

PUBLIC COMMENTS ON THE NICOTINE FREE GENERATION PUBLIC HEARING

OCTOBER 30, 2025, AT 5 PM, ROOM 101, BANGS COMMUNITY CENTER.

R. Hess opened the meeting and asked for public comments:

1. Nancy Gilbert, former Chair of the BOH: Amherst was a leader in the public health field by banning smoking in public areas many years ago. She supports NFG because nicotine use by youth damages their brains.
2. Isabel Ramirez, Latinx Community leadership group: strongly supports NFG, is concerned about future generations of Latinx youth, and NFG is a way to phase nicotine out.
3. Evelyn Villa, Retired physician: familiar with lungs ruined by tobacco. Supports NFG
4. Ben Brooks, from Hollis, ME, representing Nouria Energy which owns a convenience store in Amherst: said that if NFG passed in his town, his store would automatically be devalued. In addition, NFG would just shift business to other areas, giving the example of two 40-year-olds, one of whom could not buy tobacco because of their birthday.
5. Joseph Mascis, Amherst resident: spoke in support of NFG. Described alcohol and marijuana as social “merriment” substances, whereas nicotine use is solitary.
6. Maureen Buzby from Melrose: spoke in support of NFG, showed the group examples of vaping “toys” which deliver nicotine to kids.
7. Heather Warner, Hampshire Franklin Tobacco-Free Community Partnership: supports NFG. Said that vaping never gives lungs time to recover, NFG gives retailers an opportunity to plan ahead, as adults, we have an obligation to protect our children.
8. Ginny Chadwick, tobacco control researcher and Somerville resident, spoke in support of NFG. Described it as a “slow burn”, which won’t affect the store’s profits. Grateful that college towns like Amherst are considering NFG.
9. Ken Elstein: supports NFG. Amherst would be the 14th municipality to pass NFG. Reported that approximately 3 people a month were denied tobacco sales because of NFG in Belchertown.

P. Nair moved to close the public hearing, B. Brooks seconded. Approved 4-0.

P. Nair noted that she didn’t hear anything that would persuade her to change her support for the NFG amendment. B. Brooks reported that she would have liked to hear more young people’s reaction to the NFG regs. She also noted that a Nouria retailer came all the way from Maine to object to NFG and that an organization spent a significant amount of money to send a mailer to Amherst community members objecting to NFG regulations. Both imply that the business model is predicated on selling nicotine to young people.

B. Brooks posed a question specifically to young people in the audience about their stance on NFG and how it would affect them.

Female student at UMass from New Jersey, has friends who are hooked on nicotine, and supports the regs.

Man, age 27, noted that young people are usually addicted to nicotine before drugs or alcohol.

Female student from Ireland discussed the hospitality industry as a workplace where smoking/vaping is the norm. Maybe nicotine is the gateway drug rather than marijuana. Expressed that NFG is a fantastic concept

Hailey, graduate student at UMass and Health Department Intern, has friends who are addicted to vaping. She sees the negative impact of their addiction on their daily lives. She said that she has canvassed her friends about NFG - those who do not use nicotine products are in favor and those who do are not.

Graduate student at UMass, stated that BOH has a responsibility to young people to pass the NFG regulation to prevent them from being addicted to nicotine.

Female student at UMass, told BOH about her high school, where bathrooms were used for vaping and filled with smoke, feels that students use nicotine to cope with family struggles

Nancy Gilbert recounted her vape study about 8 years ago, where students in high school, middle school, and 6th grade were vaping in bathrooms. Bathrooms were closed and vape meters were installed.

Board member discussion:

J. Jemsek, BOH member, former smoker, stated that he believes in moderation in terms of regulations, but also concerned about kids being a target. He likes the NFG reg because it is not a drastic change (a "slow burn") and does not significantly affect retailers. He does not want to overly regulate things, such as what happened with alcohol prohibition in the 1920s.

R. Hess discussed her history of working in restaurants as a young person in Amherst and noted the large amount of smoking prior to the ban on smoking in restaurants. She is somewhat ambivalent about regulating nicotine because it will drive people to buying products online that are not regulated. She also anticipates that the number of Amherst retailers with tobacco licenses will diminish over time because of current regulations that prohibit new licenses from being issued. (Other BOH members did not think that the number of retailers would be reduced because of the regulations.) She supports the NFG regulation because it adds Amherst to the number of municipalities in the state that support the regulation, which hopefully can result in a statewide ban on nicotine sales to young people.

J. Jemsek asked if there was a bill in the Mass House regarding NFG. Cheryl Sbarra, of Massachusetts Association of Health Boards (MAHB), responded that there was a bill that was filed in both the House and the Senate. She emphasized that the more municipalities support the NFG regulations, the more pressure is exerted on the state to pass a state-wide regulation. This was the case in passing the smoke-free workplace regulations years ago. K. Elstein added that it took 175 municipalities (out of a total of 351) for the state to approve the under-21 smoking ban. Heather Warner reported that a bill has been filed in the House to ban nicotine sales online.

R. Hess noted that one of the most convincing arguments for regulating tobacco is that, compared to alcohol and marijuana, tobacco products are the only product that, if used as intended, will kill the user. There is no recreational use for tobacco, whereas alcohol and marijuana can be used in moderation. There is no safe use of tobacco.

B. Brooks asked if there are any studies yet which show a change in underage nicotine use in municipalities that have approved the NFG regulations. H. Warner responded that the regulations are too recent to show an impact on an age group. However, there was a 2015 statistical model study by the Institute of Medicine, which predicted a 25% decrease in initiation and a 15% decrease in continued use with a ban on tobacco use by people under age 21. B. Brooks and H. Warner discussed the age at which a person is most likely to get addicted to nicotine. H. Warner also noted that as the age of a nicotine purchaser is raised, the likelihood that this person will buy the nicotine product for a younger user is greatly diminished.

R. Hess moved the Board's discussion to the Tobacco Regulation fine structure as it presently exists. When the Board finalized the recent tobacco regulations, the fine structure was \$1,000, \$2,000, and then \$5,000 for recurring violations of both the State and Amherst tobacco regulations. However, she stated that the BOH needs to revisit the fine structure again, and go back to the original delineation of State and local regulations and the associated fines. C. Sbarra explained that fines for violating a local tobacco regulation cannot exceed \$1000 without either a criminal complaint or a cease-and-desist order. After discussion, the consensus of the Board was that the fine structure for violations of local regulations (including the NFG if approved) would be \$300/\$600/\$1,000, and suspension of the license, which cannot be renewed while it is suspended.

R. Hess stated that she agreed with H. Warner, who stated that her studies show that store owners are much more concerned about a suspension of their tobacco license than they are about a fine, even if it's \$1,000.

K. Malin reported that she removed the language regarding rolling papers in response to the Board's consensus at the last meeting that it no longer made sense to include a ban on rolling papers in the regulations. K. Malin also asked the BOH to consider Belchertown's regulations that direct the BOH to hold a hearing with the possibility of revoking a tobacco license if the store has violated the NFG more than three times.

Dates for next meeting: Since two of the BOH members will be out of town for several weeks in November, the Board agreed to meet on December 4, 2025 and to postpone the vote on the final regulations, including the NFG provision, until then.

K. Malin asked the Board members to review the minutes from September 25, 2025 and October 9, 2025, meetings. B. Brooks moved to accept the September 25 minutes, approved, (4-0). R. Hess moved to accept the October minutes, with the correction of Ken Elstein's name, approved, (3-0) with J. Jemsek abstaining because he was absent from the October meeting.

R. Hess adjourned the Public Hearing and Board discussion at 7:00 PM.