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.

OVER
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
**Application for a Permit to sell Tobacco Products and Nicotine Delivery Products 2019-20**  
Fee: $200.00 (payable to the “City of Newton”)

<table>
<thead>
<tr>
<th>ESTABLISHMENT INFORMATION</th>
<th>OWNER INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Establishment Name (d/b/a)</strong></td>
<td><strong>Owner’s Name</strong></td>
</tr>
<tr>
<td><strong>Establishment Address</strong></td>
<td><strong>Owner’s Address</strong> (city, state, zip)</td>
</tr>
<tr>
<td><strong>Establishment Phone</strong></td>
<td><strong>Owner’s Phone</strong> <strong>Owner’s Mobile</strong></td>
</tr>
<tr>
<td><strong>Manager’s Name (If not individually owned)</strong></td>
<td><strong>Owner’s Email</strong></td>
</tr>
<tr>
<td><strong>Manager’s Phone</strong></td>
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**Department of Revenue Cigarette Retailer’s License #**  
*(include a copy of DOR license with application)*

**TYPE OF ESTABLISHMENT**  
*Check only one.*

- □ Convenience Store
- □ Liquor Store
- □ Retail Tobacco or Nicotine Delivery Product Store *(see ordinance definition)*
- □ Gas Station Only
- □ Private Store
- □ Other ________________
- □ Gas Mini-mart
- □ Restaurant
- □ Other ________________
- □ Grocery
- □ Manager
- □ Private Club
- □ Snus
- □ Other ________________

**TYPE OF PRODUCTS SOLD**  
*Check all that apply.*

- □ Bidis
- □ Dissolvable Tobacco
- □ Pipe / Loose Tobacco
- □ Chewing Tobacco
- □ Little Cigars
- □ Snuff
- □ Cigarettes
- □ Nicotine Delivery Products *(e-cigarettes, other electronic devices)*
- □ Snus
- □ Cigarillos
- □ Other ________________
- □ Cigars
- □ Other ________________

**SIGNATURE**

By signing this form, I the undersigned, attest to the accuracy of the information provided in this application

 Permit Applicant Signature  
 Date

*** PLEASE NOTE: A $25 late fee is charged if not received by Wednesday, June 12, 2019. ***  
Please include with this application: Signed checklist, copy of DOR License, and $200.00 fee.  
Permits will be mailed to the establishment.
NEWTON TOBACCO & NICOTINE DELIVERY PRODUCT SALES PERMIT CHECKLIST

THIS FORM MUST BE COMPLETED BY THE OWNER OF THE ESTABLISHMENT APPLYING FOR A HEALTH AND HUMAN SERVICES DEPARTMENT TOBACCO/NICOTINE DELIVERY PRODUCT SALES PERMIT.

**No permit will be issued until this checklist has been initialed and signed**

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<table>
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<tr>
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<tbody>
<tr>
<td>1.</td>
<td>I have read and I understand City of Newton Ordinance Chapter 20, Article 1 Smoking, Tobacco Products, Nicotine Delivery Products and Alcoholic Beverages; and the October 2018 Health and Human Services Department Regulation Governing Tobacco and Nicotine Delivery Product Sales Permits.</td>
<td>Initials</td>
</tr>
<tr>
<td>2.</td>
<td>I understand that it is against Newton’s ordinance to sell tobacco products or nicotine delivery products to anyone under 21 years of age, regardless of how old the person looks.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>I understand that the City of Newton Ordinance requires anyone selling tobacco or nicotine delivery products to positively establish the customer’s age. This means that the clerk must ask for and see identification proving the person is at least 21 years of age. Proper identification consists of a valid driver’s license or other government issued picture I.D. that indicates date of birth.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>No clerk shall sell tobacco products or nicotine delivery products to a person under twenty-one (21) years of age who has a note from an adult requesting such a sale.</td>
<td></td>
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</tbody>
</table>
| 5. | I understand that the City of Newton Health and Human Services Department will conduct compliance checks of my business to ensure that my establishment is not selling tobacco or nicotine delivery products to minors. This means:  
   a) The HHS Department will send minors into establishments to attempt the purchase of tobacco and/or nicotine delivery products.  
   b) These minors may or may not look 21 years of age. |   |
| 6. | I understand that if I or one of my employees violates the ordinance, a violation notice will be written and a fine imposed by the Health and Human Services Department. If a repeat violation occurs within a 36-month period, the amount of the fine increases and a suspension of the license for a period of time will result. By ordinance, four or more violations within 36 months will cause the license to be revoked for 60 consecutive days or for the remainder of the permit term, whichever is longer. If my permit is revoked, I understand that if I choose to re-apply after the one-year waiting period, I will be treated as a new applicant and subject to the October 2018 Regulation Governing Tobacco and Nicotine Delivery Product Sales Permits. |   |
| 7. | I understand that the owner/operator of a business holding a tobacco and nicotine delivery product sales permit is responsible for all violations of City of Newton Ordinances regarding tobacco and nicotine delivery products, regardless who has committed the violation. |   |
| 8. | I understand that other government agencies, such as the Food and Drug Administration or the State Attorney General’s Office may conduct additional compliance checks. |   |
| 9. | I understand that flavored tobacco and nicotine delivery products are prohibited for sale in Newton except in the two 21-plus stores who meet the ordinance definition of a “retail tobacco establishment.” If I have questions about whether or not a product is flavored, I may call the HHS Dept at 617-796-1420 for clarification prior to selling the product. |   |

By signing this form, I acknowledge that I have read and understand all the above statements. I further understand that failure to abide by these conditions and all those outlined in Chapter 20, Article 1, and the October 2018 HHS Regulation Governing Tobacco and Nicotine Delivery Product Sales Permits may jeopardize my Tobacco and Nicotine Delivery Product Sales Permit.

**Name of Business** ____________________________ **Owner** ____________________________

Please Print Please Print Name

X ____________________________ **Signature**

__________________________ **Date**
As part of the application / renewal process you must provide a valid copy of your CT-3T. This form is provided to you by the Commonwealth of Massachusetts Department of Revenue. You may obtain a copy by logging into your MassTaxConnect account or calling (617) 887-6367 or toll free in Massachusetts (800) 392-6089, Monday through Friday 8:30 AM to 4:30 PM.

Examples:

### Retailer License for Sale of Cigarettes

**MASSACHUSETTS DEPARTMENT OF REVENUE**

**Form CT-3T**

Retailer License for Sale of Cigarettes

This license must be posted and visible at all times. The sale of tobacco products to anyone under 18 years of age is prohibited.

ANY CO., INC
D/B/A ANY COMPANY, INC.
PO BOX 123
NEWTON, MA 02123

Account ID: 
License Number 

This certifies that the taxpayer named above is licensed under Chapter 64C of the Massachusetts General Laws to sell at retail at the address shown above. This license is non-transferable and may be suspended or revoked for failure to comply with state laws and regulations.

Effective Date: March 10, 2017
Expiration Date: September 30, 2018

### Retailer License for Sale of Cigars and Smoking Tobacco

**MASSACHUSETTS DEPARTMENT OF REVENUE**

**Form CT-3T**

Retailer License for Sale of Cigars and Smoking Tobacco

This license must be posted and visible at all times. The sale of tobacco products to anyone under 18 years of age is prohibited.

ANY CO., INC
D/B/A ANY COMPANY, INC.
PO BOX 123
NEWTON, MA 02123

Account ID: 
License Number 

This certifies that the taxpayer named above is licensed under Chapter 64C of the Massachusetts General Laws to sell at retail at the address shown above. This license is non-transferable and may be suspended or revoked for failure to comply with state laws and regulations.

Effective Date: November 14, 2017
Expiration Date: September 30, 2018