

# MONTAGUE BOARD OF HEALTH MEETING

Wednesday, December 17, 2014 – 5:30 pm – Downstairs Meeting Room  
Town Hall, One Avenue A, Turners Falls, MA

## Meeting Minutes

**Present:** Michael Nelson, Chair, Albert (Al) Cummings, Christopher Boutwell & Gina McNeely R.S., CHO

**Guest:** Mary Kersell - Franklin County Tobacco Coalition

Michael Nelson called the meeting to order at 5:35PM

### **Review November 19, 2014 Minutes:**

*Al Cummings **motioned** to accept the minutes November 19, 2014. Seconded by, Christopher Boutwell.*

***Motion passes.***

### **Director's Report for November 2014:**

- a) 7-9 Federal Street – Nothing has been happening so it is going to court and is currently condemned by Montague Board of Health
- b) 110 L Street – Receivership awarded for this property in court. The repairs can now be started by the receiver.
- c) 132 L Street – Is in process of receivership
- d) 38-41 East Main Street Millers Falls – are next on the receivership list with the Attorney General
- e) Simon Stamps – odor complaint, Gina will write a letter to address this with Simon Stamps
- f) Marilyn Rodden applied for Home Occupation permit
- g) Nursing issues – Ongoing pertussis cases that are being handled
- h) 104 Avenue A – debris issues – no egress blocked and major improvement from before
- i) 7 N Street – has been dismissed by Gina
- j) 17 & 19 G Street – ongoing issues
- k) Madison on the Avenue – complaints of the debris in the back alley

*Michael Nelson called a recess till 6:00pm to start the hearing*

*Michael Nelson opened the Public Hearing at 6:01 pm for the Montague Board of Health to consider adopting tobacco regulations entitled “Regulation Restricting the Sale of Tobacco Products.”*

**Public Hearing** to consider adopting tobacco regulations entitled “**Regulation Restricting the Sale of Tobacco Products.**” The first listed regulation amends the definition of tobacco, includes restrictions on the sale of flavored tobacco products, and increases the minimum legal sales age to twenty-one.

**Guests:** Cheryl Sbarra – Staff Attorney for Massachusetts Health Directors

Montague has strong tobacco regulations. The reason for today's hearing is the fact that there are regulations in place that were not being considered at the time of the last public hearing.

- Look at definition of Tobacco Products and amend the definition to include all delivery products that delivery nicotine in any form now and in the future.
- Increase minimum legal sales age to 21 from 18
  - This would also curb the “social sources” buying of cigarettes by 18 year olds for younger friends and siblings.
  - There is also scientific research that the human brain does not fully develop until the mid 20's and therefore you do not have the mental capability to say no. The longer you delay starting tobacco use the less addictive one might become in the future.

- Banned the sale of other tobacco products - flavored
- Amend Section F of cigar packaging so that packages of 2 cigars or more have to be sold for at least \$5.00
- The Board of Health the ability to revoke a Tobacco permit

**Comments:**

Gina McNeely - showed the audience some photos of what tobacco can do to the human body. Gina shared some personal experience regarding friends and family who have died as a result of tongue and lung cancer as a result of tobacco use.

Karen McLoughlin– GMRSD Community School Partnership. Their focus is on substance and violence prevention for youth. A way to decrease tobacco use is tax, availability and access in the community. We need good community role models to remain a playful and healthy city.

Mary Kersell – 41 Communities have adopted the 21 legal sales ages for Tobacco

Ken Farbstein – *Here representing the support letter from Dr’s Hartman & Wickincoff of Harvard Medical School.* He showed examples of flavored products from grape to bubblegum. The Medical Association is in favor of the band and the age being raised to 21. In Needham MA the smoking regulations were passed in 2006. Since then, they have seen a decrease of 6.5% in the youth smoking population.

Sondra – E-Cigarette shared a story of a friend’s 2 pack a day habit at age 18 and he started at age 13.

Ray Cross – District Manager of FL Roberts. He applauded the BOH effort for tobacco regulations. He is here to let them know that he along with FL Roberts are a responsible retailer and 100% effort is given to make sure to keep tobacco out of the hands of our youth. FL Roberts only sells to legal aged adult consumers currently. Ray Cross believes that some of the tobacco taxes should be taken out to help in tobacco education. FL Roberts has a zero tolerance policy and will fire employees that don’t uphold those policies for both tobacco and alcohol sales.

Melissa Winters owner of Connecticut Valley Liquors and Wines – states she age 15 she started smoking. As a liquor store owner Melissa does not sell the flavored items in her stores. She does not want under aged people in the store. Her main issue is that they are talking about laws and guidelines that are already in existence and you are talking about passing a regulation that they have a legal right to do on the state level. There is a conflict as individuals who are 18 are allowed to smoke but as a retailer they will not be able to sell. What is their responsibility it seems to be a very gray area and is going against a State law that says otherwise? It is denying people a right they already have.

Cheryl Sbarra – If a 21 year old buys the product and then hands it over to someone that is 18 who is responsible? The 21 year old is responsible. There is a state law that is set at 18 but towns can do a further restrictive regulation. We have 351 municipalities and towns that can pass public health regulations. Once there is a tipping point then the legislature/state will pass something that covers the regulation. Cheryl Sbarra supports this regulation. A lot of research has been done regarding this considering addiction science.

In addiction science the longer that you don't use a product the better your chances are that you won't become addicted to it. Neuroscience study of the Adolescent brain development in both tobacco and alcohol incidents. The human brain is not fully developed until 25. There have been many positive outcomes for rising the age in both Tobacco and Alcohol situations. In January 2015 the journal of medicine will have an article on these types of issues. Cheryl gave an example in the tobacco industry documents of strategies: Brown & Williamson when they speak about flavored apple cigarettes being fresh and wholesome and that youth are drawn to that type of sweet item. RJ Reynolds – 14-24 year olds they need to increase their demographics to target these populations. In 2014 the Surgeon General Report concluded that these are unreasonable and defective product.

Kara – The last portion of the brain to develop is the frontal cortex which controls judgment and good decision making. In adolescents it is called “no brakes and all gas.” That is why adolescences do more dangerous things while at the same time the brain is also setting programs and creating habits until around age 25. There have been studies done on rats regarding this situation. Those rats that used tobacco product in adolescences have skyrocketed rates of addiction to tobacco products while the other group did not.

Michele Komosa – Tobacco Partnership of Hampshire and Franklin Counties  
Michelle introduced a letter from her organization along with one from Tobacco Free Massachusetts that supports this policy.

Michael Nelson – Acknowledged and read aloud the 4 letters that came in prior to the hearing in support of the regulations:

Dr. Jonathan Winickoff, MD, MPH – Westwood-Mansfield Pediatric Associates & Harvard Medical School – Department of Pediatrics

Dr. Lester Hartman, MD, MPH – Westwood-Mansfield Pediatric Associates

Debora Vincent – Coutinho Shelburne BOH

Retired Sgt. Max Rangle– Marine Corp/Columbia University

*Michael Nelson closed the Public Hearing at 6:40 pm for the Montague Board of Health to consider adopting tobacco regulations entitled “Regulation Restricting the Sale of Tobacco Products.”*

Christopher Boutwell would like to ask for a 30 day public comment period with a closing date of January 15, 2015. All comments will be reviewed at the January 21, 2015 Montague Board of Health meeting. All the responses to be addressed to the Montague Board of Health One Avenue A, Turners Falls, MA 01376. The ads were placed: December 4 & 11 2014 in the Montague Reporter and December 1 & 13 2014 in the Greenfield Recorder.

*Al Cummings **motioned** to have a 30 day public comment period with a closing date of January 15, 2015 all comments to be reviewed at the January 21, 2015 Montague Board of Health meeting. Seconded by, Christopher Boutwell. **Motion passes.***

*Al Cummings **motioned** to adjourn the meeting. Seconded by, Christopher Boutwell. **Motion passes.** Meeting adjourned: 6:45 PM*

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_