

BOARD OF HEALTH MINUTES

September 29, 2014

The meeting was called to order at 6:37 p.m. Present were Thomas Klem, (TK) chair, Cynthia C. Hill (CH), Michael Bean, M. D. (MB). Also present were Julia Junghanns (JJ), Director of Public Health and Patti White, Department Assistant.

6:37 p.m. Public comment- there were none

6:38 p.m. Community Innovation Challenge Grant- Tickborne Disease Network Expansion

JJ is updating the board regarding our past participation with the Tick Taskforce, PHN/Nurse Leader Ruth Mori has been representing. Last year we were involved with the program and obtaining Tick educational materials were made available to us, also for the conservation trails in Wayland, but we were not officially part of the actual State Grant Program. We have been asked to join the grant program this year, as part of the Grant Program, residents of Wayland would be able to submit ticks for testing to the State, at a reduced fee to the residents. We would continue to receive educational materials and would also be part of any new upcoming aspects of the grant program. The state encourages participation as they are looking at past and future surveillance from tick testing for tickborne diseases.

Questions were posed regarding cost to residents to submit ticks with the program—Can we Print bookmark to website?

**TK: Motion to approve Wayland participation in the Community Innovation Challenge Grant to support residents submitting tick specimens for Tickborne disease testing. Second CH vote 3-0**

6:48 p.m. Cheryl Sbarra, Senior Staff Attorney for the Mass Assoc. of Health Boards (MAHB) has arrived at the meeting to assist us in our regulations discussions.

Dr. Brewer(EB) has arrived

CH: Who has any information on cloud 9? EB: it is a synthetic heroin product that is an odorless clear liquid that is being sold in stores and it is being added to tobacco products and/or drinks. Dr. Brewer did some searching in her medical database regarding this product and did not find any available information.

CS: there is a state ban on synthetic marijuana. Communities are doing bans of synthetic products but the producers change up the ingredients and can get around the ban.

N. Attleboro has a town bylaw (was a regulations first) on synthetic products that is supported by police dept.

7:00 p.m. Public Comment on Tobacco hearing

Susan Reno (SR) - represents Honey Farms, respectfully opposes changes, products are regulated and are kept out of the hands of youth. Tobacco sales count for 38-42% of the business of small retail stores. The proposed changes are taking away a good percent of business. The Wayland Honey farms Store has a good record of compliance in the Town. Honey Farms stores have internal compliance checks in addition to State and Federal compliance checks.

MB: do you sell individual cigars and flavored tobacco? EB: 38-42% of your business is tobacco products- what part of that percentage is sold to 18 to 20 year olds? SR: 15% overall of all tobacco is probably about right. Flavored cigars are more youth orientated.

Pete Ryan (PR) Executive director of NECSA: Convenience stores are an industry of large volume of sales with small profits. Losing part of the sales can impact small businesses- ancillary products that go along with tobacco products—gasoline, milk, bread, etc. They will go to the neighboring towns for their products.

EB: Needham has raised the age. Can you comment on the stores in Needham? PR: Stores have not closed, but they have lost business. No data available. EB: are there Honey Farms where ages have been raised? SR: they have stores in towns that have made changes, but not any stores in town where they have raised ages.

TK: is anyone present that manages a store? : Joyce Androsiglio (JA) Yes I represent tobacco sales at the Sunoco on 19 Main St. . This location sells a significant amount of tobacco, if younger smokers cannot get their cigars, they will move their gas sales to another town where they can get everything at one stop.

7:16 p.m. Mike Wegerbauer(MW) has arrived

The Board had questions regarding the sale of single cigars- will this effect businesses selling higher end products? Please explain more on Blunt Wraps and Coupons?

CS: This regulation is not banning sales of single cigars, it just will prevent single cigars being sold for less than \$2.50 and packages of two or more cigars will be sold for a minimum of \$5.00. Research shows that the colored and flavored cigars are the ones that are attracting the younger teens. There is data showing that the price point that minors are purchasing is under \$2.50.

Ban on Blunt Wraps, Boston was sued and won the lawsuit. It is a leaf of tobacco, used mostly for smoking Marijuana, so by using blunt wraps they are getting nicotine as well as tobacco. The ban is on the flat packaged blunt wraps, (rolling papers). Plain cigarette rolling papers are not being restricted.

Banning coupons-the new regulations would ban any coupons that would result in free distribution or distribution below the state legal minimum price. Cigars do not have a state minimum price. New research regarding the raising of alcohol purchase that shows a reduction in injury and accidents

MW: feels that banning blunt wraps is going too far and this should be removed from the regulations. People should be able to purchase blunt wraps if they choose to and are over 21.

There was a discussion and other BoH members seemed to agree.

SR: (Honey farms) It is illegal to use coupons to purchase cigarettes. But there are coupons for purchasing cigars.

MB: Is it unreasonably redundant to prohibit single cigar purchases if we are already raising the age to 21? CS: they can purchase a single cigar over \$2.50 or in multiple packages. CS: When FDA does compliance checks- they only do them on cigarettes, there have not been done on the cigars. (data quotes in regulations)

JJ: tobacco stings in Wayland done by the Police Dept., are doing just cigarette sales, we are not aware of checks on cigars or blunt wraps.

PR: There is no data to support illegal sales to minors for cigar products. There is no data to show who is purchasing the products. Why are you banning sales of products if there have been no compliance checks to see if the cigar products are being sold to minors?

JA: Sunoco does internal compliance checks that are for the whole range of products, chewing tobacco, wraps etc. If there is a failure, the check the next month could be done twice that month.

Jen Robinson/MAHB: Purchasing tobacco is only one way to get the products, kids have 18 yr. old friends purchase or shared, they could be stolen from family, or they may know the store clerk and they are being sold to underage.

CS: The longer you can keep someone from starting an addictive substance, the better chance they won't start.

Bill Wacne: 201 Oxbow Rd. - service men and women under the age of 21, have the right to serve their country, why can they not purchase tobacco? Has this been explored at the Supreme Court regarding the age?

CS: some research has been done, to see if BOH can set an age above the state law. Mass Supreme court supports townships. FDA regulations from 2009 will not prevent cities and towns from creating local regulations.

Honey farms states that they are close with Worcester BOH who handles most of the Central Mass compliance. They do shop for things other than cigarettes; she has HF internal shoppers purchase items other than cigarettes. FDA compliance does shopping and has separate checks for other than cigarette sales.

CS: Worcester is starting hearings to ban flavored tobacco products

TK: a letter has been received from the attorney representing National Associates of Tobacco Outlets, Inc., regarding Cigar package size and pricing

CS: as long as the price point is reasonable- (restricting under \$2.50, she feels is reasonable) and the reasoning is that the lower price products and flavored are marketed to younger population.

CS: is presenting written testimony regarding rebuttal to topics brought up tonight (see attachments)

Ted Bynum- 99 Rice Road- studies have shown that delaying the start of smoking to over 21 helps to keep youths from starting smoking. The Needham age increase has been studied.

Jackie Doan: cigar sales are the most impacted part. Cigarettes are regulated to size of packages and are not allowed to be flavored and they are taxed and much more expensive.

The regulations were reviewed by the Board from beginning to end, as guided by BoH Chair Tom Klem. Review of the Regulation of the Wayland Board of Health Restricting the Sale of Tobacco and Nicotine Delivery Products; page 1., remove a section of the last paragraph, "and the top three most popular cigar brands among African American youth aged 12-17 are the flavored and low-cost Black & Mild, White Owl, and Swisher Sweets (section 8)." And the referenced section 8 at the bottom of the 1<sup>st</sup> page. On page 4, first paragraph add, "Wayland". On page 8 remove section G. "Prohibition of the Sale of Blunt Wraps".

Review of Town of Wayland Regulation Prohibiting Smoking in Workplaces and Public Places; there were no changes made to the draft.

**TK: Motion to approve the new tobacco regulation – Restricting the Sale of Tobacco and Nicotine Delivery Products as amended, and the Regulations Prohibiting Smoking in Workplaces and Public Places as presented. The board hereby rescinds the prior regulations: Regulations for Restrictions on the Use, Sale, Vending and Distribution of Tobacco- Amended January 1, 1997, to be replaced by the new regulations.**

**The new regulations become effective January 1, 2015, prior regulations will be rescinded as of January 1, 2015**

**EB: Second Vote 5-0 all in favor**

TK: Motion to adjourn , Second CH vote 5-0

Respectfully submitted  
Patti White  
Department Assistant  
092914minutes  
APPROVED 020315