



City of Cambridge

Executive Department

YI-AN HUANG
City Manager

CMA 2025 #223
IN CITY COUNCIL
September 8, 2025

To the Honorable, the City Council:

Re: Proposed changes to Cambridge Municipal Code Chapter 8.28, *Regulation on Youth Access and Sale of Tobacco Products and on Smoking* (“Chapter 8.28”).

The City of Cambridge has regulated outdoor public smoking, smoking in public establishments and workplaces, and sale of tobacco or nicotine products through its ordinances, which were last amended in 2015. Nearly every other municipality in Massachusetts has chosen to regulate tobacco/nicotine sales and public smoking rules under their local Board of Health regulations in order to expedite changes in enforcement language and definitions made in response to the tobacco industry’s efforts to evade use and sales restrictions that have been put into place by municipalities. Over the past 10 years, these communities have adopted many such changes to close legal loopholes, clarify ambiguities, address the advent of new technologies (e.g. vape devices or electronic cigarettes), and address other tobacco related developments, such as nicotine pouches and gummies.

In order to allow the City Council to retain broader authority over the most important policies impacting public purchase and use of tobacco and nicotine, and to allow effective enforcement of such policies, I propose that the current ordinance be updated to conform to widely adopted municipal policies, new state laws, and court decisions. If the Council agrees that Chapter 8.28 should be amended and updated, then the Commissioner of Public Health will promulgate regulations not inconsistent with policies in the City Ordinance, to manage the specifics of enforcement (including raising fines or extending suspensions as changing conditions warrant), adapt to new nicotine delivery technologies, and deter efforts by vendors to evade existing regulations through loopholes that must be routinely addressed through amendment. The regulations would adhere to the limits and policies dictated by the City ordinance, while allowing quick adoption of new enforcement practices proposed by the Massachusetts Tobacco Cessation Program (MTCP), Massachusetts Municipal Association (MMA), and community public health advocates as the need arises. These tobacco control regulations would be largely modeled on the MTCP Model Regulation.

Implementation of these regulatory changes also affords the opportunity to institute several comprehensive strategies recently adopted by other Massachusetts municipalities that place strong restrictions on the right-to-purchase by date of birth, the number of vendor permits issued, and restrictions on sales of tobacco in certain areas. If the City Council wishes, the following policies and restrictions could be implemented by the City as well:



1. Nicotine Free Generation Policy

In 2020, the town of Brookline adopted an ordinance which permanently banned the sale of any tobacco product to anyone born on or after January 1, 2000, the result of which would prevent anyone under the age of 21 at the time from ever buying tobacco in the town of Brookline. Going into effect in 2021, the ordinance was challenged by retailers but was upheld by the Supreme Judicial Court. Six Brothers, Inc. v. Town of Brookline, 493 Mass. 616 (2024). If the City Council wishes to pursue a similar approach, Chapter 8.28 can be amended to include a similar ordinance which bans any sale of tobacco to anyone born after a certain date, which would result in the eventual ban on all tobacco sales in the City of Cambridge.

2. City-Wide Cap on Sales Permits

Some municipalities have placed a cap on the number of tobacco sales permits that can exist in the City. If the City Council wishes to pursue a similar approach, the City could set a certain total number of permits that are available in the City for the sale of tobacco or related products. Any time there is a retirement, revocation, or failure to renew, a retailer on the waiting list can apply for such permit (referred to as a “Basic Cap”). Alternatively, the City could instead elect to cap the number of tobacco sales permits to that existing as of a date certain, and reduce such cap every time there is a retirement, revocation or failure to renew, such that the number of permits in the City will eventually dwindle (referred to as an “Advance Cap”).

3. Restricted Zones for Sales

Some municipalities have placed location restrictions for any new tobacco sales permits, such as restricting new applications for tobacco sales permits within a certain distance from an elementary or secondary school, and/or from a certain distance from another tobacco retailer.

4. Smoking Ban in Retail Establishments or Bars

The City currently does not fully ban smoking bars (See 8.28.090(D)(4)) or use of hookahs or water pipes in outdoor seating areas of public establishments (See 8.28.120(A)). The current allowable exception to indoor tobacco combustion is strictly limited to adult-only tobacco establishments (tobacconists), provided that they establish fully isolate ventilation to the outside from a separate smoking room. No establishments currently utilize this option. If the City Council wishes, all smoking or tobacco use in any retail establishment or restaurant could be banned by eliminating the exemptions indicated above.

In conclusion, I recommend that the City Council refer these issues to committee to make a policy determination and provide guidance for the Cambridge Public Health Department and the Law Department to revise Chapter 8.28 and to draft its regulations consistent with the City Council’s determination.



Yi-An Huang
City Manager