

Town of Amherst Board of Health

Date: October 9, 2025

BOH Members Present: Risha Hess, Chair, Premila Nair, Betsy Brooks. Jack Jemsek was absent.

Staff: Kiko Malin, Public Health Director, Maheen Ahmed, Program Assistant, Nancy Schroeder, Administrative Asst.

The Meeting Opened: Date: October 9, 2025, Time: 5:00 PM.

Review Minutes: R. Hess moved, and B. Brooks seconded the motion to accept the minutes from the September 4, 2025 meeting; Approved (3-0). The minutes from the September 25, 2005 meeting were not complete and will be reviewed at the next Board of Health meeting.

Public Comment:

Alison Smith, representing the Global Kratom Coalition, spoke in favor of banning synthetic kratom products, which are a hundred times stronger than natural kratom. She promotes the use of natural kratom and offered to be a resource for the Board, including a sample draft of an ordinance regulating synthetic kratom.

Ken Elstein, from the Belchertown Board of Health, also offered to be a resource to the BOH on both Kratom and Nicotine Free Generation.

Old Business:

1. Revisit Kratom Discussion:

In their discussion the three Board members agreed that synthetic kratom is a threat to public health and should be restricted. K. Malin explained that synthetic kratom was often in the form of pills while natural kratom was in leaf or powder form. The discussion focused on how to ban synthetic kratom products and regulate natural kratom in Amherst stores. Regulating natural kratom would involve age restrictions, regulations about listing all the ingredients in the kratom product, restrictions on how and where it would be sold, and who would inspect retailers.

Discussion then focused on inspections: kratom is not in the purview of the tobacco control tobacco inspectors from the State or the town's inspection services (unless it is food related.) K. Malin suggested that Northampton Public Health Department might have the capacity to conduct inspections in Amherst. By the end of the discussion, there was a consensus that the Northampton regulations offer a very useful model for Amherst,

and that K. Malin would invite Meredith O’Leary, the Director of Northampton Health and Human Services Department, to a future meeting.

2. Preparation for the Fall Tobacco Public Hearing on October 30, 2025:

The hearing will be in person rather than on Zoom so that the Board of Health can hear from local community members and will be less likely inundated with comments from regional and national advocates for one side or the other.

K. Malin will write a summary of the Nicotine Free Generation (NFG) provision and distribute it to Board members and other interested parties.

Board members discussed whether they should plan to discuss the issue immediately after the hearing and vote at that point, or to vote at the next scheduled Board meeting in November. At this time, it is not clear if a quorum will be present at the November meeting, so members agreed that they will discuss the issue immediately after the hearing, and if possible, vote on the regulation at that time.

K. Malin pointed out that if the NFG addition is approved, it will become part of the current Tobacco regulation and will necessitate some modifications throughout the document. She asked the Board if she could also reorder the current Amherst regulation entitled “Restricting the Sale of Nicotine Products” to mirror the State template. This would make it easier for Board members and the public to compare Amherst regulations with other communities’ regulations, most of which used the State template. She assured the Board that this is a formatting change and not a change in any of the language in the regulation, except where it relates to the NFG amendment (if passed.) R. Hess was initially opposed to changing the format of the current nicotine regulation but then agreed that the Board could agree to have K. Malin make the changes to the format to align with the State template and vote on the new draft with these changes and the NFG language additions after the public hearing.

A second issue that was discussed was the need to make some changes to the unitary fining structure that the Board had voted to adopt when the latest version of the regulations was developed in April 2025. As the regs are currently written, fines of as high as \$5000 could be levied for violations of local regulations, which would entail the filing of a criminal complaint, meaning the issue would be heard before a court magistrate and not by the Board of Health.

One final issue the Board discussed was whether to keep the ban on the sale of rolling papers in the revised regulations. These do not appear in the State template. preferable.

The consensus of the Board was:

- The amended regulation would eliminate the ban on the sale of rolling papers
- The issue of the unitary fining structure will be addressed at the next Board meeting

- K. Malin will reorder the current nicotine regulations to align with the State template
- K. Malin will add the NFG language to the current regulations
- K. Malin will distribute the amended regulations and make them available to the public

New Business: Extending the permit for Geothermal Well, 24-7

- a. Amherst College has requested an extension of the drilling permit for the geothermal well 24-7 to April 18, 2026. B. Brooks moved, R. Hess seconded, approved (3-0).

Director's Update:

- a. Vaccine update: The Public Health Department has scheduled one COVID/Flu vaccine clinic for people over 65 years of age, and also offers COVID/Flu vaccines for homebound residents under 65 years old. R. Hess asked how local parents can access COVID vaccines for children. K. Malin responded that because the State has recommended the COVID vaccine for children, parents can take them to CVS and other outlets without a doctor's orders. The flu vaccine is widely available.
- b. The Health Department participated in the annual Amherst Block party and conducted an informal needs assessment in the form of an interactive display where residents could add their thoughts about makes for a healthy Amherst community.
- c. Board of Health vacancy: K. Malin reported that the interviewing committee met with applicants recently but has not found a Board member yet. Several were students whose schedules and ability to make a long-term commitment may be unpredictable. The one applicant who was not a student was a clinician, which duplicates the existing knowledge base of the current committee. The Town Manager is reaching out to a resident who may be interested in serving on the Board.
- d. Waste Hauler. K. Malin reported that a consultant has been hired. The consultant will create a Request for Proposals (RFP) for a trash hauler.

Public Comment

Ken Elstein remarked that a public hearing on a regulation is not legally required except for regulations regarding Title V septic systems. He then reported that the Belchertown BOH conducted a public hearing on NFG in which respondents were invited to speak in the following order: local residents, non-residents, and then participants on Zoom. He added that 25 students participated in the hearing and voiced their support for the NFG regulation.

Alison Smith advised the Board that synthetic kratom is often advertised as a supplement and sold in gas stations and convenience stores.

Adjourn: B. Brooks moved, P. Nair seconded the motion to adjourn the meeting, approved (3-0).