

What is Nicotine Free Generation “NFG”?

What is the difference between these two groups of people on 12/31/2020 regarding nicotine product sales?

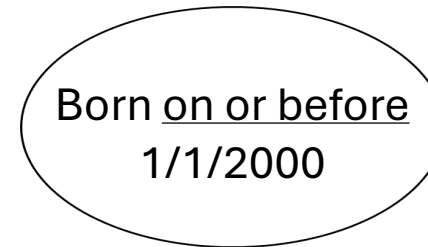
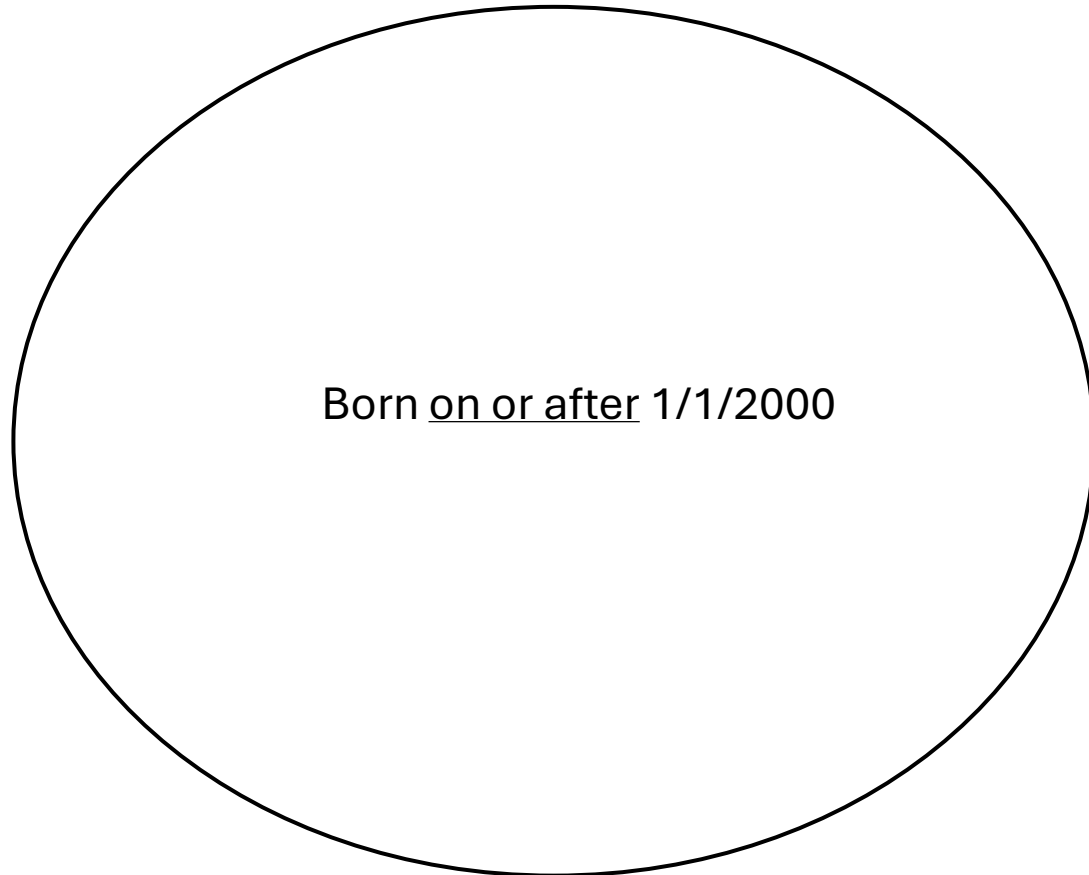


Born on or after 1/1/2000



Born before 1/1/2000

Now, what is the difference between these two groups many years after a NFG municipal bylaw/ordinance or BOH regulation with an effective date of 12/31/2020?



Brookline's NFG Language

Prohibition of Sales to ~~Minors~~

No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to ~~a minor~~ **anyone born on or after 1/1/2000.**

Required Signage

The owner or other person in charge of an entity authorized to sell tobacco or e-cigarette products at retail shall conspicuously post a sign stating that “The sale of tobacco or e-cigarette products to someone ~~under the age of 21 years of age~~ **born on or after 1/1/2000 is prohibited.**

Identification

Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is ~~21 years old or older~~ **was born prior to 1/1/2000.**

In The Courts' Words:

- It [NFG] thus "augments" the protection against smoking-related illnesses ... beyond where the Legislature was willing to go, but where the Legislature expressly has invited cities and towns to go, if they so desire. Judge Davis, Superior Court (10/17/22)
- “State laws and local ordinances and bylaws can and often do exist side by side ... [and] this is particularly true of local ordinances and bylaws regulating public health, the importance of which we have long acknowledged.” “Among these local powers no one is more important than that for the preservation of the public health.” Supreme Judicial Court (3/8/24)
- “Because the bylaw falls within the type of local law limiting or prohibiting the sale of tobacco products expressly permitted by the act, and because the bylaw is not otherwise inconsistent, contrary, or conflicting with the act's minimum age standard, we conclude that it is not preempted. Supreme Judicial Court (3/8/24)

Malden's NFG Language



CITY OF MALDEN

Health Department / Board of Health

215 Pleasant St., 3rd Flr
Malden, MA 02148
781-397-7000 ext. 2049 (P)
Christopher Webb, Director

PUBLIC HEARING

Malden Board of Health
City Council Chamber
April 24, 2024
215 Pleasant St, 6:30PM

The Malden Board of Health will be conducting a Public Hearing on April 24, 2024, 6:30 PM, at Malden City Council Chambers, 215 Pleasant St, First Floor on Amendments to Section 21 of the Board of Health Rules and Regulations, Nicotine Delivery Systems, relative to;

“Prohibition of Sales – No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to anyone born on or after 1/1/2004.

Any person, firm, corporation, establishment, or agency who or which shall violate any provisions of this regulation and upon written notification shall be fined and suspended in accordance to the schedule set forth under the Regulation of the Malden Board of Health Restricting the Sale of Tobacco Products.”