



**TOWN OF FRAMINGHAM
Department of Public Health**

150 Concord Street
Framingham, MA 01702



Public Health
Prevent. Promote. Protect.

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Board of Health

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**TOBACCO PRODUCT SALES PERMIT
EMPLOYEE STATEMENT FORM**

Section E.7. of the Regulation of the Framingham Board of Health Restricting the Sale of Tobacco Products (hereinafter "Regulation"), reads:

No Tobacco Product Sales Permit holder shall allow any employee to sell tobacco products until such employee reads this regulation and federal and state laws regarding the sale of tobacco and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state and federal laws.

ESTABLISHMENT:

Name: _____

Address: _____

In accordance with the above referenced section of the Regulation, all employees who sell tobacco products must read and sign the following:

EMPLOYEE STATEMENT

I, an employee of the above named establishment, have read and understand:

- the Board of Health Regulation, and
- the applicable state laws pertaining to the distribution of tobacco products, and
- the applicable Federal laws pertaining to the distribution of tobacco products.

DO NOT SIGN THIS FORM UNLESS YOU HAVE READ AND UNDERSTAND ALL REQUIRED INFORMATION.

Employee Name (printed)

Employee Signature

Date

Note: All terms are as defined in the Regulation.
This form may be photocopied.

The Regulation of the Framingham Board of Health Restricting the Sale of Tobacco Products (hereinafter "Regulation"), reads in part:

D. Tobacco Sales to Persons Under the Minimum Legal Sales Age Prohibited:

1. No person shall sell tobacco products or permit tobacco products, as defined herein, to be sold to a person under the minimum legal sales age; or not being the minor's parent or legal guardian, give tobacco or products as defined herein to a person under the minimum legal sales age. The minimum legal sales age in Framingham is 21.

3. Identification: Each person selling or distributing tobacco products as defined herein shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 years old or older. Verification is required for any person under the age of 27.

M. Violations:

1. It shall be the responsibility of the establishment, 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. The violator shall receive:

a. In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco Product Sales Permit shall be suspended for three (3) consecutive business days.

b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.

c. In the case of further violations or repeated, egregious violations of this regulation within a thirty-six (36) month period, a fine of three hundred dollars (\$300.00), and the Board of Health may revoke a Tobacco Product Sales Permit.

2. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

3. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while his or her permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.

4. The Framingham Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time 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 business 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 therefore in writing. After a hearing, the Framingham Board of Health shall suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.