

## **APPLICABLE CITATIONS ON FIRST SALE TO SOMEONE UNDER 21**

105 CMR 665.010(A): Failure to verify age

105 CMR 665.040(D): Mandatory Suspension for First Time Sale to a Minor

105 CMR 665.045(A)(1): Mandatory \$1000 fine

### **1. Failure to Verify Age - 105 CMR 665.010(A)**

**Summary: State law requires valid government-issued identification for all potential tobacco/vape buyers (The “Fenway Rule”)**

665.010: Sale of Tobacco Products and Electronic Nicotine Delivery Systems

(A) No person shall sell or provide a tobacco product to any individual younger than 21 years old, as verified by said person's valid government-issued photographic identification.

### **2. Mandatory Suspension – 105 CMR 665.040(D)**

**Summary: State law requires a suspension for a first-time sale to a minor. Length of the suspension can be set in local regulations or determined by Board of Health after a hearing.**

665.040: Requirements for Retail Establishments

(D) Sale of a tobacco product by a retail establishment to a person younger than 21 years old shall result in the retail establishment being prohibited from selling tobacco products for up to 30 consecutive business days, or for a longer term as enacted, adopted, or promulgated in a rule, regulation or other measure by the appropriate and legally designated health authority of the city, town, or other legally constituted governmental unit within the Commonwealth.

### **3. Mandatory \$1000 Fine – 105 CMR 665.045(A)(1)**

**Summary: State law mandates a \$1000 fine for a first-time violator of the state law, this applies for all state law violations, including a sale to a person under 21.**

665.045: Violations

Unless otherwise specified or provided for in 105 CMR 665.000, violations of 105 CMR 665.000 shall be assessed as follows:

(A) It shall be the responsibility of any person to ensure compliance with 105 CMR 665.000. If an inspection pursuant to 105 CMR 665.000 reveals a retail establishment, retailer, and/or his or her business agent does not comply with the provisions of 105 CMR 665.000, the retail establishment shall be ordered to comply with the violated provision of 105 CMR 665.000. In addition to the correction order, the following fines and actions apply against any person who violates 105 CMR 665.000, provided, however, that such fines and actions related to any violation within a retail establishment shall apply against the retailer and/or his or her business agent and not an employee thereof:

(1) In the case of a first violation, a fine of \$1,000 shall be imposed.