

**BOARD OF HEALTH REGULATION
PROHIBITING THE SALE OF DRUG PARAPHERNALIA**

Section 1

The purpose of this regulation is to protect the health of the general public in the City of Somerville.

Section 2

This regulation is promulgated under the authority granted to the Somerville Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 that "[b]oards of health may make reasonable health regulations."

Section 3

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

Drug paraphernalia: shall mean those items as defined in M.G.L.Ac.94C section 1, as well as blunt wrappers and rosebud glass tubes or other non-traditional smoking apparatus. Any loose products, including but not limited to steel wool pads and plastic bags in a business establishment for sale or distribution, individually, out of the manufacturer's customary packaging, will be considered drug paraphernalia.

Section 4

No person, firm, store, or corporation shall sell or offer for sale or distribution drug paraphernalia unless they are an adult only retail tobacco store in the City of Somerville.

Section 5

(1) An owner, manager, or other person in control of a building or business who violates this section shall be punished by a fine of:

- a. \$300 for the first violation;
- b. \$300 for a second violation occurring within a three (3) years period; and
- c. \$300 for a third or subsequent violation occurring a within three (3) years period.

(2) Each calendar day on which a violation occurs shall be considered a separate offense.

(3) This regulation shall be enforced by the Board of Health and its designees.

(4) Violations of Section 4 may be disposed of by a civil penalty using the non-criminal method of disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Law.

(5) Any person may register a complaint to initiate an investigation and enforcement with the Board of Health, the local inspection department of the equivalent.

Section 6

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

Section 7


Nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other regulations.

Section 8

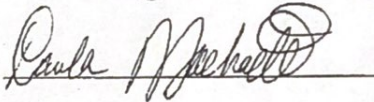
This regulation shall be effective as of March 1, 2018.

1. Legal Notice – January 3, 2018 and January 10, 2018
2. Public Hearing – January 18, 2018
3. Voted on – January 18, 2018

Brian Green, BOH Chairperson



Paula Machado, BOH Member



Robert Ciccia, BOH Member

