

**Regulation of the Belmont Board of Health
Prohibiting the Sale of Drug Paraphernalia**

2019 APR -8 PM 4: 56

Section 1

The purpose of this regulation is to protect the health of the general public in the Town of Belmont.

Section 2

This regulation is promulgated under the authority granted to the Belmont Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 that "[b]oards of health may make reasonable health regulations."

Section 3

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

Drug paraphernalia: shall include, but is not limited to mean those items as defined in M.G.L.Ac.94C section 1 as well as blunt wrappers and rosebud glass tubes or other non-traditional smoking apparatus primarily intended for use or designed for use with controlled substances.

Section 4

No person, firm, store, or corporation shall sell or offer for sale or distribution drug paraphernalia unless they are an adult only Retail Tobacco Store or Adult Use Marijuana sales establishment.

Section 5

- (1) It shall be the responsibility of the 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, nicotine delivery products, and/or marijuana products. The violator shall receive:

- a. In the case of a first violation, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Sales Permit shall be suspended for seven (7) consecutive days.
- b. In the case of a second violation within 36 months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Sales Permit shall be suspended for fourteen (14) consecutive days.

- c. In the case of a third violation within 36 months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Sales Permit shall be suspended for thirty (30) consecutive days.
- d. The Board of Health reserves the right to revoke a Tobacco and Nicotine Delivery Sales Permit.

- (2) Each calendar day on which a violation occurs shall be considered a separate offense.
- (3) This regulation shall be enforced by the Board of Health and its designees.
- (4) Violations of Section 4 may be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law.
- (5) Any person may register a complaint to initiate an investigation and enforcement with the Board of Health, the local inspection department of the equivalent.

Section 6

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

Section 7

Nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other regulations.

Section 8

The Board of Health adopted this Regulation at the Board of Health Regular Public Meeting held MARCH 27, 2019.

This regulation shall be effective as of MAY 1, 2019.

BELMONT BOARD OF HEALTH

- 1. Donna S. David
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- 2. Julie C. Lemay
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