

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**

August 7, 2014

MEMBERS PRESENT: Dr. Barbara Poremba, Chair, Dr. Shama Alam & Dr. Danielle Ledoux, Gayle Sullivan & Paul Kirby

OTHERS PRESENT: David Greenbaum, Sr. Sanitarian & Council Liaison Beth Gerard

EXCUSED: Larry Ramdin Health Agent

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:00pm

Chairperson, Dr. Poremba, advises audience of the rules for the public comment section on the meeting.

2. Tobacco Regulation public comment continuation

Chair opens public comment at approximately 7:05pm.

Comments were received from:

Sheldon Stone - Vapor Outlet

Mike Allen - Red Lion Smoke Shop

Marie Sweetlane - 40R Highland Ave

Derek Arnold & PC - Witch Dr.

Rinus Oosthoek -Ex Director Salem Chamber Commerce

Mike Lash - anti-establishment

Nicole Snow Dawson - 190 Bridge Street

Councilor at Large Tom Furey

Brad Morin – Tedeschi Food Store

Esteban Pinelou – My Convenience Grocery

Councilor at Large William Legault

Matt Reynolds - Lexington High School student

All comments are on record at the Salem Board of Health Office

The following letters were read into the record:

*NECSA

*Councilor Josh Turiel

*Henry K Philofsky Columbia University

*Testimony Ex. Dr. Steve Ryan NECSA

*Petition for action against tobacco 21

Total signatures 558. Of that 119 are Salem residence

*Nicole Snow Dawson Patient Advocate with MA patient's advocacy alliance

All letters are available at the Salem Board of Health office

Chair closed the public comment at approximately 8:55pm

The Board discussed the comments and consulted with the following technical advisors:

Dr. Jonathan Winickoff, Pediatrician

Joyce Redford, Director of the North Shore Tobacco and Alcohol Policy Program

Cheryl Sabata - Sr. Staff Atty. - provides legal information to Boards of Health

Chair Barbara Poremba read into record a prepared statement to the Board about the mission of this Board and how important it is to make decision that protect the public whether it's the popular vote or not.

Gayle Sullivan motioned that we amend Salem Board of Health Regulation 24 section C Definition replace current definition of Minor as follows:

Minor: Any individual who is under the age of twenty one (21).

Also that we amend Section 2 (C) as follows:

a. The owner or other person in charge of a shop or other place used to sell nicotine delivery products at retail shall conspicuously post a sign stating that "The sale of nicotine delivery products to minors under 21 years of age is prohibited." The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating that "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be no smaller than 8.5" by 11" and shall be posted conspicuously in the retail establishment or other place in such a manner so that they may be readily seen by a person standing at or approaching the cash register. These notices shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

3. Identification: Each person selling or distributing tobacco or nicotine delivery products shall verify the age of the purchaser by means of valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 years old or older. Verification is required for any person under the age of 27.

Dr. Shama Alam 2nd

Board had an "in depth" discussion on motion for approximately 1 hour.

Before vote was brought forward by the Chair, Dr. Ledoux asked if she had to vote. Gayle Sullivan replied that she thinks you have to vote when there is a motion.

Chair called for a vote on the Motion

Gayle Sullivan & Dr. Barbara Poremba voted in favor of motion

Paul Kirby and Dr. Shama Alam voted against the motion

Gayle Sullivan asked if Danielle was abstaining from the vote. Dr. Danielle Ledoux asked if she could. No one answered her question.

Dr. Ledoux voted in favor of the motion

Chair asked for the members to show their vote again for the record.

Motion passed 3 -2

Paul Kirby motioned that we amend Salem Board of Health Regulation 24, Section F as follows;

F. Cigar Sales Regulated:

1. No person shall sell or distribute or cause to be sold or distributed a single cigar
2. No person shall sell or distribute or cause to be sold or distributed any original

package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more.

3. This Section shall not apply to:

a. The sale or distribution of any single cigar having a retail price of two dollars and fifty cents (\$2.50) or more.

b. A person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Salem.

4. The Salem Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

2nd Gayle Sullivan –No discussion, motion passed unanimously

Dr. Shama Alam motioned that we amend Salem Board of Health Regulation 24, Section P as follows

P. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation pertaining to his or her distribution of tobacco and/or nicotine delivery products. The violator shall receive:

a. In the case of initial violations observed at an inspection within a 36 month period, a fine of one hundred dollars (\$100.00) per violation.

b. In the case of violations observed at the second inspection within 36 months of the date of a current violation, a fine of two hundred dollars (\$200.00) per violation and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for seven (7) consecutive business days.

c. In the case of violations observed at the three or more inspections within a 36 months of a current violation, a fine of three hundred dollars (\$300.00) and the Tobacco and Nicotine Delivery Product Sales Permit shall be suspended for thirty (30) consecutive business days or the City of Salem Board of Health may revoke the Tobacco and Nicotine Delivery Product Sales Permit.

2nd by Dr. Danielle Ledoux, no discussion, motion passed unanimously

Dr. Shama Alam motioned that Amendments will be in effects on January 1 2015. Paul Kirby 2nd, all in favor, motion passed unanimously

3. MEETING ADJOURNED: 10:10pm

Respectfully submitted,

Heather Lyons-Paul
Clerk of the Board

*Next regularly scheduled meeting is September 9 2014 at 7pm
At City Hall Annex, 120 Washington Street, 3rd floor Conference Room, Salem.*