <b>Waltham</b>	3/1/15
15. Foxboro	8/1/14	36. Wayland	1/1/15
16. Framingham	7/1/15	37. Wellesley	6/1/14
17. Hatfield	1/1/15	38. Westford	6/1/14
18. Hudson	7/1/14	39. Westwood	9/1/13
19. Hull	1/1/15	40. Winchester	7/1/14
20. Lincoln	1/1/15	41. Yarmouth	7/1/14
21. <b>Malden</b>	7/10/14		

### MUNICIPALITIES AND EFFECTIVE DATES WITH MLSA OF 19

1. <b>Newburyport</b>	7/1/14	4. <b>Watertown</b>	12/1/12
2. Sudbury	1/1/14	5. Holbrook	1/1/15
3. Walpole	5/21/13		

#### NOTES:

Cities are in bold.

All are health regulations except Brookline (town bylaw) and Newton (city ordinance).

Arlington is raising their MLSA to 21 in a three-year, step-up process.

<b>POPULATION TO 19:</b>	101,484	(1.5% of state's 6,547,629 residents)
<b>POPULATION TO 21:</b>	1,083,535	(16.5% of state's 6,547,629 residents)
<b>POPULATION TOTAL:</b>	1,185,019	

**NATIONAL POLICY WITH AGE 19:** AK, AL, UT, NJ and 2 counties in New York State  
**NATIONAL POLICY WITH AGE 21:** NYC (eff. date – 5/18/14); also see tobacco21.org

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### LOCAL SUMMARY ON TOBACCO SALES BANS IN PHARMACIES

MUNICIPALITY (POP. RANK)	RETAILERS AFFECTED	MUNICIPALITY (POP. RANK)	RETAILERS AFFECTED	MUNICIPALITY (POP. RANK)	RETAILERS AFFECTED
1. Abington* (120)	4	37. <b>Fitchburg*</b> (35)	7	73. Reading* (74)	4
2. Acton* (86)	4	38. Foxboro* (112)	4	74. <b>Revere</b> (24)	6
3. Adams* (192)	2	39. <b>Gardner*</b> (93)	7	75. Rochester* (240)	0
4. Amherst* (41)	4	40. Gill* (309)	0	76. Rockport* (216)	1
5. Andover* (47)	3	41. <b>Greenfield*</b> (109)	6	77. <b>Salem*</b> (32)	6
6. Arlington* (30)	6	42. <b>Gloucester*</b> (57)	5	78. Saugus* (69)	7
7. Ashland* (115)	4	43. Harwich (154)	3	79. Scituate* (100)	3
8. Athol* (160)	3	44. Hatfield (269)	0	80. Shelburne (294)	1
9. Barnstable (27)	9	45. <b>Haverhill*</b> (15)	11	81. Sherborn (260)	1
10. Barre* (238)	1	46. Hubbardston (255)	0	82. <b>Somerville</b> (13)	10
11. Bedford* (147)	3	47. Hudson (96)	5	83. Southboro (182)	4
12. <b>Beverly*</b> (38)	7	48. Lancaster (198)	0	84. So. Hadley (106)	1
13. Bolton (249)	0	49. <b>Lowell</b> (4)	12	85. <b>Springfield</b> (3)	23
14. Berkley (223)	0	50. <b>Leominster*</b> (34)	9	86. Stockbridge* (290)	0
15. <b>Boston</b> (1)	88	51. Lee* (231)	2	87. Stoneham (89)	3
16. <b>Braintree</b> (42)	8	52. Lenox* (245)	2	88. Stoughton (68)	6
17. Brewster (181)	0	53. <b>Lynn*</b> (9)	12	89. Sudbury* (104)	3
18. Bridgewater (71)	3	54. <b>Malden*</b> (17)	8	90. Sunderland* (263)	0
19. Brimfield (264)	0	55. Marion* (248)	0	91. Townsend* (188)	2
20. Brookline (18)	8	56. <b>Medford</b> (20)	7	92. Wakefield (73)	4
21. Buckland* (291)	0	57. Medway (152)	2	93. Walpole* (78)	5
22. Chatham (227)	1	58. <b>Melrose*</b> (67)	4	94. Wareham (87)	5
23. <b>Chelsea*</b> (44)	5	59. Middleboro* (81)	3	95. Watertown* (50)	3
24. Cohasset (208)	3	60. Middleton* (186)	2	96. Wayland* (150)	2
25. Concord* (103)	3	61. Montague* (194)	1	97. Wellesley (65)	4
26. Dartmouth* (45)	7	62. Needham (56)	4	98. Westport* (126)	2
27. Dedham* (76)	9	63. <b>New Bedford*</b> (6)	20	99. W. Boylston* (207)	2
28. Deerfield* (244)	6	64. <b>Newton</b> (11)	8	100. Westford (85)	3
29. Duxbury* (129)	1	65. <b>Newburyport</b> (110)	4	101. Westwood (131)	2
30. <b>Easthampton*</b> (119)	2	66. <b>Northampton</b> (60)	8	102. <b>Weymouth*</b> (23)	8
31. Easton (82)	4	67. No. Andover (64)	5	103. Whately (310)	0
32. Edgartown* (260)	1	68. N. Attleboro* (58)	7	104. Williamstown* (208)	1
33. <b>Everett</b> (31)	5	69. No. Reading* (128)	3	105. Winchester (90)	2
34. Fairhaven* (121)	7	70. Orange (203)	1	106. <b>W Springfield</b> (62)	10
35. <b>Fall River</b> (10)	22	71. Oxford (141)	3	107. <b>Worcester</b> (2)	34
36. Falmouth* (52)	7	72. <b>Pittsfield*</b> (28)	11	108. Yarmouth* (79)	6

#### COMPANIES AFFECTED (WITH NUMBERS OF AFFECTED LOCATIONS) - TOTAL: 585

CVS (186)	Walgreens (100)	Rite Aid/Brooks (91)	Shaws Market (8)	Star Market (2)
Stop & Shop (43)	Hannaford (5)	Big Y (11)	Price Chopper (4)	Walmart (22)
Target (17)	Kmart (3)	Costco (3)	Independents (105)	BJs (3)

#### NOTES:

1. A \* indicates that electronic cigarettes and/or Nicotine Delivery Products are included in the sales ban (55).
2. Cities: in bold letters - Form of Local Measure: Health Regulations = 101; City Ordinances = 3; Town Bylaws = 1
3. First municipality to enact: Boston effective 2/11/09; First city ordinance enacted: Newton effective 11/16/09; First town bylaw enacted: Brookline effective 4/9/12 (approved by Mass. Attorney General)
4. In Everett, Stoneham, W. Springfield, one pharmacy is both a retailer and wholesaler. Tobacco sales are limited to wholesale customers only, with conditions.
5. CVS, Target and Kmart: Some stores may have pharmacies but these companies do not sell tobacco per company policy.
6. 107 municipalities have not enacted this policy AND have no pharmacies within their jurisdiction.
7. 7 municipalities have not enacted this policy AND the only pharmacy is a Target or a CVS.

#### STATEWIDE COVERAGE:

**Combined percentage total: 59.7%**  
54.3% of state's population lives in listed municipalities. (3,557,649 out of 6,547,629 residents).  
4.4% of state's population live in municipalities under Condition #6.  
1% of state's population live in municipalities under Condition #7.

12/15/14