

NICOTINE FREE GENERATION

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NFG allows retailers to sell to anyone who was 21 years of age or older on an effective date. For everyone else, now and in the future, retailers will never be allowed to sell nicotine products to them.

WHAT IS NFG?



THE POLICY LANGUAGE IS SIMPLE

- “No person or entity shall sell or provide a tobacco or other nicotine product to a person ~~under twenty-one (21) years old~~ born on or after [birthdate].”
- All retail establishments shall conspicuously post signage, made available from the Board of Health. Such signage shall include: (i) a copy of G.L. c. 270, §§ 6 and 6A; (ii) referral information for smoking cessation resources; (iii) a statement that sale of tobacco products, including e-cigarettes, ~~to someone younger than 21 years of age~~ to a person born on or after [Birthdate] is prohibited ...
- Enforce like your other tobacco restrictions.

WHAT BIRTHDATE SHOULD BE USED?

- The birthdate should be exactly 21 years before date NFG becomes effective.
- For example, if NFG becomes effective on January 1, 2025, the person drafting the NFG policy language would write in a birthdate of January 1, 2004.
- Remember that NFG applies to those who are under the age of 21 and all future generations. It should not apply to those who can lawfully be sold tobacco products in the municipality.

EVENTUALLY ...

- You are starting a process that prohibit all sales in the future.
- NFG slowly phases in a complete ban.



COMPARE NFG TO EXISTING LAW

- Minimum age sales law does not phase out nicotine products, and thus, bring an end to nicotine addiction and the related diseases. Remember that nicotine products remain the leading preventable cause of death in the US.
- Continue the hard work of maintaining a robust nicotine control program in your community for NFG to work. For example, keep licensing retailers and doing compliance checks for NFG and all regulations. Continue a comprehensive program.



IS NFG LEGAL? YES! IN THE COURT'S WORDS ...

- “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.”
- “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.