

# **BOARD OF HEALTH**

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## **BOARD OF HEALTH WAKEFIELD 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 Town of Wakefield.

### **SECTION 2**

This regulation is promulgated under the authority granted to the Wakefield Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 that “[b]oards of health may make reasonable health regulations.”<sup>1</sup>

### **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.c.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 displayed in a business establishment for sale or distribution, individually, out of the manufacturer’s customary packaging, will be considered drug paraphernalia.

**Retail tobacco store:** an establishment whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, in which the sale of other products is merely incidental, and in which the entry of person under the age of 18 is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Wakefield Board of Health.

#### SECTION 4

No person, firm, store, or corporation shall sell or offer for sale or distribution drug paraphernalia in the Town of Wakefield. Blunt wrappers are allowed for sale in a retail tobacco store.

#### SECTION 5: ENFORCEMENT

- (1) An owner, manager, or other person in control of a building, vehicle or vessel who violates this section, in a manner other than by smoking in a place where smoking is prohibited, shall be punished by a fine of:
  - a. \$100 for the first violation;
  - b. \$200 for a second violation occurring within a three (3) year period; and
  - c. \$300 for a third or subsequent violation occurring within a three (3) year period from the first violation.
- (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 disposition procedures contained in Section 21D of Chapter 40 of Massachusetts General Laws.
- (5) Any person may register a complaint to initiate an investigation and enforcement with the Board of Health.

#### SECTION 6: SEVERABILITY

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

#### SECTION 7: CONFLICT WITH OTHER LAWS OR REGULATIONS

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

#### SECTION 8: EFFECTIVE DATE

This regulation shall be effective as of January 1, 2104.

Legal Notice: November 13, 2013  
Public Hearing: November 20, 2013  
Vote November 20, 2013  
Legal Notice December 5, 2013  
Copy sent to MassDEP November 26, 2013

