

# SMOKING

Town of Seekonk Board of Health - Youth Possession Regulation  
Voted and passed unanimously by the Board of Health on July 8, 1997.

The Board of Health, pursuant to the authority granted under Massachusetts General Laws, Chapter 111, Section 31 hereby adopts the following regulation to protect the public health of the community.

## Section 1: Statement of Purpose:

Whereas conclusive evidence exists that: tobacco use among minors is a leading public health problem in the Town of Seekonk and throughout the United States; tobacco use causes cancer, respiratory diseases, various cardiac diseases and low birth weight. Smokers and non-smokers exposed to second hand smoke have experienced allergies and irritations to the eyes, nose and throat.

More than eighty percent (80%) of all smokers begin smoking before the age of eighteen (18) and more than three thousand (3,000) people begin smoking every day in the United States. In addition, the United States Department of Health and Human Services concluded that nicotine is as addictive as cocaine or heroin. As a result, the Town of Seekonk recognizes the need to curtail the use of tobacco products by minors, and therefore, enacts the following regulation.

## Section 1.1 Authority

The Board of Health, pursuant to the authority granted under Massachusetts General Laws (M.G.L.), Chapter 111, Section 31 hereby adopts the following regulation to protect the public health of the community.

## Section II Definitions:

"Minor(s)"	Person(s) under eighteen (18) years of age.
"Tobacco Products"	Cigarettes, cigars, chewing tobacco, snuff or any other form of tobacco.
"Public Places"	While on, in, or upon any public way to which the public has access: any public park, playground, conservation area, cemetery, parking lot, municipal buildings and the grounds appurtenant thereto.

## Section III Youth Possession Prohibited

No minor may be in possession of a tobacco product in any public place within the Town of Seekonk. Notwithstanding, the foregoing minors may handle tobacco products as an incident of their employment or as an incident of conducting a routine compliance check on behalf of the federal, state and/or local government including, but not limited to, the Seekonk Board of Health.

## Section IV Penalties

The enforcing person(s) shall:

- In the case of the first violation, as defined in Section III; confiscate all reasonably accessible tobacco products in the possession of the violator, notify the violator's parent(s) or legal guardian(s), of the infraction and at the violator's option:
  - require that the violator attend a tobacco education class within 90 days; or
  - write the violator a ticket for twenty five dollars (\$25.00) payable to the Town of Seekonk within twenty one (21) calendar days.
- If violator fails to attend the tobacco education class, the ticket process will become automatic.
- In the case of the second violation, as defined in Section III; confiscate all reasonably accessible tobacco products in the possession of the violator, notify the violator's parent(s) or legal guardian(s) of the infraction, and at the violator's option:
  - require that the violator attend a tobacco education class within 90 days; or
  - write the violator a ticket for fifty dollars (\$50.00) payable to the Town of Seekonk within twenty one (21) calendar days.
- If violator fails to attend the tobacco education class, the ticket process will become automatic.
- In the case of the third violation, and all subsequent offenses, as defined in Section III; confiscate all reasonably accessible tobacco products in the possession of the violator, notify the violator's parent(s) or legal guardian(s) of the infraction, write the violator a ticket for one hundred dollars (\$100.00) payable to the Town of Seekonk within twenty one (21) calendar days.

## Section V Non-Criminal Method of Disposition:

Whoever violates any provision of this regulation, the violation of which is subject to a specific penalty, may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21 D.

## Section VI Enforcement

The Seekonk Police Department and the Seekonk School Principal, Vice Principal and designated staff members shall be responsible for the enforcement of this regulation and the fines. The Seekonk Board of Health reserves the right to amend this regulation. The Seekonk Tobacco Control Program will be responsible for offering the teen cessation programs during the summer months at the Town Hall. Also, a teen cessation program will be offered to non-resident teens requesting the cessation program. They will be held in a public building: (Seekonk Library or the Seekonk Town Hall).

## Section VII Severability

If any paragraph, provision or section of this regulation is found to be illegal, against public policy, or unconstitutional, said finding shall not affect the legality of any remaining paragraph(s), provision(s) or section(s) in force.