

CHAPTER XX

BOARD OF HEALTH, NATICK, MASSACHUSETTS

RULES AND REGULATIONS AFFECTING THE USE OR POSSESSSION OF TOBACCO PRODUCTS ON SCHOOL PROPERTY

SECTION 1 STATEMENT OF PURPOSE

WHEREAS conclusive evidence exists that tobacco use is a leading public health problem in the Town of Natick and throughout the United States; tobacco use causes cancer, respiratory disease, various cardiac diseases, negative birth outcomes, allergies and irritations to the eyes, nose and throat of the smoker and non-smoker exposed to secondhand smoke; 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 Natick recognizes the need to curtail the use of tobacco products by minors, and therefore, enacts the following:

SECTION II AUTHORITY

The Natick 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 III DEFINITIONS

“Minors(s)”	Persons(s) under eighteen (18) years of age.
“Tobacco Products”	Cigarettes, cigars, chewing tobacco, snuff or any other form of tobacco.

SECTION IV YOUTH POSSESSION PROHIBITED

No minor may be in possession of a tobacco product on school property within the Town of Natick.

SECTION V PENALTIES

The enforcing person(s) shall:

1. In the case of a first violation:
 - a) notify the violator's parent(s) or legal guardian (s) of the infraction; and at the violator's option:
 - i) require that the violator attend a tobacco education class, e.g. TEG & TAP Program; or
 - ii) write the violator a ticket for one hundred dollars (\$100.00) payable to the Town of Natick within twenty-one (21) calendar days.
2. In the case of a second or subsequent violation:
 - a) notify the violator's parent(s) or legal guardians (s) of the infraction: and
 - b) write the violator a ticket for one hundred dollars (\$100.00) payable to the Town of Natick within twenty-one (21) calendar days.

SECTION VI TOBACCO USE BY SCHOOL EMPLOYEES AND ADULT STUDENTS

No school employee or adult student shall use tobacco products on school property within the Town of Natick.

The enforcing person(s) shall:

1. In the case of the first violation:
 - a) require that the violator attend a tobacco education class, e.g. TEG & TAP Program; or
 - b) write the violator a ticket for one hundred dollars (\$100.00) payable to the Town of Natick within twenty-one (21) calendar days.
2. In the case of a second or subsequent violation any school employee or adult student found to be in violation of this section shall be written a ticket for one hundred dollars (\$100.00) payable to the Town of Natick within twenty-one (21) calendar days.

SECTION VII 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 21D or by the filing of a criminal complaint in the appropriate jurisdiction and venue.

SECTION VIII ENFORCEMENT

Natick school officials designated by the Natick Board of Health to be agents for this purpose shall be responsible for the enforcement of this regulation.

SECTION IX SEVERABILITY

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

SECTION X EFFECTIVE DATE

This regulation shall take effect upon its passage.

Adopted June 5, 1997

Summary published in The Middlesex News on August 1, 1997.

BOARD OF HEALTH
Natick, Massachusetts

Donald J. Breda, P.E., Chairman

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