



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

BOARD OF HEALTH

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NOTICE OF A PUBLIC HEARING

The Wenham and Hamilton Boards of Health will conduct a joint public hearing, per M.G.L. Chapter 111 Section 31, at 8:00 pm on Wednesday, March 13, 2019 in the Wenham Town Hall, 138 Main Street, Wenham, MA in the Board of Selectmen's Meeting Room to gather public input on regulations entitled "Prohibiting Tobacco Products used in Schools," which would create enforcement fines that could be levied against anyone using tobacco products (including but not limited to cigarettes, e-cigarettes, nicotine products) on a school campus. A draft copy can be found in the Board of Health Office at Wenham Town Hall and at Hamilton Town Hall during regular business hours

Dr. Andrew Ting, Chair
Wenham Board of Health

David Smith, Chair
Hamilton Board of Health

To be published in the Hamilton-Wenham Chronicle
on Thursday, February 28 and Thursday, March 6, 2019

**TOWN OF HAMILTON
REGULATION PROHIBITING TOBACCO PRODUCTS in SCHOOLS**

SECTION 1 – PURPOSE

The purpose of this regulation is to protect the health of the students and employees in the schools in the Town of Hamilton.

SECTION 2 – DEFINITIONS

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

School: an institution or facility intended to provide for the education of students.

Student(s): a person attending an educational institution or facility.

Tobacco product: a product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems, or any other similar products that rely on vaporization or aerosolization; provided, however, that “tobacco product” shall also include any component, part, accessory, or paraphernalia of or related to a tobacco product; and provided further, that “tobacco product” shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product and is marketed and sold exclusively for the approved purpose.

Terms not defined herein shall be defined as set forth in M.G.L. Ch. 270, §22 and/or 105 CMR 661. To the extent any of the definitions herein conflict with M.G.L. Ch. 270, §22 and 105 CMR 661, the definition contained in this regulation shall control.

SECTION 3 – TOBACCO USE PROHIBITED

The possession or use of tobacco products is hereby prohibited within school buildings or facilities or on school grounds or buses or in connection with any school-sponsored activity regardless of the physical location of the property.

SECTION 4 – ENFORCEMENT

(1) It shall be the responsibility of the school to provide a tobacco-free environment.

(2) Violations of this regulation shall be penalized as follows:

- a. First Offense – mandatory attendance at, and successful completion of, tobacco product education classes, including a smoking cessation program, or a fine of One Hundred Dollars (\$100), as determined by the Enforcement Authority.
- b. Second Offense – a fine of Two Hundred Dollars (\$200)
- c. Third and Each Succeeding Offense – a fine of Three Hundred Dollars (\$300.00)

(3) The penalty is enforced by following the non-criminal disposition procedure of M.G.L. Ch. 40, § 21D and Chapter XIII of the Town Bylaws.

(4) The Board of Health hereby designates the Hamilton Police Department and the Superintendent or chief administrative officer of the School (or those expressly designated in writing by the Superintendent or chief administrative officer), acting severally, as the Enforcement Authorities for this regulation.

SECTION 5 – 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 paragraphs or provisions.

SECTION 6 – CONFLICT WITH OTHER LAWS OR REGULATIONS

Nothing in this regulation shall be deemed to amend, restrict, or repeal applicable fire, health, or other regulations.

SECTION 7 – EFFECTIVE DATE

This regulation shall be effective as of XXX

REGULATORY AUTHORITY: G.L. c. 71, § 2A; G.L. c. 74, § 58; G.L. c. 111, § 31, G.L. c. 270, § 22(j, m)

- 1. _____
- 2. _____
- 3. _____

Approved at Board of Health meeting XXX