



**TOWN OF STOUGHTON
BOARD OF HEALTH
TOBACCO SALES PERMIT**

\$150.00

DATE: _____

Applicant's Information

Name of Business: _____

Address of Business: _____, Stoughton, MA 02072

Applicant's Name: _____

Address: _____

Tel #: _____

Email: _____

If Incorporated, Date of Incorporation: _____

Federal Tax ID #: _____

License number of DOR, Comm. Of MA Tobacco Sales License: _____

Other Town Permits held:

Retail Food Permit: _____

Food Establishment Permit: _____

Liquor: _____

Other: _____

TYPE OF BUSINESS: (check one)

Convenience Store _____

Gas/Mini-Mart _____

Gas Station Only _____

Pharmacy/Drug Store _____

Liquor Store _____

Private Club _____

Restaurant _____

Retail/Wholesale Store _____

Other (specify) _____

TYPE OF TOBACCO PRODUCTS SOLD (Specify all that apply)

Cigarettes _____

Cigars _____

Pipe Tobacco _____

Chewing Tobacco _____

Snuff _____

Other (specify) _____

Are tobacco products sold through a vending machine? Yes _____ No _____

APPLICANT CERTIFIES under penalties of perjury that:

1. Applicant certifies that all state tax returns have been filed and that all state taxes have been paid as required by MGL Chapter 62, Section 49A, and
2. Applicant carries workers compensation insurance coverage for all employees as required by MGL Chapter 152, Section 25A.

Applicant's Signature

**All questions must be answered to complete application*
(OVER)

TOWN OF STOUGHTON
BOARD OF HEALTH

A FEE OF \$150 MUST ACCOMPANY APPLICATION. Checks should be made payable to the Town of Stoughton and mailed to: Board of Health, 10 Pearl Street, Stoughton, MA 02072
The following documentation needs to be submitted with this application for permit to be issued:
Owner/Operator Statement and copy of your DOR Cigarette Retailer's License Form CT-3A (or other proof thereof).

Office use ONLY

Application Fee Received: _____

Date Issued: _____

TOWN OF STOUGHTON
BOARD OF HEALTH

LOCATION AND SALES OF TOBACCO PRODUCTS

RETAIL ESTABLISHMENTS

OWNER/OPERATOR STATEMENT

This Statement must be completed and returned with your Permit Application, Fee and copy of your DOR Cigarette Retailer's License Form CT-3A (or other proof thereof).

1. I have read and understand all sections of the Stoughton regulation *Sale of Tobacco Products to Minors*.

Initials
2. I understand that it is against the law to sell cigarettes or any tobacco product to anyone under 21 years of age; regardless of how old the person looks. _____
Initials
3. I understand that the Town, State and Federal laws require businesses to establish positive proof of age before selling tobacco to any customer. This means that the clerk must ask for and see identification proving the person is at least 21 years of age.

Initials
4. I understand that the owner/property of a business holding a tobacco sales permit will be held responsible for any and all violations of Stoughton regulations controlling the sale of tobacco products. _____
Initials
5. I understand that the Stoughton Tobacco Control Program (STOP) may conduct frequent and unannounced compliance checks of my business to ensure that minors are unable to purchase tobacco from my place of business. This means:
 - a. STOP will send minors into my establishment to attempt the purchase of tobacco.
 - b. These minors may or may not look 21 years of age.
 - c. These minors may or may not respond truthfully when asked their age.
 - d. STOP will conduct these compliance checks on all tobacco merchants, regardless of their type of business_____
Initials
6. I understand that the STOP may conduct unannounced inspections of my business to ensure compliance with all other legal requirements concerning the sale and display of tobacco products. _____
Initials
7. I understand that other government agencies, such as the Food and Drug Administration or the State Attorney General's Office, may conduct additional compliance checks of my place of business. _____
Initials
8. I understand that if I am found selling tobacco to minors, I will be issued a fine pursuant to Town regulation. STOP will make an effort to issue a notice of violation indicating the monetary fine and any other penalty in accordance with these

regulations within three business days of the offense by hand delivery, or within 15 business days by mail. No warnings will be issued.

Initials

9. I understand that the Stoughton regulation prohibits the sale of single cigarettes (loosies). If I am found selling single cigarettes, I will be fined.

Initials

10. I understand that STOP requires the posting of signage provided by the STOP, including the posting of the tobacco sale permit. Failure to post the required signage may result in a fine or suspension of my permit.

Initials

11. I understand that I must require all employers who sell cigarettes to complete and sign a copy of the Employee Agreement provided by STOP. I must keep a copy of the completed Agreement on premises and available for inspection at all times. Failure to do so may result in a fine or suspension of my permit.

Initials

By signing this form, I acknowledge that I have read and understand all of the above statements. I further understand that failure to abide by these conditions, as well as all of the requirements of the Town of Stoughton *Sale of Tobacco Products to minors*, may jeopardize my Permit for *Sale of Tobacco Products Permits*.

By signing this form, I agree to instruct any and all employees, who will be responsible for tobacco sales, on State and Federal laws and this Board of Health regulation.

Signature of Applicant

Date

Establishment Name

Street Address

City State Zip

TOWN OF STOUGHTON
BOARD OF HEALTH

KEEP ON FILE

PREVENTING YOUTH TOBACCO SALES
EMPLOYEE AGREEMENT

Studies show that Massachusetts' youth under the age of 18 are able to purchase tobacco products in many retail stores, even though it is illegal to sell tobacco products to them. This employee agreement, which you must sign, will ensure that *this store does not sell tobacco to minors*.

I understand Massachusetts law and the Stoughton Board of Health Tobacco Control Regulation affecting "*Sale of Tobacco Products to Minors*" prohibits the sale of tobacco products to youths under 21 years of age. I understand that my failure to follow store policy, state law and local regulations could result in discipline, including loss of my job or a fine of two hundred (\$200), four hundred (\$400), or six hundred (\$600) dollars and that my employer could lose his/her permit to sell tobacco products in the case of multiple violations.

- ❖ I will not sell any tobacco products to anyone under the age of 21.
- ❖ I will ask for ID for all tobacco purchases. I can only accept a valid government-issued photo ID (like a driver's license, passport, military ID or Liquor ID). If there is any doubt about the person's age, I will not make the sale.
- ❖ I will not accept a note from an adult giving permission to a person under the age of 21 to buy tobacco products for them.

In any of the above cases, management agrees to support my judgment in not making sales.

Employee's Name (print)

Employee's Signature

Date

Store Manager or Owner/Operator Signature

Date

Establishment Name and Address

In accordance with the Stoughton Board of Health Sale of Tobacco Products to Minors regulation, a copy of this agreement must be kept on file in the establishment permitted to sell tobacco products: it must be available for inspections by the Board of Health during normal business hours.

(Revised Agreement form-2009. Revised 3.1.19)

TOWN OF STOUGHTON
BOARD OF HEALTH

KEEP ON FILE

RETAIL SALE OF TOBACCO PRODUCTS
EMPLOYEE STATEMENT FORM

ESTABLISHMENT: _____

ADDRESS: _____

TELEPHONE: _____ EMAIL: _____

OWNER: _____

SUMMARY OF TOWN OF STOUGHTON REGULATIONS

1. Any business wishing to sell tobacco products must have a non-transferable permit, which is to be posted on the premises visible to the public. This permit is valid for one year and requires a fee of \$150.
2. A copy of MGL Ch. 270 Sec. 6 (yellow sign) shall be posted in a manner visible to the public. The smaller, yellow sticker shall be placed (on a cash register) so it acts as a reminder to the clerk to check ID.
3. It is illegal to sell tobacco products to anyone who is under the age of twenty-one (21). The Board of Health periodically conducts compliance checks to monitor the sale of tobacco products to teens. If an establishment sells tobacco products to a minor, it runs the risk of a monetary fine.
4. The sale of tobacco products requires a transaction between people. Vending machines are prohibited.
5. Cigarettes and other tobacco products must be sold in their original factory packaging. This means that single cigarettes shall not be sold from a pack.
6. Coupons for cigarettes or other tobacco products may not be accepted by any permit holder.
7. The penalty for a violation of the regulations is as follows:
 - First offense – Two hundred dollars (\$200)
 - Second offense (within 36 months of first offense)- Four hundred dollars (\$400) and seven (7) day suspension of Tobacco Permit.
 - Third offense (within 36 months)- Six Hundred dollars (\$600) and thirty (30) day suspension of Tobacco Permit..

If you are found selling tobacco products to a minor and wish to contest the penalty, you are required to put your request in writing to the Board of Health within fifteen (15) days upon receipt of notice of a violation.

This employee Statement form should be kept on file. The Board of Health may request to see it during an inspection of the retail establishment.

The clerks at _____ have been supplied with a copy of the Town of Stoughton regulations regarding the sale and distribution of Tobacco Products. They have also read and understand the summary of these regulations, which appears on the reverse side of this document.

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

Employee: _____ Date: _____

(Revised form 3.1.19

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Town of Stoughton
Board of Health
Regulation of Sale and Distribution
Of
Tobacco Products

The Board of Health of the Town of Stoughton, Massachusetts (herein "Board") in accordance with and under the authority of Section 31, Chapter 111 of the General Laws, hereby adopts the following Regulations of the Sale and Distribution of Tobacco Products effective September 30, 1999.

Sale and Distribution of Tobacco Products:

1. No natural person and no entity (herein collectively, "Person") shall sell or commercially distribute or cause or permit to be sold or commercially distributed, cigarettes, chewing tobacco, snuff, or other tobacco product in any form whether similar or dissimilar to any of the foregoing (herein "tobacco Product(s)"), without having first obtained from the Board a valid Tobacco Sale and Distribution Permit ("Permit"). As used in this Regulation, the term "commercial distribution" means any transfer of a Tobacco Product between Persons except the occasional and casual transfer of a Tobacco Product between natural Persons in the nature of a gift or loan and where there is no reasonable expectation of direct or indirect economic benefit to the transfer or from such transfer. This section shall not apply to tobacco vending machines.

Notwithstanding the foregoing, a Person, without obtaining a Permit, may sell or commercially distribute a Tobacco Product to a Permit holder.

2. A Permit is non Transferable.
3. A Permit must be posted within the premises of the Permit holder in a place and manner conspicuous to the public.
4. A copy of Section 6, Chapter 270 of the General Laws, in sign form distributed by the Massachusetts Department of Public Health, shall be posted within the premises of the Permit holder in a place and manner conspicuous to the public.
5. A permit is valid for one year and must be re-applied for annually in accordance with procedures established by the Board.
6. The fee for a Permit is \$150 unless the Board shall hereafter vote to change the fee.
7. The sale or commercial distribution of Tobacco Products by means of a vending machine or other device or means not involving a transaction requiring the services of a natural person under the control of a Permit holder, is prohibited.
8. Any person who sells or commercially distributes or causes or permits to be sold or commercially distributed and any Permit holder upon whose premises there is sold or commercially distributed, any Tobacco Product to any individual under the age of twenty-one (21) years (without regard to whether such underage individual purports to act as agent for an individual over the age of twenty-one), shall constitute a violation of this Regulation.

9. The sale or commercial distribution of Tobacco Products in any state or condition other than the original factory-wrapped packaging shall constitute a violation of this regulation.
10. No Person shall commercially distribute without charge any Tobacco Product or give or otherwise disseminate coupons or other similar devices designed to lower the ultimate price to be paid for a Tobacco Product to individuals under twenty-one (21) years of age.
11. No Person shall erect or cause or permit to be maintained a free-standing or self-service display from which a customer may select a Tobacco Product without the intervention of a natural Person under the control of a Permit holder.
12. No Person (including Permit Holders) shall sell or commercially distribute or cause or permit to be sold or commercially distributed any Tobacco Product until: (i) each such natural Person who is a Permit holder and all such natural Persons from time to time under the control of a Permit holder shall have read, understood, and agreed to comply with this Regulation and applicable state laws regarding sale of Tobacco Products, and (ii) each such natural Person shall have a signed statement to the effect in a form prescribe by the Board, and (iii) each such natural Person shall have delivered a signed copy of the statement to the Board. Statements of natural Persons under control of the Permit holder shall be retained and safeguarded by the Permit holder until requested by the Board.
13. If it comes to the attention of the Board that three or more violations of this regulation have occurred on the premises of a Permit holder within a thirty-six month period, the Board or its duly delegated hearing officer will hold a hearing to determine whether to take disciplinary action against the Permit holder, including suspension or revocation of the Permit. The Board shall provide advance written notice to the Permit holder. Such notice shall include a description of the allegations which will be the subject of the hearing.
14. The penalty for a violation of the regulations is Two Hundred dollars (\$200.00) for a first offense, in the case of a second violation within 36 months of the current violation a fine of Four Hundred dollars (\$400.00) and suspension of license for seven (7) consecutive business days, in the case of a third violation within 36 months a fine of Six Hundred dollars (\$600.00) and suspension of license for thirty (30) consecutive business days. If you are caught selling tobacco products to a minor and wish to contest the penalty, you need to put your request in writing to the Board of Health within fifteen (15) days. A Person who desires to contest the assessment of a penalty by an agent of the Board, within fifteen days of the assessment, may request in writing a hearing before the Board or before a hearing officer duly delegated by the Board, to show cause why the assessment of the penalty was without substantial basis of fact or in law.