

Regulations of the Great Barrington Board of Health
Sale of Tobacco Products to Minors
Effective August 3, 2000

A. Declaration of Findings & Policy:

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat and whereas at least one-half of all smokers begin smoking before the age of eighteen (18); and whereas an estimated three thousand (3,000) minors begin smoking every day; in the United States; and whereas nicotine in tobacco has been found by the United States Surgeon General to be a powerfully addictive drug; and whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; and whereas a board of health regulation requiring proof of age in order to purchase tobacco products is necessary in order to restrict the access of minors to tobacco products in the interest of public health; now, therefore it is the policy of the Great Barrington Board of Health to discourage minors from experimenting with tobacco and to make tobacco products less accessible to minors.

B. Authority:

This regulation is promulgated under the authority granted to the Great Barrington Board of Health under the Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations."

C. Definitions:

For the purpose of this regulation, the following words shall have the meanings respectively ascribed to them by this section:

Self Service Display: Any display of tobacco products which is so located such that said products are accessible to customers without assistance from an employee or store personnel.

Minor: Any individual who is under the age of eighteen (18).

Person: A person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale of tobacco products.

Vending Machine: Any automated or mechanical, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, snuff or tobacco in any of its forms.

D. Sales to Minors Prohibited:

1. No person shall sell tobacco products or permit tobacco products to be sold to a minor or not being the minor's parent or guardian, give tobacco products to a minor,
2. No person shall sell or permit the sale of tobacco products unless the location at which the tobacco products are available for purchase is posted with a notice which is clearly visible to anyone purchasing such products and which states: "Massachusetts state law prohibits the sale of tobacco products to any person under the age of eighteen (18) years of age. See M.G.L. Ch. 270, Sect. 6." Said notice shall be that notice provided by the Massachusetts Department of Public Health and available from the Great Barrington Board of Health.
3. Identification: Each retailer shall verify, by means of photographic identification containing the bearer's date of birth (including but not limited to government identification), that no person purchasing the product is younger than eighteen (18) years of age.

E. Tobacco Sales Permit:

1. No person shall sell or otherwise distribute tobacco within the town of Great Barrington without first obtaining a tobacco sales permit issued by the Great Barrington Board of Health.
2. As part of the application process, the applicant will be provided with a copy of Great Barrington regulations, State law M.G.L. Ch. 270 Section 6 (sales of tobacco to minors and penalties for violation thereof) and Federal regulations.
3. Each applicant is required to sign a statement declaring that the applicant has read said regulations and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding the law.
4. The fee for a tobacco sales permit shall be determined by the Great Barrington Board of Health. All such permits shall be renewed annually on January 1.
5. A separate permit is needed for each location.
6. Each tobacco sales permit shall be displayed on the premises in a conspicuous place.

F. Free Distribution:

No person in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products for commercial purposes or any agent or employee of such person, shall distribute a cigarette or other tobacco or smoking product free to any person.

G. Packaging:

No manufacturer, distributor or retailer may sell or cause to be sold, or distribute or cause to be distributed any cigarette package that contains fewer than twenty cigarettes.

H. Self Service Displays:

All self-service displays of tobacco products are prohibited. The only exception is self service displays that are located in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present, or permitted to enter, at any time.

I. Tobacco Products Vending Machines:

No person shall distribute or sell tobacco products by the use of a vending machine unless the vending machine is located in facilities where the retailer ensures that no person younger than eighteen (18) years of age is present or permitted to enter at any time.

J. Violations and Penalties:

1. A person who violates the provisions of this regulation shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$200) for the second offense and three hundred dollars (\$300) for the third and each subsequent offense within a twenty-four month period.

2. The Great Barrington Board of Health may suspend a tobacco sales permit granted pursuant to this regulation upon determination that a permit holder has committed three (3) violations of this regulation within twenty-four months, calculated from the date of the first offense. The Great Barrington Board of Health shall provide notice of the intent to suspend a tobacco 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 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. The Great Barrington Board of Health after a hearing, may suspend the tobacco sales permit for four weeks. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

3. Any permit holder who does not have an appeal pending and does not pay a fine within twenty-one days may be subject to the suspension of the tobacco sales permit granted pursuant to this regulation. The Great Barrington Board of Health shall provide notice of the intent to suspend a tobacco 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 shall have an opportunity to be heard at such hearing and shall be notified of the Board's decision, and the reasons therefor, in writing. The Great Barrington Board of Health, after a hearing, may suspend the tobacco sales permit until the fine is paid. All tobacco products shall be removed from the premises upon suspension or revocation of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

K. Enforcement:

As an alternative to initiating criminal proceedings, violations of this regulation may be enforced in the manner provided in M. G.L. Chap. 40, Sect. 21D by the Great Barrington Board of Health or their designees. Any fines imposed under the provision of this regulation shall ensure to the Great Barrington Board of Health.

L. Severability:

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 section being in force.

Implementation of this regulation will occur on August 3, 2000

A TRUE COPY, ATTEST:

M. Dondra Carloti
PITTSFIELD CITY CLERK

**Regulations of the Pittsfield Board of Health
Sale of Tobacco Products to Minors**

Effective Date: February 1, 2008

These regulations replace any and all prior Youth Access to Tobacco Products.
All clerks selling tobacco must be certified by July 5, 2008.
Previous violations will be carried over into this regulation.

A. Statement of Purpose:

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas more than eighty percent of all smokers begin smoking before the age of eighteen years (Centers for Disease Control and Prevention, "Youth Surveillance - United States 2000," 50 MMWR 1 (Nov. 2000); and whereas nationally in 2000, sixty nine percent of middle school age children who smoke at least once a month were not asked to show proof of age when purchasing cigarettes (Id.); and whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; now, therefore it is the intention of the Pittsfield Board of Health to curtail the access of tobacco products by minors.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Pittsfield Board of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations".

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals, including Pittsfield or any agency thereof, which uses the services of one (1) or more employees.

Minor: Any individual who is under the age of eighteen (18).

Permit Holder: Any person engaged in the sale or distribution of tobacco products directly to consumers who applies for and receives a tobacco sales permit or any person who is required to apply for a tobacco sales permit pursuant to these regulations, or his or her business agent.

Person: An individual, employer, employee, retail store manager or owner, the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.

Self Service Display: Any display from which customers may select a tobacco product without assistance from an employee or store personnel, excluding vending machines.

A TRUE COPY, ATTEST:

M. Andrew Carlotta
PITTSFIELD CITY CLERK

Tobacco Sales Certification Training: a certification training program which must be successfully completed by all tobacco sales clerks engaged in the sale or distribution of tobacco products directly to the consumer. For the purposes of this section, the content of any tobacco sales certification training program must be approved by the Board of Health. However, an equivalent training program approved by the State Department of Public Health will also meet the requirements of this provision. Certification shall expire three (3) years from the date of successfully completing said training at such time a re-certification training must be completed to maintain certification. The Board of Health shall establish a fee for the certification and re-certification training program.

Tobacco Sales Clerk: An individual, employer, employee, retail store manager, the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers who can produce documentation that he/she maintains a valid tobacco sales certification.

Tobacco Product: Cigarettes, cigars, chewing tobacco, pipe tobacco, bidis, snuff or tobacco in any of its forms.

Vending Machine: Any automated or mechanical self service device, which upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product.

D. Tobacco Sales to Minors Prohibited:

1. No person shall sell tobacco products or permit tobacco products to be sold to a minor; or not being the minor's parent or legal guardian, give tobacco products to a minor.
2. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Pittsfield Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.
3. All retail sales of tobacco must be face-to-face between the seller and the buyer.

E. Identification: Identification: Each person selling or distributing tobacco products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is 18 years old or older. Verification is required for any person under the age of 27.

F. Tobacco Sales Permit:

1. No person shall sell or otherwise distribute tobacco at retail within Pittsfield without first obtaining a tobacco sales permit issued annually by the Pittsfield Board of Health.
2. As part of the initial tobacco sales permit application process, the applicant will be provided with the Pittsfield Board of Health regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all

A TRUE COPY, ATTEST:

Andrew Carlotta
PITTSFIELD CITY CLERK

employees who will be responsible for tobacco sales regarding both state laws regarding the sale of tobacco and this regulation.

3. Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco sales permit can be issued.
4. The fee for a tobacco sales permit shall be determined by the Pittsfield Board of Health annually. All such permits shall be renewed annually by January 1st.
5. A separate permit is required for each retail establishment selling tobacco.
6. Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.
7. No tobacco sales permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation 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 laws.
8. A tobacco sales permit is non-transferable, except a new permit will be issued to a retailer who changes location.
9. Issuance of a tobacco sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.
10. No person or entity selling tobacco products shall allow anyone under eighteen (18) years of age to sell cigarettes or other tobacco products.

G. Free Distribution:

No person shall distribute, or cause to be distributed, any free samples of tobacco products.

H. Out-of-Package Sales:

No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

I. Self Service Displays:

All self service displays of tobacco products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

J. Tobacco Vending Machines:

All tobacco vending machines are prohibited.

K. Certification:

1. No person shall sell any tobacco product without first successfully completing an approved tobacco sales certification training and obtains confirmation of certification.
2. New employees have thirty (30) consecutive days to successfully complete an approved tobacco sales certification training. Employers must provide documentation confirming new hire if requested by Board of Health.

A TRUE COPY, ATTEST:

M. DeDionis Carlotto
PITTSFIELD CITY CLERK

L. Violations pertaining to the Tobacco Sales Clerk:

1. It shall be the responsibility of the Tobacco Sales Clerk to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco. The violator shall receive:

a. In the case of a first violation:

Tobacco Sales Clerk, a fine of fifty dollars (\$50.00) and tobacco sales certification shall be suspended for seven (7) consecutive business days, must provide proof that he/she has signed up for the next available tobacco retailer training within seven (7) consecutive business days before selling tobacco products. Completion of training required within thirty (30) consecutive business days unless otherwise written consent from Pittsfield Board of Health to extend the time period.

b. In the case of a second violation within 24 months of the date of the current violation:

Tobacco Sales Clerk, a fine of one hundred dollars (\$100.00) and tobacco sales certification shall be suspended for thirty (30) consecutive business days, must provide proof that he/she has signed up for the next available tobacco retailer training within thirty (30) consecutive business days before selling tobacco products. Completion of training required within thirty (30) consecutive business days unless otherwise written consent from Pittsfield Board of Health to extend the time period.

c. In the case of a third violation within a 24 month period:

Tobacco Sales Clerk, a fine of one hundred and fifty dollars (\$150.00) and tobacco sales certification shall be suspended for three hundred and sixty five (365) consecutive days.

2. Refusal to cooperate pursuant to this regulation shall result in the suspension of the tobacco sales certification and/or tobacco sales permit for thirty (30) consecutive business days.

3. In addition to the monetary fines set above, any Tobacco Sales Clerk who engages in the sale or distribution of tobacco products directly to a consumer while his or her certification is suspended shall be subject to the suspension of all board of health issued permits for thirty (30) consecutive business days.

4. The Pittsfield Board of Health shall provide notice of the intent to suspend tobacco sales certification, which notice shall contain the reasons therefore. A hearing may be requested in writing within seven (7) days of receipt of letter. The Tobacco Sales Clerk 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. The Pittsfield Board of Health after a hearing, may suspend the tobacco sales certification.

5. Any Tobacco Sales Clerk who does not pay the assessed fine within twenty-one days from fine issuance may be subject to criminal proceedings.

M. Violations pertaining to the permit holder and/or his or her business agent:

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

A TRUE COPY, ATTEST:


PITTSFIELD CITY CLERK

a. In the case of a first violation:

Permit holder and/or his or her business agent, a fine of two hundred and fifty dollars (\$250.00).

b. In the case of a second violation within 24 months of the date of the current violation:

Permit holder and/or his or her business agent, a fine of three hundred and fifty dollars (\$350.00) and the tobacco sales permit shall be suspended for seven (7) consecutive business days.

c. In the case of third violation within a 24 month period:

Permit holder and/or his or her business agent, a fine of five hundred dollars (\$500.00) and the tobacco sales permit shall be suspended for fourteen (14) consecutive business days.

d. In the case of fourth violation within a 24 month period:

Permit holder and/or his or her business agent, a fine of five hundred dollars (\$500.00) and the tobacco sales permit shall be suspended for thirty (30) consecutive business days.

e. In the case of fifth violation within a 24 month period:

Permit holder and/or his or her business agent, a fine of seven hundred and fifty dollars (\$750.00) and the tobacco sales permit shall be suspended for three hundred and sixty five (365) consecutive business days.

2. Refusal to cooperate pursuant to this regulation shall result in the suspension of the tobacco sales certification and/or tobacco sales permit for thirty (30) consecutive business days.

3. Any permit holder who allows a sales clerk to sell or distribute tobacco products directly to a consumer without first obtaining a tobacco sales certification shall result in a fine of two hundred and fifty (\$250.00) dollars.

4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products directly to a consumer 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.

5. The Pittsfield Board of Health shall provide notice of the intent to suspend a tobacco permit holder, which notice shall contain the reasons therefore. A hearing may be requested in writing within seven (7) days of receipt of letter. 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. The Pittsfield Board of Health after a hearing, may suspend the tobacco sales permit. All tobacco products shall be removed from the retail establishment upon suspension of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.

6. Any permit holder who does not pay the assessed fine within twenty-one days from fine issuance may be subject to criminal proceedings.

N. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in General Laws, Chapter 40, Section 21 D or by filing a criminal complaint at the appropriate venue. Each day any violation exists shall be deemed to be a separate offense.

A TRUE COPY, ATTEST:


PITTSFIELD CITY CLERK

O. Enforcement:

Enforcement of this regulation shall be by the Pittsfield Board of Health or its designated agent(s).


Any citizen who desires to register a complaint pursuant to the regulation may do so by contacting the Board of Health of Pittsfield or its designated agent(s) and the Board shall investigate.

P. Severability:

If any provision of these regulations is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

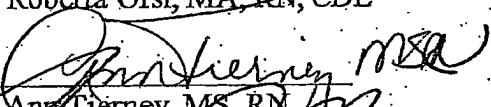
Q. Effective Date:

This regulation shall take effect on February 1, 2008


Philip Adamo, MD, MPH

Brad Gordon, Esq.


Roberta Orsi, MA, RN, CDE


Amy Tierney, MS, RN


Francis Marinaro

Regulations of the Lee, Lenox and Stockbridge Boards of Health
Sale of Tobacco Products to Minors

Effective Date: June 16, 2008

These regulations replace any and all prior Youth Access to Tobacco Products.

All clerks selling tobacco must be certified by December 16, 2008.

Previous violations will be carried over into this regulation.

A. Statement of Purpose:

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat; and whereas more than eighty percent of all smokers begin smoking before the age of eighteen years (Centers for Disease Control and Prevention, "Youth Surveillance - United States 2000," 50 MMWR 1 (Nov. 2000); and whereas nationally in 2000, sixty nine percent of middle school age children who smoke at least once a month were not asked to show proof of age when purchasing cigarettes (Id.); and whereas the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin; and whereas despite state laws prohibiting the sale of tobacco products to minors, access by minors to tobacco products is a major problem; now, therefore it is the intention of the Lee, Lenox and Stockbridge Boards of Health to curtail the access of tobacco products by minors.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Lee, Lenox and Stockbridge Boards of Health by Massachusetts General Laws Chapter 111, Section 31 that "Boards of Health may make reasonable health regulations"

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals, including Lee, Lenox and Stockbridge or any agency thereof, which uses the services of one (1) or more employees.

Minor: Any individual who is under the age of eighteen (18).

Permit Holder: Any person engaged in the sale or distribution of tobacco products directly to consumers who applies for and receives a tobacco sales permit or any person who is required to apply for a tobacco sales permit pursuant to these regulations, or his or her business agent.

Person: An individual, employer, employee, retail store manager or owner, the owner or operator of any establishment engaged in the sale or distribution of tobacco products directly to consumers.

Self Service Display: Any display from which customers may select a tobacco product without assistance from an employee or store personnel, excluding vending machines.

declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco sales regarding both state laws regarding the sale of tobacco and this regulation.

3. Each applicant is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco sales permit can be issued.
4. The fee for a tobacco sales permit shall be determined by the Lee, Lenox and Stockbridge Boards of Health annually. All such permits shall be renewed annually by January 1st.
5. A separate permit is required for each retail establishment selling tobacco.
6. Each tobacco sales permit shall be displayed at the retail establishment in a conspicuous place.
7. No tobacco sales permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation 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 laws.
8. A tobacco sales permit is non-transferable, except a new permit will be issued to a retailer who changes location.
9. Issuance of a tobacco sales permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.
10. No person or entity selling tobacco products shall allow anyone under eighteen (18) years of age to sell cigarettes or other tobacco products.

G. Free Distribution:

No person shall distribute, or cause to be distributed, any free samples of tobacco products.

H. Out-of-Package Sales:

No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.

I. Self Service Displays:

All self service displays of tobacco products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

J. Tobacco Vending Machines:

All tobacco vending machines are prohibited.

K. Certification:

1. No person shall sell any tobacco product without first successfully completing an approved tobacco sales certification training and obtains confirmation of certification.
2. New employees have thirty (30) consecutive days to successfully complete an approved tobacco sales certification training. Employers must provide documentation confirming new hire if requested by Board of Health.

M. Violations pertaining to the permit holder and/or his or her business agent:

1. It shall be the responsibility of the 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. The violator shall receive:
 - a. In the case of a first violation:
Permit holder and/or his or her business agent, a fine of two hundred and fifty dollars (\$250.00).
 - b. In the case of a second violation within 24 months of the date of the current violation:
Permit holder and/or his or her business agent, a fine of three hundred and fifty dollars (\$350.00) and the tobacco sales permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of third violation within a 24 month period:
Permit holder and/or his or her business agent, a fine of five hundred dollars (\$500.00) and the tobacco sales permit shall be suspended for fourteen (14) consecutive business days.
 - d. In the case of fourth violation within a 24 month period:
Permit holder and/or his or her business agent, a fine of five hundred dollars (\$500.00) and the tobacco sales permit shall be suspended for thirty (30) consecutive business days.
 - e. In the case of fifth violation within a 24 month period:
Permit holder and/or his or her business agent, a fine of seven hundred and fifty dollars (\$750.00) and the tobacco sales permit shall be suspended for three hundred and sixty five (365) consecutive business days.
2. Refusal to cooperate pursuant to this regulation shall result in the suspension of the tobacco sales certification and/or tobacco sales permit for thirty (30) consecutive business days.
3. Any permit holder who allows a sales clerk to sell or distribute tobacco products directly to a consumer without first obtaining a tobacco sales certification shall result in a fine of two hundred and fifty (\$250.00) dollars.
4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products directly to a consumer 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.
5. The Lee, Lenox and Stockbridge Boards of Health shall provide notice of the intent to suspend a tobacco permit holder, which notice shall contain the reasons therefore. A hearing may be requested in writing within seven (7) days of receipt of letter. 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. The Lee, Lenox and Stockbridge Boards of Health after a hearing, may suspend the tobacco sales permit. All tobacco products shall be removed from the retail establishment upon suspension of the tobacco sales permit. Failure to remove all tobacco products shall constitute a separate violation of this regulation.
6. Any permit holder who does not pay the assessed fine within twenty-one days from fine issuance may be subject to criminal proceedings.