Tobacco Regulations Frequently Asked Questions (FAQ)

Restricting the Sale of Tobacco & Nicotine Delivery Products

Overview
The local regulations restricting the sale of tobacco and nicotine delivery products aim to prevent the initiation and dependence on tobacco products by reducing youth access using various evidence based strategies. In July 2016, the Pittsfield Board of Health enacted the following amendments:

1. A minimum legal sales age to purchase tobacco products must be at least twenty one (21) years of age
2. Capping the available tobacco permits in an effort to lower the tobacco retail density in Pittsfield from 52 permits to no more than one tobacco retail permit per 1000 adult city residents
3. Restrict the sale of flavored tobacco products
4. Prohibit the sale of blunt wraps
5. Restriction of new permits with 500 feet of public or private elementary or secondary school, licensed preschool and child day care center.

Below are some frequently asked questions that may assist you:

When do the regulations changes take effect?
All changes go in effect November 1, 2016. All other existing provisions in the 2014 regulations are still in effect.

If I want to open a new convenience store, can I get a tobacco sales permit?
No new tobacco sales permits are available as the City has issued 52 permits and the City is at its maximum cap.

How can I obtain a tobacco sales permit?
If an individual or company purchases or acquires a business with a current tobacco sales permit, the buyer must apply for a tobacco sales permit within sixty (60) days of the sale. The Board of Health must review and vote to approve, or not approve, the permit application.

Can I convert my tobacco sales permit to an Adult-Only Retail Tobacco Store?
Yes, however the primary purpose of the store must be to offer for sale, but not resale, tobacco products and tobacco paraphernalia, and the entry of persons under age 21 is prohibited at all times. A new permit application must be submitted to the health department for approval prior to operating an Adult-Only retail tobacco store.

Can I relocate my business and keep my tobacco sales permit?
Tobacco sales permits will not be issued to any applicant within 500 feet of a public or private elementary or secondary school, or licensed preschools and child day care centers. A business with a current tobacco sales permit can maintain their permit at a new location if it is not within 500 feet of a school/child day care center. A permit application must be submitted to the health department for approval prior to selling tobacco products at a new location.

Can I transfer my tobacco sales permit to someone else?
A tobacco sales permit is not directly transferable. An individual or business planning to buy, lease or acquire your business must apply for a tobacco sales permit in order to sell tobacco products at that location.

Can I sell any flavored tobacco related products?
Any tobacco product or component part thereof that contains or produces a characterizing flavor, other than tobacco, menthol, mint or wintergreen, cannot be sold or distributed. This restriction does not apply to adult-only retail tobacco stores.

Penalties

Violations of the Tobacco Sales Clerk
It is the responsibility of the Tobacco Sales Clerk to ensure compliance with all sections of the regulations pertaining to his or her distribution of tobacco products. Clerks selling tobacco products must have a tobacco product sales certification before selling products. Clerks that are in violation will receive fines and a suspension of their sales certification, and will be required to repeat the tobacco sales certification training.

Violations of the Permit Holder
It is the responsibility of the permit holder and/or his or her business agent to ensure compliance with all sections of the regulation. Permit Holders that are in violation will receive fines for each violation. Repeated violations within a 24 month period will result in additional fines and a suspension of their tobacco products sales permit.

A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued.

A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to renew his or her permit within thirty (30) days of expiration.

As a reminder, all persons selling tobacco must be certified through the Retailer training to ensure compliance and all certifications are valid for three (3) years.

For a copy of the regulations, please contact the Health Department at 413-499-9411 or visit www.Cityofpittsfield.org/healthdepartment/tobaccoregulations