

**TOWN OF BRIDGEWATER
BOARD OF HEALTH**

TOBACCO REGULATIONS

The Board of Health of the Town of Bridgewater, County of Plymouth, Massachusetts, acting under the authority of Chapter III, Section 31, and Chapter 21 D of the General Laws of the Commonwealth, hereby makes the following addition to the Board of Health Regulations to preserve and safeguard the health and safety of Bridgewater's children.

ARTICLE 1

Regulation prohibiting the possession and use of tobacco products, (in any of its forms), in a public place, by any person under the age of eighteen.

SECTION 1.1 RATIONAL/PURPOSE

The Board of Health of Bridgewater, supported by the Bridgewater Police Department's DA.R.E. Program (Drug Abuse Resistance Education) finds cigarette smoking, and other tobacco use, by minors to be a continuing problem with potentially fatal medical consequences.

More than ninety percent of current smokers began smoking as children or adolescents. A study conducted in 1993 by the National Survey on Drug Abuse indicated that the average age for the first use of cigarettes is 11.5 years. Research indicates that the earlier the use of tobacco, the more likely the dependence. Early use of gateway drugs (tobacco, alcohol, and marijuana) may lead to use of other, more serious and addictive drugs (Kendal, 1978). According to Dr. Robert L. Dupont in *Getting Touch on Gateway Drugs* (1987), 12-17 year-olds who are current smokers of cigarettes are twice as likely to be later users of alcohol than non-smokers, nine times as likely to use pills such as stimulants and tranquilizers, ten times as likely to smoke marijuana, and fourteen times as likely to use cocaine, heroin or hallucinogens.

Each day in the United States, another 3,000 children begin smoking, and of these, more than 750 will die prematurely because of smoking (US DHHS, 1989).

An increasingly severe problem is the use of smokeless tobacco (i.e., moist snuff and chewing tobacco), especially among male adolescents. First experimentation often occurs between ages 10 and 12 (Boyd and Glover, 1989). Use of smokeless tobacco can lead to nicotine addiction, and according to the Surgeon General, nicotine is as addictive as heroin and cocaine.

Massachusetts General Laws 270, Section 6 prohibits the sale of tobacco products to anyone under the age of (18) eighteen. However, the fact remains that children as young as nine years old are obtaining and smoking cigarettes in Bridgewater.

It is obvious that prohibiting the sale of tobacco to anyone under the age of 18 does not deter adolescent use and abuse. It is for that reason that the Board of health and D.A.R.E. feel compelled to protect and safeguard the health and safety of Bridgewater's children by enacting this regulation prohibiting the possession and use of tobacco by minors.

SECTION 1.2 DEFINITIONS

- A. *Tobacco Product* is defined as tobacco in any of its forms, including but not limited to cigarettes, cigars, loose leaf tobacco (and rolling papers to facilitate its use), snuff, smokeless or spit tobacco.
- B. "*Smoking*" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or any other combustible substance in any manner, or in any form.
- C. *Minor*, for the purpose of the regulations, is defined as any person **UNDER THE AGE OF EIGHTEEN.**
- D. A *Public Place* is defined as any public way, including but not limited to, a street; sidewalk; restaurant; retail store; public transportation facilities; a hallway; stairwell; or restroom in a publicly accessible building; or any way to which the public has a right of access.

SECTION 1.3 PENALTIES/ENFORCEMENT

The Board of Health or its agents shall enforce this regulation. Any minor found to be in violation of this order will be subject to the following penalty:

- ❖ **First Offense:** Citation: Written Warning: Formal documentation of incident, including a copy of citation to be sent to parent and/or legal guardian, OR participation in a smoking education workshop facilitated by the D.A.R.E. Program.
- ❖ **Second Offense:** Twenty-five Dollar Fine (\$25.00): Formal documentation, parental letter with copy of citation. OR participation in a smoking workshop and/or community service, facilitated by the D.A.R.E. Program.
- ❖ **Third and Subsequent Offenses:** A fine of Fifty Dollars of (50.00).

Any of the following conditions shall be prima facie evidence of a violation of the regulation:

- ❖ Possession of a tobacco product, by a minor, in a public place. Actual smoking, chewing, spitting or rolling of a tobacco product, by a minor, in a public place.
- ❖ Any person, including but not limited to the youthful offender or a parent or guardian, aggrieved by the enforcement for willful failure or refusal to comply with this regulation (or its penalties) may complain in writing to the Board of Health. The Board of Health, or its agent shall respond in writing within twenty (20) days to the complaint citing the results of its investigation and any action taken to enforce the provisions of the regulation.

SECTION 1.4 SEVERABILITY

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby, but shall continue in full force and effect.

ADOPTION: The above regulation (including therein the title thereof) pursuant to all powers and authority of the board, was unanimously adopted by the Board of Health of the Town of Bridgewater at their meeting held on the 17th day of November 1998, effective on or after December 15, 1998 and shall, before said date, be published in a newspaper circulated in this town, and a copy thereof shall be deposited in the office of the town Clerk within ten (10) days after the effective date. All previous regulations are repealed by acceptance of these regulations.

Board of Health,
James Perry, Chairman
Joseph Bracken, Clerk
William Nicolas, Member

Effective as of December 15, 1998