



# Commonwealth of Massachusetts

Executive Office of Health and Human Services  
Department of Public Health

Presentation to the Public Health Council

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**Proposed Amendments to Massachusetts Regulation 105 CMR 660.000**

**Cigarette and Smokeless Tobacco Products: Reports of Added Constituents  
and Nicotine Ratings**

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## Overview

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- **Background**
- **Proposed Regulation**
- **Public Comment**
- **Next Steps**



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## Background

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105 CMR 660.00 is statutorily required by M.G.L. c. 94, § 307B, which mandates that cigarette manufacturers file an annual report to the Department of Public Health disclosing:

- Nicotine Yield Ratings for each brand of cigarettes they sell in the Commonwealth.
  - Nicotine yield ratings accurately predict nicotine intake for typical consumers, based on standards established by DPH.
- List of Constituents (ingredients) by weight for each brand of cigarettes they sell in the Commonwealth.



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## Background

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- In 1997, the four major Tobacco Brands sued the Commonwealth and DPH, claiming that M.G.L. c. 94, § 307B was unconstitutional or otherwise prohibited by law.
- The U.S. District Court for the District of Massachusetts struck down one of the requirements in M.G.L. c. 94, § 307B that tobacco companies disclose all ingredient information, finding it to be a taking of trade secrets without just compensation in violation of the U.S. Constitution. The Court upheld the requirement that nicotine content be disclosed.
- DPH has since complied with this ruling, requiring only that tobacco manufacturers disclose nicotine yield rating.



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## Proposed Amendment to 105 CMR 660.000

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- In December, DPH proposed changes to 105 CMR 660.000 Nicotine Disclosure regulation to the Public Health Council.
- The proposed changes to 105 CMR 660.00:
  - Eliminate the definition of “added constituents” and references to “added constituents” from the regulations
  - Remove section 660.101 Added Constituent Reporting Requirements



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## Proposed Amendment to 105 CMR 660.000

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- The proposed amendments:
  - Bring the regulation into compliance with the U.S. District Court ruling and current DPH practice by removing the requirement that tobacco manufacturers disclose all added constituents in cigarettes and smokeless tobacco.
  - Continue to require disclosure of nicotine yield for use by the Department to inform public health efforts and publications.



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## Public Hearing and Public Comment

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- A Public Hearing was held on February 6, 2017. Written comments were accepted through February 10, 2017.
- No comments were received.



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## Next Steps

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- If the Public Health Council provides approval, 105 CMR 660 will be amended as proposed.