



The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
250 Washington Street, Boston, MA 02108-4619

**CHARLES D. BAKER**  
Governor

**KARYN E. POLITO**  
Lieutenant Governor

**MARYLOU SUDDERS**  
Secretary

**MONICA BHAREL, MD, MPH**  
Commissioner

Tel: 617-624-6000  
[www.mass.gov/dph](http://www.mass.gov/dph)

September 24, 2019

Dear Tobacco Retailer:

On September 24, 2019, Governor Charles D. Baker declared a public health emergency in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products, and the epidemic of e-cigarette use among youth. Pursuant to the Governor's Declaration and with the approval of the Governor and the Public Health Council, the Commissioner of the Massachusetts Department of Public Health, Monica Bharel, MD, MPH, issued an Order to temporarily prohibit the sale and public display of all vaping products in retail establishments, online, and by any other means in Massachusetts.

This letter is to inform you that to comply with this Order you may not sell vaping products and must remove all vaping products from public display.

What products are prohibited from sale and display?

- All non-flavored and flavored vaping products, including mint and menthol; and products used to vape tetrahydrocannabinol (THC) and any other cannabinoid
- Vape products are any product intended for human consumption by inhalation, regardless of nicotine content, whether for one-time use or reusable, that relies on vaporization or aerosolization, including but not limited to e-cigarettes, e-cigars, e-pipes, vape pens, hookah pens, and other similar devices that rely on vaporization or aerosolization. This includes any component, part, or accessory of these product or devices defined, even if sold separately

When will retailers be able to sell vape products again?

- The Commissioner's Order is effective immediately. The Order lasts for four months and may be extended.

What will happen if retailers don't comply with this Order?

This rule may be enforced by state and local officials and failure to comply may result in fines, seizure of vape products or other penalties. If you have questions, please visit:

[www.mass.gov/dph/micop](http://www.mass.gov/dph/micop) or contact your local board of health.

Thank you for following this new law.

Sincerely,

**Enclosure: Commissioner's Order**

**ORDER OF THE COMMISSIONER OF PUBLIC HEALTH PURSUANT TO THE  
GOVERNOR'S SEPTEMBER 24, 2019 DECLARATION OF A PUBLIC HEALTH EMERGENCY**

On September 24, 2019, Governor Charles D. Baker issued a declaration that a public health emergency exists in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products and the epidemic of e-cigarette use among youth. For the reasons set forth in the declaration, in addition to evidence and facts presented at the Public Health Council meeting, and in consideration of the on-going federal and state investigation, I, with the approval of the Governor and the Public Health Council pursuant to M.G.L. c. 17 §2A, issue the following Order:

Over-the-counter (OTC) products approved by the federal Food and Drug Administration for the sale of or use as tobacco cessation products and marketed and sold exclusively for the approved purpose may be made available pursuant to a standing order.

This Order takes effect immediately and shall remain in effect through January 25, 2020, unless extended with the approval of the Governor and the Public Health Council, or until the declared public health emergency is terminated or the Order is otherwise rescinded by me, whichever happens first.

IT IS SO ORDERED.



Monica Bharel, MD, MPH, Commissioner  
Department of Public Health

Sept 24 2019  
Date



OFFICE OF THE GOVERNOR  
**COMMONWEALTH OF MASSACHUSETTS**  
STATE HOUSE • BOSTON, MA 02133  
(617) 725-4000

**CHARLES D. BAKER**  
GOVERNOR

**KARYN E. POLITO**  
LIEUTENANT GOVERNOR

## **GOVERNOR'S DECLARATION OF EMERGENCY**

WHEREAS, the federal Centers for Disease Control and Prevention (CDC), the federal Food and Drug Administration (FDA), and state and local health departments nationally are investigating a multistate outbreak of severe lung disease associated with the use of vaping products including but not limited to e-cigarettes;

WHEREAS, as of September 19, 2019, the CDC had confirmed 530 cases across 38 states and U.S. territories, including seven fatalities in six different states;

WHEREAS, all reported cases have a history of vaping and have indicated a history of using vaping products containing tetrahydrocannabinol (THC), nicotine, or a combination of THC and nicotine;

WHEREAS, vaping products use an e-liquid that may contain nicotine, THC and/or cannabinoid oils, in addition to a combination of flavoring, propylene glycol, vegetable glycerin, and other ingredients and may also contain toxic chemicals such as formaldehyde, acrolein, acrylonitrile, propylene oxide, crotonaldehyde and acetaldehyde, as well as metal particles such as nickel, lead, and chromium, which can be inhaled into the lungs;

WHEREAS, although the recent outbreak is associated with vaping products, the specific cause of this disease is unknown;

WHEREAS, cases of vaping-associated pulmonary disease show diverse symptoms and signs of lung injury, including cough, chest pain, shortness of breath, low levels of blood oxygen, abnormal chest X-rays or CT scans, and pathologic evidence of damage to lung tissue that can be severe;

WHEREAS, nationally from 2017 to 2018 vaping use among youth has increased 78% among high school students and 48% among middle school students and the total number of children who are currently vaping rose to 3.6 million in 2018;

WHEREAS, in December 2018, the United States Surgeon General Jerome Adams officially declared vaping among youth in the United States an epidemic;

WHEREAS, Massachusetts youth usage mirrors national trends with 41% of all youth in 2017 reporting trying e-cigarettes and one in five reporting that they use e-cigarettes regularly;

WHEREAS, vaping products are marketed and sold in a wide variety of flavors that make them easier to use and more appealing to youth;

WHEREAS, nationally cases of vaping-associated pulmonary injury have occurred in all age groups, with 83% of cases occurring in those younger than 35 years of age;

WHEREAS, on September 11, 2019, the Commissioner of Public Health declared cases of unexplained vaping-associated pulmonary disease to be immediately reportable to the Massachusetts Department of Public Health (DPH) and further authorized the DPH to conduct surveillance activities necessary for the investigation, monitoring, control and prevention of this disease;

WHEREAS, to date more than 60 Massachusetts residents have already been reported with lung injury potentially related to vaping to DPH;

WHEREAS, as of September 24, 2019, five of these reports of lung injury meet the CDC case definition of confirmed or probable cases, and Massachusetts joins 38 other U.S. states in reporting cases to the CDC;

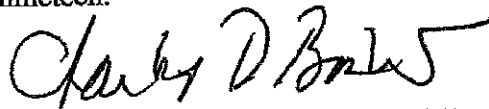
WHEREAS, these confirmed and probable cases in Massachusetts are among both teenagers and older adults and are linked to a range of vaped products; and

WHEREAS, it is necessary for the DPH to take action immediately to address this public health emergency;

NOW, THEREFORE, I, Charles D. Baker, the Governor of the Commonwealth of Massachusetts, pursuant to M.G.L. chapter 17, section 2A, declare that an emergency exists which is detrimental to the public health in the Commonwealth.

This declaration of a public health emergency is effective immediately and shall remain in effect until notice is given, pursuant to my judgment, that the public health emergency has terminated.

Given this 24th day of September two thousand and nineteen.



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CHARLES D. BAKER  
GOVERNOR  
Commonwealth of Massachusetts

# Massachusetts Vaping Product Ban

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On September 24, 2019, Governor Baker declared a public health emergency in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products and the epidemic of e-cigarette use among youth.

The Commissioner of Public Health has temporarily prohibited the sale and display of all vaping products and e-cigarettes until further notice.

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For help quitting:  
MakeSmokingHistory.org  
1-800-QUIT-NOW

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