April 12, 2019

Dear Newton Tobacco and Nicotine Delivery Product Permitee:

It is time to renew your permit to sell tobacco and nicotine delivery products in Newton. Please review this packet in its entirety. **It contains important updates, including information about the new tobacco regulation and renewals that could affect your ability to maintain a tobacco permit if not followed properly.** We welcome any questions you may have.

**Renewal**

Enclosed you will find a renewal application and a permit checklist. You are required to complete both forms. In addition, you must submit copy of your current Department of Revenue (DOR) license(s). If you sell both cigarettes and cigars, a copy of each separate permit is required. See the enclosed examples.

To renew on time, return the following to Health and Human Services, Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459 by **Wednesday, June 12, 2019**:

- [ ] Completed permit application
- [ ] $200.00 fee
- [ ] Completed and signed checklist
- [ ] A copy of a current DOR license(s) see enclosed examples

New permits for those who renew by June 12, 2019 will be mailed to the establishment address by the end of June.

**Late Renewal**

- Renewal applications received after June 12, 2019 will be charged a $25 late fee.
- Establishments who renew late will have to pick up their new permit at City Hall to ensure you receive it before the current one expires on June 30, 2019.
- If you sell tobacco or nicotine delivery products without a permit after June 30, 2019, when the permit expires, you will be subject to a fine of $300.00 for each day you sell. We do check stores and issue violations on July 1st to those who have not renewed.
- **Due to the October 2018 Regulation Governing Tobacco and Nicotine Delivery Product Sales Permits, permit holders who failed to renew by July 30, 2019 will be treated as first time permit applicants and will only be able to obtain a permit if there is one available. It is unlikely a permit would be available due to this regulation.**

**Permit Fee Increase**

As advised in October 2018, the HHS Department is increasing the annual tobacco/nicotine delivery product permit fee. **The 2019 renewal fee is $200.** It is expected the fee in 2020 will be $300. This permit fee has not been reviewed at least since 2004. The HHS Department is reviewing fees associated with all permits it issues. Permit fees must be commensurate with the cost to administer the permit. While the department’s costs associated with tobacco/nicotine retailers exceed the new fee, this new amount brings it closer to actual costs.
Flavor Enforcement
During routine checks conducted in all Newton establishments, more flavored products were found than anticipated. All flavors other than mint/menthol/wintergreen are prohibited in most Newton establishments. Here is the definition:

- “Characterizing flavor: a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice...”

The HHS Department recommends establishments consider the following in determining whether a product is flavored or not:

- Does the packaging include words that meet the flavor definition?
- Do online descriptions of the product include words that meet the flavor definition?
- When you open the package, does it have a “distinguishable taste or aroma?”
- Have you checked with HHS staff? Call ahead to arrange a time to stop by with a product you’re unsure about!

This is not a complete list, but here are a few products we have observed locally that HHS staff have determined meet the ordinance definition of a flavored product and are prohibited:

- Backwoods Sweet Aromatic; Game Diamond, Green, Silver; White Owl Sweets; Swisher Sweets Green Sweets

Compliance Checks
Three Newton stores sold a tobacco or nicotine product to a minor during recent compliance checks. A compliance check is when a youth who is under age 21 attempts to purchase a tobacco or nicotine delivery product at your store. All stores are checked routinely. HHS takes youth prevention very seriously and appreciates those who comply. Any store who violates this law should expect penalties without exception.

Fines/Suspensions/Revocation
Repeat violations of Newton’s tobacco/nicotine ordinances result in fines and permit suspensions of either 7 or 30 days, or revocation. Several Newton stores recently have received violations for selling flavored products, not following minimum cigar pricing, and selling tobacco/nicotine products to a minor. A store whose permit is revoked for repeat violations may not reapply for a new permit for at least one year. It is unlikely a permit would be available due to the October 2018 Regulation Governing Tobacco and Nicotine Delivery Product Sales Permits.

Questions
Please read the enclosed materials very carefully and call 617-796-1420 if you have any questions or need clarification.

The tobacco/nicotine ordinances and the permit regulation are available at http://www.newtonma.gov/healthpermits by scrolling down to see all of the tobacco/nicotine related documents at the bottom of the page.

Thank you,

Newton Health & Human Services Department