

ORDER OF EVENTS/SCRIPT

AMHERST BOARD OF HEALTH'S PUBLIC HEARING REGARDING PROPOSED AMENDED TOBACCO REGULATIONS

Intro Script

In a moment we will open the Public Hearing for the proposed amendments to regulations restricting the sale of nicotine products in the Town of Amherst.

Copies of the draft amended regulations and a summary of the proposed changes were emailed to all Town tobacco-permitted merchants and were posted on the Board of Health's webpage on the Town website.

The Amherst Board of Health is a five-member board that is appointed for a three-year term. The duty of the Board is to promote and protect the public health of the residents of Amherst. The board derives its authority from the Massachusetts Legislature. There is currently one vacancy on the Board. BOH members are:

1. Risha Hess, Chair
2. Premila Nair
3. Betsy Brooks
4. Jack Jemsek

Kiko Malin is the Public Health Director for the Town of Amherst. The Public Health Director is an employee of the town. Her duties are to carry out the wishes of the Board, assist in the enforcement of our regulations and manage the day-to-day operations of the Public Health Department.

With the exception of Title V regulations, it is not legally required for the Board of Health to hold a public hearing on proposed regulations before them, even though all proposed regulations are addressed at meetings to which the public is always invited. However, because of the broad interest in tobacco control, every effort has been made to provide a public forum.

As the purpose of the public hearing is to collect information and opinions, the Board will not ask for a vote from the audience nor will the Board itself vote on the proposed regulations at this public hearing. The Board will announce the meeting date at which they will discuss and vote on the proposed regulations. This meeting will be public, however, the Board will not provide time for further public testimony unless a Board member has a specific question to which an audience member can offer some clarification.

After the public hearing, the Board will accept written testimony for a period of twelve days until November 12th. Letters can be emailed to publichealth@amherstma.gov or delivered or mailed to the Public Health Department, 70 Boltwood Walk, Amherst, MA, 01002. If the proposed regulation is passed, the regulation will be posted at the Public Health Department office and online, and will be publicized, in summary form, in the Hampshire Gazette within thirty days of passage.

Before we begin taking testimony and in the interest of time, we ask that you adhere to the following ground rules:

1. Any person wishing to make comments should sign in. The sign-in sheet is on the small table near the entrance to this room.
2. Before addressing the Board of Health, please be familiar with the proposed changes to the regulation.
3. When addressing the Board of Health, please state your name, your town of residence and any professional affiliation you may have that is relevant to your comments.
4. Identify the section or proposed policy of the proposal that you wish to comment on.
5. The public comment session is an opportunity to be heard; the Board does not respond to comments or ask questions during this time.
6. Please limit your comments to three (3) minutes so that other members of the audience will have a chance to speak.
7. Please be considerate of those persons speaking, whether you agree or disagree with them and refrain from commenting out of turn.
8. Any person showing verbal disrespect to those speaking will be asked to leave the public hearing.

Thank you for your anticipated cooperation.

Today is Thursday, October 30th. It is _____(time).

May I have a motion to open the public hearing for the proposed amendments to the Town of Amherst Board of Health Regulations Restricting the Sale of Nicotine Products?

Is that motion seconded?

[VOTE ON MOTION]

Public Hearing begins

(Kiko will be the timekeeper and ensure that all comments are limited to three minutes. She will give each speaker a one-minute warning. Board members only need to listen to the public testimony. No BOH member will comment or ask any questions)

Concluding the Hearing and Next Steps

Once the last person has spoken, Risha will explain that the hearing has come to an end and will ask for a motion to close the public hearing. After the Board votes to close the hearing, she will briefly outline the next steps:

1. The Board will now spend some time discussing what they have heard tonight but will not vote on whether to adopt the proposed regulations.
2. Per open meeting law, the public is welcome to stay and hear the Board of Health's deliberations, but no further comment will be accepted unless BOH members have a question that they would like to direct to a specific member of the audience.
3. A vote will be taken at the next BOH meeting. While that meeting will be open to the public, no further written or oral testimony will be accepted.
4. Written public comment will be accepted until November 12th.
5. The date for the next BOH meeting will be determined by the Board members before this evening's meeting concludes (Note: the date of November 5th that appeared in some publications was an error)

HELPFUL INFORMATION FOR BOARDS OF HEALTH REGARDING PUBLIC HEARINGS

1. Decide if you want photocopies of the proposed regulation draft to be available to the audience. If yes, make a best guess as to the number of copies to be required.
2. Do not start the public hearing before the time indicated on the legal notice.
3. Note that the state's Open Meeting Law requires everyone to be able to see and hear the proceedings. Seating for everyone is not a requirement.
4. If the BOH chair opts to use the Introductory Statement, it should be read at this time.
5. A BOH member should make a motion to open the hearing.
6. Vote on the motion.
7. It is easier to not control the order to which PRO and CON testifiers should speak as there is bound to be confusion as to whose turn it is, who missed their opportunity to speak and what to do with those testifiers who are latecomers to the hearing.
8. Have anyone testifying state their name, address or professional affiliation.
9. If the BOH aims to limit the time length of each person's testimony, typically 3 to 5 minutes, assign someone to time each testifier.
10. The BOH may want a sign-in sheet for either (a) everyone in attendance or (b) for those intending to testify.

11. It is advisable for BOH members to not start a substantive dialogue with testifiers but just accept their testimony for review at the next BOH meeting.
12. While it is not advisable to allow for “rebuttals”, if you are going to allow a testifier to testify a second time, that opportunity should be afforded to everyone in attendance.
13. Someone should note any written communications received by the BOH. It is not necessary to read whole letters but it is helpful to at least acknowledge to the BOH and attendees that A, B and C have written the BoH with comments.
14. A BOH member should make a motion to close the hearing.
15. Vote on the motion.
16. The Chair may want to make note of (a) the deadline for written comment; (b) that the next meeting is X date and (c) while that meeting will be open to the public, no further written or oral testimony will be accepted.