

HOUSE No. 1902

The Commonwealth of Massachusetts

PRESENTED BY:

Danielle W. Gregoire

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating flavored tobacco products.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
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| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Jason M. Lewis</i> | <i>Fifth Middlesex</i> |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>Christina A. Minicucci</i> | <i>14th Essex</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> |
| <i>Natalie M. Blais</i> | <i>1st Franklin</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Stephan Hay</i> | <i>3rd Worcester</i> |
| <i>William L. Crocker, Jr.</i> | <i>2nd Barnstable</i> |
| <i>Carole A. Fiola</i> | <i>6th Bristol</i> |

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| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>Sarah K. Peake</i> | <i>4th Barnstable</i> |
| <i>Patrick M. O'Connor</i> | <i>Plymouth and Norfolk</i> |
| <i>Mathew J. Muratore</i> | <i>1st Plymouth</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Daniel M. Donahue</i> | <i>16th Worcester</i> |
| <i>Josh S. Cutler</i> | <i>6th Plymouth</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> |
| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>James M. Murphy</i> | <i>4th Norfolk</i> |
| <i>Andres X. Vargas</i> | <i>3rd Essex</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Jeffrey N. Roy</i> | <i>10th Norfolk</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> |
| <i>John F. Keenan</i> | <i>Norfolk and Plymouth</i> |
| <i>Marjorie C. Decker</i> | <i>25th Middlesex</i> |
| <i>Daniel R. Cullinane</i> | <i>12th Suffolk</i> |
| <i>Joan B. Lovely</i> | <i>Second Essex</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> |
| <i>Joseph W. McGonagle, Jr.</i> | <i>28th Middlesex</i> |
| <i>Carlos Gonzalez</i> | <i>10th Hampden</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Jon Santiago</i> | <i>9th Suffolk</i> |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i> |
| <i>William C. Galvin</i> | <i>6th Norfolk</i> |
| <i>Christine P. Barber</i> | <i>34th Middlesex</i> |
| <i>Bruce J. Ayers</i> | <i>1st Norfolk</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>John Barrett, III</i> | <i>1st Berkshire</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> |

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| <i>Daniel J. Hunt</i> | <i>13th Suffolk</i> |
| <i>Harriette L. Chandler</i> | <i>First Worcester</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> |
| <i>David Biele</i> | <i>4th Suffolk</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |

HOUSE No. 1902

By Miss Gregoire of Marlborough, a petition (accompanied by bill, House, No. 1902) of Danielle W. Gregoire and others relative to the sale or distribution of flavored tobacco products. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act regulating flavored tobacco products.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Said chapter 270 is hereby further amended by adding the following
2 section: -

3 Section 28. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Characterizing Flavor” means a distinguishable taste or aroma, other than the taste or
6 aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco
7 product or component part thereof, including but not limited to, a taste or aroma relating to any
8 fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint,
9 wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to
10 have a characterizing flavor solely because of the provision of ingredient information or the use
11 of additives or flavorings that do not contribute to the distinguishable taste or aroma of the
12 product.

13 “Component part”, any element of a tobacco product, including, but not limited to, the
14 tobacco, filter and paper, but not including any constituent.

15 “Constituent”, any ingredient, substance, chemical or compound, other than tobacco,
16 water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product
17 during the processing, manufacturing or packaging of the tobacco product. Such term shall
18 include a smoke constituent.

19 “Distinguishable”, perceivable by either the sense of smell or taste.

20 “Flavored cigarette”, any cigarette, or any component part thereof, that contains or
21 imparts a characterizing flavor.

22 “Flavored tobacco product”, any tobacco product as defined in section 6, or any
23 component part thereof, that contains a constituent that has or produces a characterizing flavor,
24 provided that “flavored tobacco product” shall not include a flavored cigarette. A public
25 statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by
26 any person authorized or permitted by the manufacturer to make or disseminate public
27 statements concerning such tobacco product, that such tobacco product has or produces a
28 characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored
29 tobacco product.

30 “Tobacco product”, any product containing, made, or derived from tobacco or nicotine
31 that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled,
32 snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars,
33 little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars,
34 electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that

35 rely on vaporization or aerosolization. “Tobacco product” includes any component or part of a
36 tobacco product. “Tobacco product” does not include any product that has been approved by the
37 United States Food and Drug Administration either as a tobacco use cessation product or for
38 other medical purposes and which is being marketed and sold or prescribed solely for the
39 approved purpose.

40 (b) No retailer, retail establishment, or other person or entity shall sell or distribute or
41 cause to be sold or distributed or offer for sale any flavored cigarette to any consumer.

42 (c) No person or entity shall sell or distribute or cause to be sold or distributed or offer for
43 sale any flavored tobacco product to any consumer, except in a smoking bar as defined in section
44 22.

45 (d) A person who violates this section shall be subject to the same fines established for
46 violations of section 6.