1. **Why is Newton proposing this new regulation?**
   Youth e-cigarette use nationwide has increased dramatically, and Newton is not immune. Newton’s Fall 2018 Youth Risk Behavior Survey indicated use of electronic tobacco products was far more common than use of cigarettes, with 2% of middle school students and 15% of high school students reporting current use (below the MA high school rate of 20%), peaking at 18% among 11th and 12th graders, and up substantially since first being assessed in 2016 (middle school – 0.2% to 2%, high school – 4% to 15%). The survey also indicated Newton Youth feel that electronic tobacco products are easier to obtain than other substances – 66% of high school students think it would be easy to obtain electronic tobacco products, compared to 63% for alcohol, 50% for marijuana, 39% for cigarettes, and 25% for prescription drugs not prescribed to them. An April 2018 survey conducted by the Truth Initiative found that the most common way youth got JUUL (a popular e-cigarette brand) is through physical retail locations. 74 percent of youth said that they obtained JUUL at a store or retail outlet. E-cigarettes are particularly harmful to youth because their brains are still developing. Significantly reducing the number of e-cigarette retailers in Newton will help prevent youth access to these harmful products.

2. **What is a retail tobacco store or retail nicotine delivery product store?**
   An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and tobacco paraphernalia, or nicotine delivery products, in which the entry of persons under the age of twenty-one (21) is prohibited at all times, and maintains valid tobacco and nicotine delivery product sales permit. Newton has two of these stores.

3. **What does it mean to restrict sales to retail tobacco store or retail nicotine delivery product stores?**
   E-cigarettes would no longer be sold in Newton convenience/grocery/liquor or other types of stores. Only the 2 Newton stores who already meet the definition would be allowed to sell e-cigarettes, a product they already sell.

4. **Won’t Newton just get a lot more 21+ stores if this regulation takes effect?**
   No. Newton’s October 2018 permit regulation capped the total number of retail tobacco/nicotine delivery product stores to only two.

5. **What is a Public Listening Session?**
   This is an opportunity for people to express their opinions on this new proposed regulation and suggest anything else they would like added or things they would like changed. Those choosing to speak will be heard by Newton’s Public Health & Human Services Commissioner Deborah Youngblood and members of her staff. There will be no presentation and no questions answered at this session. Comments will be considered by city officials after the session and the regulation may be revised based on feedback.
6. How can I speak at the Public Listening Session?
A paper sign-up sheet for speakers will be available in City Council Chambers beginning at 6:30 p.m. Speakers will have either 2 or 3 minutes to speak, depending on the number of speakers. If you run out of time or are unable to attend, you may submit written comments to health@newtonma.gov through October 4 at 5 p.m.

7. When would this regulation take effect?
December 16, 2019. No Newton tobacco/nicotine retailers (other than the two adult only stores) would be allowed to sell e-cigarettes beginning December 16, 2019. A notice of the new regulation would be published in the Newton Tab in mid-October, giving retailers two months to plan for this change. Retailers were first notified of this possible change in June 2019 by mail with their new sales permits. This six-month timeline was designed to allow retailers to plan future e-cigarette purchases in anticipation of this possible change.

8. Could the regulation change from this draft version?
Yes. The purpose of the public listening session is to allow retailers and the public to provide feedback on this proposed regulation. Additionally, the regulation is still undergoing internal review and additional changes may be made.

9. What are the yellow highlighted sections in the regulation?
Newton currently has two tobacco/nicotine related regulations that were previously adopted and are already in effect. Adding the e-cigarette restriction would result in a third regulation. For clarity, staff decided to combine the two existing regulations into this new draft with the additional e-cigarette restriction. The yellow highlighted sections indicate the new draft regulation language.

10. Aren’t you going to hurt Newton small businesses?
We are interested to hear from Newton retailers about the anticipated impact this regulation would have on their business. This information would be weighed with the importance of protecting the health of Newton teens.

11. What would be the penalties for stores who violate this regulation?
The penalties are the same as those listed in Newton’s tobacco/nicotine ordinances, Chapter 20-2.
- First violation: $100
- Second violation: $200 and 7-day permit suspension
- Third violation: $300 and 30-day permit suspension

12. How will you know if stores violate the regulation?
The HHS department regularly conducts both retail inspections and compliance checks in all Newton tobacco/nicotine stores. A retail inspection is when the inspector visits the store unannounced, and reviews compliance will tobacco/nicotine related requirements. Specific products offered for sale are examined. Most violations of this new regulation would be revealed during this type of inspection. Compliance checks are when an underage youth visits a store unannounced and attempts to purchase tobacco/nicotine products. Stores may be issued violation notices (with penalties described above) as a result of both of these types of enforcement.
13. Will the temporary statewide ban on all sales of vaping products affect this regulation?
Not at this time. The HHS Department is moving forward with public listening session on Oct. 3 and continues to welcome input and questions. If the regulation goes into effect in mid-October, enforcement would begin in mid-December. The temporary statewide ban currently is in effect until January 25, 2020. The statewide ban supersedes local regulations. Once the statewide ban is lifted if no other statewide orders are issued, and if Newton’s regulation is implemented, vaping product sales would begin again in Newton in late January 2020, but only in the two 21+ stores and in any state licensed marijuana establishment.

14. How have retailers been notified of the regulation? Updated 10/15/19
- Retailers were notified by mail with their new permits in late June that the department was considering a new e-cigarette regulation.
- Retailers were sent a letter by mail and email in August notifying them of the proposed changes and the Public Listening Session scheduled for October 3 and how to comment by mail if they were unable to attend.
- A second notice to retailers was sent by email on September 24th that contained the proposed changes, and information about the listening session.
- A Public Listening session was held on October 3rd in City Council Chambers at 7pm
- A mailing was sent to all retailers in early October notifying them of the final regulation, where to find a copy, and other important tobacco product information.

In addition to these communications, HHS has kept the Health website up-to-date (www.newtonma.gov/health) along with posting on Health and Human Services Departmental Social Media, HHS newsletter, and the Mayor’s newsletter email.