

BOARD OF HEALTH MINUTES – May 3, 2018

The meeting was called to order by Chairman Thomas McLaughlin, MD. at the Danvers Senior and Social Center at 7:00 P.M. Also in attendance were; Edmund Kowalski, Member; Dutrochet Djoko, Member; Judith Ryan, Public Health Nurse; and, Mark L. Carleo, Assistant Director of Public Health.

ADMINISTRATION

APPROVAL OF MINUTES:

The Board unanimously voted to approve the minutes of March 1, 2018.

TOBACCO CONTROL

RESTRICTION ON THE SALE OF FLAVORED TOBACCO PRODUCTS

Carleo welcomed all those in attendance and requested that all those in attendance speak when recognized, be brief and concise, and to identify themselves prior to speaking. He further requested that Joyce Redford of the Tobacco Control Program provide the Board with a review of the requirements proposed and which products it applies to.

Redford began by describing the types of products that this restriction would apply to; essentially, all flavored products other than mint flavors such as wintergreen smokeless tobacco or menthol cigarettes. Additionally, it only applies to tobacco or constituents of tobacco, meaning flavored rolling papers would not be covered under this regulation. She provided the Board with the current list of communities which have enacted this restriction which now totals 114 communities and over 50% of the population of the Commonwealth. She closed by reminding the Board that if a retail tobacco store, which is a store that does not hold a food permit, may sell flavored products as their store will have a 21 year minimum for entrance.

With that, the first attendee was given the floor.

Anna Bettencourt of Danvers Gulf stated that this is a market restriction as it does not remove the product from the market, but continues to allow sales in certain stores. She suggested that prohibition like this will push sales from face to face transactions to online sales which are impossible to verify age. Her company spends thousands across its many stores to train employees and is a responsible retailer. She does not agree with this proposal, but stated they will comply if it is adopted.

Diane Night of the Northeast Tobacco Free Partnership was recognized. She provided a letter of support from Tobacco Free Mass and cited youth use statistics for flavored tobacco products. She thanked the Board for entertaining this proposal and urged them to pass it.

Lyle Harrod of DanversCARES was recognized next. He attended the event known as “Kick Butts Day” at the State House with students from Danvers High School. He has had opportunities to listen to our school kids talk about the pressures they face and that vaping is a growing issue which they all face.

Peg Sallade of DanversCARES was present to support the proposal and to support the students who are in favor of this proposal. She stated that there is no single law or policy which will end tobacco addiction, but rather many which in their totality make a great difference.

Skaina Pierre a Danvers Youth Leader and student at Danvers High was present to support the proposal. She attended her first Kick Butts Day event in Boston yesterday. She talked about the large numbers of teens who choose not to smoke and how tobacco companies are preying on the youth with fruity flavors and bright colors. She spoke of the new discreet vaping products which are easily hidden from parents. She also touched on the impacts to those exposed to the vapors exhaled by other uses and how the strong scents trigger asthma attacks.

Darshna Patel of the Village Food Shop was recognized next. She believes that since there is already a requirement that a purchaser be 21, and sales of these products will continue in vape shops that this restriction will hurt small business owners. She referred to the restriction as a punishment.

Sanjay Patel of the High Street Gulf was specifically concerned that people who would normally purchase these products from his stores, will not purchase them from stores in other communities or online or at the 2 retail tobacco stores in Danvers. Along with the purchase of these products, they will lose additional sales for other items they purchase while there such as milk, newspapers and gasoline.

Carleo wished to address the point that people will start purchasing these products in other communities by reminding them that so far 114 communities have the same requirement in place, and that this list continues to grow.

DJ Wilson, Director of the Mass Municipal Association's Tobacco Control Technical Assistance Program asked to be recognized. He informed all those present that the reason this restriction is written the way it is, and allows for retail tobacco stores to continue sales is because the language is a duplicate of what was in place in Providence when they enacted the same restriction. They were sued, and in federal court the restriction was upheld. As Providence is in the same federal court jurisdiction as us, the same language is being used.

Behram Agha of Vapor Zone was recognized. He spoke in favor of the restriction stating that these products such as the juul which have a much higher percentage of nicotine are special products which deserve special requirements and sales should only be allowed in retail tobacco stores.

Dennis Lane of the Coalition for Responsible Retailers was recognized. He spoke on the need to engage with Police Departments and state laws must be enacted to make possession by minors illegal. He stated that vaping is an epidemic but cities with flavor bans are not seeing results from those restrictions. This restriction does not address youth who are purchasing through social sources or buying with pre-paid cards online.

Nicolas John of R Street was recognized. He thanked the Board for the opportunity to be heard and for their previous action of raising the purchasing age to 21. He further stated that the restriction does nothing to limit the use of the most harmful tobacco products, cigarettes. It was his position that this instead limits people's access to the less harmful alternative to cigarettes. He closed by stating that adults should be able to choose on their own with the available information and respectfully urged the Board not to pass this restriction.

Carleo asked if DJ Wilson had any further comments before the Board speaks. He simply reminded the Board that over 50% of the Massachusetts population is living under this requirement in their community. Further, the manufacturers packaging, and marketing have recently garnered attention from FDA who will likely be taking strong actions to reduce the availability or attempts to market to the youth particularly with online sales.

Member Dr. McLaughlin brought several articles from the Journal of Pediatrics and spoke about how use as children affects the individual in many ways even into adulthood. Flavors absolutely cause an increase in use and that while vaping may be safer than cigarettes, it is far from safe. These products are defective by their nature because when used as intended, it will kill you. He believes that any step we take to reduce nicotine addiction is worth it.

Member Djoko agreed wholeheartedly with Dr. McLaughlin and stated that vape products still contain carcinogens and worse still, the concentration of nicotine available is much too high. He absolutely sees the attraction to these products for children and that addiction to nicotine correlates to other substance abuses. He demands that the Board of Health invest in human capital by adopting this amendment and moved to adopt the proposed flavor restriction amendments to the regulation entitled Restricting the Sale of Tobacco Products with an effective date of January 1, 2019.

The motion was seconded by Dr. McLaughlin and all were in favor.

Carleo thanked all those in attendance for their time, thoughtfulness and civility.

The Board adjourned at 8PM.

Respectfully submitted for your approval,

Mark L. Carleo
Clerk for the Board of Health