

BOARD OF HEALTH

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BOARD OF HEALTH REGULATION PROHIBITING THE SALE OF DRUG PARAPHERNALIA

3.1 The purpose of this regulation is to protect the health of the general public in the Town of Wakefield.

3.2 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."

3.3 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. Blunt wrappers are allowed for sale in a retail tobacco store.

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 21 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

3.4 No person, firm, store, or corporation shall sell or offer for sale or distribution drug paraphernalia in the Town of Wakefield

3.4. (1) Products manufactured for the use of marijuana may be sold in those businesses which do not allow people under the age of 21 from entering the business.

3.5 (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. \$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 three (3) year 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.
- 3.6 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.
- 3.7 Notwithstanding the provisions of Section 4 of this regulation nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other regulations.
- 3.8 This regulation shall be effective as of July 1, 2018.

Legal Notice: November 13, 2103
Public Hearing: November 20, 2013
Vote: November 20, 2013
Legal Notice: December 5, 2103
Copy sent to MassDEP: November 26, 2013

Legal Notice: March 15, 2018
Public Hearing: March 21, 2108
Vote: March 21, 2018
Legal Notice: April 2, 2018
Copy sent to MassDEP: March 29, 2018