

This document is for guidance purposes only.

“ADULT-ONLY RETAIL TOBACCO STORE”
(Known under state law as “Retail Tobacco Store”)

Amended 3/2/22

For an establishment to be a legal adult-only retail tobacco store factors to consider are:

- The primary purpose is to sell or offer for sale tobacco/vape related products and/or paraphernalia.
- It is not required to possess a retail food permit.
- Entry of persons younger than 21 years-old is prohibited at all times (including employees).
- It must maintain proper state and local permits and licenses.
- It must not share space with another business.
- It must not possess an alcohol, restaurant, or lottery license.

The following is guidance that the City of Boston is giving to retailers who want to change their business model from a general tobacco retailer to an adult only retail tobacco store:

- The retailer must submit a letter of intent to the Tobacco Prevention and Control Program.
- Individuals under the age of 21 (including employees) will be prohibited from the establishment.
- The establishment must not have a food, liquor, lottery, or restaurant license.
- The establishment must be a stand-alone business and will not share space with another business.

Factors to assure that a business is not both open to the general public and an adult only retail tobacco store:

- separate business filings;
- separate tax filings (both federal and state);
- separate actual physical address;
- separate list of employees;
- separate DOR approval to collect sales tax;
- no capacity for the customer to access one store from the other.