

Town of Amherst Board of Health

Date: December 4, 2025

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

Staff: Kiko Malin, Public Health Director, Maheen Ahmed, Program Assistant, Cheryl Sbarra, from Massachusetts Association of Health Boards (MAHB), was also present

The Meeting Opened: Date: December 4, 2025, Time: 5:00 PM.

Review Minutes: R. Hess moved, and B. Brooks seconded the motion to accept the minutes from the October 30, 2025 meeting as amended; Approved (4-0).

Public Comment: R Hess stated that the opportunity to comment in person on the NFG amendment was at the October 30, 2025 public hearing. At the hearing it was also announced that written comments would be accepted until November 12th. She said the Board would only accept public comments about non-NFG regulation issues at this meeting, as well as comments related to other agenda items. A participant, identified as Jonathan, expressed his hope that the BOH would allow outdoor smoking. Peter Brennan, with the New England Convenience Store and Energy Marketers Assoc. was unable to attend the meeting in October and disagreed with the BOH decision to decline consideration of further comments on the NFG regulation prior to their vote. That said, he offered his opinion that passing NFG could give Amherst a bad reputation as a town with a hyperactive, nanny government. Stephen Helfer expressed his disappointment that he cannot reiterate his objections to the NFG regulation that he previously sent to the BOH. Emily Wieja, a Cambridge resident, could not attend the public meeting but submitted written comments at that time and is disappointed that she cannot repeat her objections to the regulation. Seeing no other members of the public desiring to make public comment, R. Hess closed the public comment portion of the BOH meeting. She clarified that the BOH did not take a vote at the end of the October Public Hearing because the BOH had announced through a press release about the hearing that it would not take a vote at that time. She stated: "For all intents and purposes, the end of the public comment was November 12th. Anything submitted in writing before that date was read by all the Board members and will be considered in the final deliberations and vote.

Old Business:

- a. Vote on Nicotine Free Generation addition to tobacco regulations

Rather than take an official vote on the specifics of the NFG regulation, R. Hess asked members to discuss the general concept of NFG to see if there was consensus in support of the regulation. J. Jemsek was concerned that the regulation would push more people into unregulated black market and on-line sales of nicotine products and that it might be overreach on the part of the BOH. However, he will support the regulation, knowing it can be revised if necessary. P. Nair stated that the fact that the young people at the meeting supported the NFG concept was significant to her. R. Hess said that she shared some of J. Jemsek's reservations about pushing people to use on-line products.

K. Malin informed BOH members that there is currently legislation at the state level that addresses on-line sales of nicotine products. She also stated that the NFG regulation is not a total ban on nicotine products – it is not equivalent to the total ban on alcohol that occurred in the prohibition era. The NFG regulation prohibits sales to people born after January 1, 2005; those born before that date may continue to purchase nicotine products. It is also not a ban on use of these products by anyone, only their sale. B. Brooks stated her concern that in the current political climate, there is a rebellion against public health and that there may be a backlash against regulation overreach. She also wondered whether there's an age at which this ban might not be appropriate once a person reaches adulthood, such as age 25. She stated that she supports the NFG regulation and understands that if it causes more problems than anticipated, that they can reconsider it in the future. R. Hess stated that her main motivation for approving the NFG regulation is to support other towns in bringing this issue to the state level.

R. Hess asked the BOH members to discuss the tobacco regulations' fining structure. She clarified that at the last meeting, the Board agreed to use the state fine structure for violations of state regulations, which is \$1,000, \$2,000, and \$5,000 for first, second and third violations. At the local level, the Board agreed that the fining structure would be \$300, \$600 and \$1,000 for violation of local regulations. R. Hess stated that the Board has a choice: it could either fine a NFG violator \$1,000 each time the retailer violated the NFG regulation, or the Board could choose to follow the local fine structure of \$300, \$600, and \$1,000. Board members agreed to follow the local fine structure of \$300, \$600, and \$1,000 and also to follow the local suspension of the license structure, which is a 7-day suspension for the second offence and a 30-day suspension for a third violation.

K. Malin asked the Board to clarify their position on whether they would like to include a penalty structure which requires a retailer who has violated the NFG regulation three times to appear at a BOH hearing with the possibility that the Board permanently revokes their license. Board members agreed to include this in the regulations. In response to K. Malin's question about the location of the "non-criminal disposition" clause in the regulations. C. Sbarra responded that the language for this does not need to be in a separate section of the regulations.

P. Nair asked whether the word “egregious” should remain in the regulations as a rationale for responding with harsher penalties. Board members agreed to leave it in because it gives the Board some flexibility in responding to violations. P. Nair also identified a typo on page 1 of the regulations, which will be corrected. “spitless tobacco sales have increased from 100,000 to 7000,000” It should read 700,000.

K. Malin reminded the Board that the final version of the tobacco regulation should include the language that states “if you sell to someone under the age of 21, it’s a \$1,000 fine. She also recommended that the NFG regulation go into effect on January 1, 2026, and that enforcement begin on July 1, 2026, which gives the PHD time to educate the local retailers about the regulation.

R. Hess asked the Board to vote on the “changes to restricting the sale of tobacco and nicotine products” as outlined in the current discussion. J. Jemsek moved, B. Brooks seconded, approved (4-0). R. Hess thanked Cheryl Sbarra for her support and assistance in crafting the regulation

b. Waste Hauler Proposal

K. Malin informed the BOH that a consultant from Pioneer Valley Planning Commission (PVPC) has been hired to develop the Request for Proposals for a waste hauler. Meetings with the PVPC and the Town Council subcommittee have begun.

J. Jemsek reported on a webinar about reusable take-out containers that he attended as a representative from the BOH. The meeting focused on reducing waste by allowing people to bring their own containers to restaurants for takeout and for leftovers. He will follow up with Sonya, one of the presenters, and set up an informational meeting with K. Malin

New Business:

a. Possible new BOH topics for discussion.

1.) J. Jemsek asked the BOH to consider sports gambling as a public health issue. He described a resolution from the World Health Organization which stated that gambling can lead to serious public health consequences, especially among young men who are most exposed to online and mobile betting. He stated that while the BOH isn’t in a position to restrict legal betting, it could seek to reduce negative health impacts through education, prevention, and local collaboration. R. Hess suggested that the BOH liaise with local colleges to learn if sports gambling was on their radar. K. Malin is meeting with the Public Health Director at UMass and will discuss this issue with her. J. Jemsek

stated that he would like this issue to be added to the list of possible topics for BOH consideration.

2.) B. Brooks brought up the issue of e-bike safety as a BOH concern. According to an article in the New York Times, the death and injury rate from using e-bikes is significantly higher than for other, conventional bicycles. K Malin agreed to also bring this up with the Public Health Director at UMass to see if the University is addressing it in any way.

b. 2026 BOH meeting schedule

R. Hess reported that she and K. Malin met with a prospective BOH member, but that person decided that they didn't have enough time to commit to working on the Board.

In discussing the schedule for monthly BOH meetings in 2026, it became clear that Thursdays were not going to work for the Board. For now, the BOH will plan on meeting on Wednesday, January 7 and Board members are asked to confirm that date. M. Ahmed will send out a doodle poll to BOH members to settle on a meeting schedule for 2026.

K. Malin informed the BOH that in the future, the meeting packet would be sent to Board members a week ahead of the meeting. If there are any late-breaking additions to the agenda, a revised agenda and any needed accompanying materials will be sent to BOH members 48 hours ahead of the Board meeting. If there is a second packet, R. Hess asked that this be made clear in the subject line so that members will know to look for them.

Director's Update:

- a. Respiratory illness update: K. Malin informed the Board that health professionals are expecting a heavy flu season, though right now, levels are fairly low.. Since treatment for COVID is the same as for flu and other respiratory infections, it isn't that useful to test for COVID. The treatment recommendation is to stay home if you're sick, and once you feel better wear a mask for at least five days. K. Malin also recommended that the Board sign up for the text alerts that the Town of Amherst sends out. The text alerts inform residents about breaking Town news, including occasional public health updates.
- b. Underage tobacco sale: K. Malin informed the BOH that the Amherst Market at 259 Triangle Street sold tobacco to an underage person, and was fined \$1,000 and had their license suspended for 7 days.
- c. Food security: The Health Department has put together an extensive list of places where people can get free food.
- d. Emergency preparedness: K. Malin is working with Fire Chief Stromgren, who is the town's emergency manager, to update the emergency plan. In addition, the state has

an emergency communication system (EOC) which required the names of two Board members. Currently R. Hess and B. Brooks are listed.

Topics Not anticipated by the Chair 48 hours prior to the meeting

- a. J. Jemsek asked for clarification about the role of the BOH in the new Zero Waste efforts in Town. Members were pretty clear that the Town Services and Outreach subcommittee of the Town Council, the DPW and the Zero Waste Committee would be involved in implementing and educating the community.

Public Comment: none

Adjourn: The meeting was adjourned at 6:22 p.m.