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Town of Barnstable Board of Health

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May 29, 2019

LEGAL NOTICE

The Board of Health of the Town of Barnstable Massachusetts in accordance with and under the authority granted by Section 31 of Chapter 111 of the General Laws of the Commonwealth of Massachusetts, hereby announces that during the public hearing held on May 28, 2019, the Board voted unanimously to adopt amendments to Chapter 371 of the Town of Barnstable Code, Smoking.

The following Paragraph "G" is hereby added to Section 371-11 of the Town of Barnstable Code:

G. Sale of Flavored Tobacco Products Prohibited:

No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in smoking bars and adult-only retail tobacco stores.

The following two definitions are hereby added to Section 371-1 of the Town of Barnstable Code:

Characterizing Flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component thereof, including, but not limited to, tastes or aromas relating to fruit, chocolate, vanilla, honey, candy cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided however that no tobacco product shall be determined to have a characterizing flavor solely because of the provision ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product

Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a Flavored Tobacco Product.

These amendments to Chapter 371 of the Town of Barnstable Code go into effect on June 29, 2019. Copies of the amendments are available at the Public Health Division Office at 200 Main Street Hyannis, Massachusetts and will be posted online at www.townofbarnstable.us

Paul J. Canniff, D.M.D., Chairman
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**TOWN OF BARNSTABLE
BOARD OF HEALTH**

