
[boardofhealth:12439] Nicotine Free Generation State/House Bill's

1 message

Rajit Gupta <rgupta@ashlandmass.com>

Mon, Dec 22, 2025 at 11:23 AM

To: Select Board <selectboard@ashlandmass.com>, Board of Health <boardofhealth@ashlandmass.com>

Dear Select Board/Board of Health Members,

Good Morning!

Please find the bills that are filed in the State and House regarding Nicotine Free Generation.

I was not able to find any real data on the impacts of this policy in the communities that have adopted it so far, that's why it took me so long to get back to you.

Let me know if you have any questions or need more information.

Merry Christmas!

Thank You!

Sincerely,

**Rajit Gupta, MPH,CHO,RS***Director of Public Health***Town of Ashland**

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



2 attachments**H2562.pdf**
128K**S1568.pdf**
131K

HOUSE No. 2562

The Commonwealth of Massachusetts

PRESENTED BY:

Tommy Vitolo

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to create a nicotine free generation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/16/2025</i>

HOUSE No. 2562

By Representative Vitolo of Brookline, a petition (accompanied by bill, House, No. 2562) of Tommy Vitolo relative to the prohibition of the sale of certain tobacco products to persons born on or after January 1, 2006. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to create a nicotine free generation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 239 of chapter 111 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out, in line 6, the words “and (iv)” and inserting
3 in place there of the words:- (iv) the prohibition of the sale of tobacco products to persons born
4 on or after January 1, 2006; and (v).

5 SECTION 2. Subsection (a) of section 6 of chapter 270 of the General Laws, as so
6 appearing, is hereby amended by striking out the definition “Tobacco product” and inserting in
7 place thereof the following definition:-

8 “Tobacco product”, a product containing or made or derived from tobacco or nicotine
9 that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled,
10 snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars,
11 little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars,
12 electronic pipes, electronic nicotine delivery systems or any other similar products that rely on

vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for the approved purpose.

SECTION 3. Subsection (b) of said section 6 of said chapter 270, as so appearing, is hereby amended by inserting, in line 27, after the word "age" the following words:- or born on or after January 1, 2006.

SECTION 4. Said section 6 of said chapter 270, as so appearing, is hereby further amended by adding the following subsection:-

(f) Nothing in this section shall preempt further restriction by the commonwealth or any department, agency or political subdivision of the commonwealth.

SECTION 5. This act shall take effect on January 1, 2027.

SENATE No. 1568

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to create a nicotine free generation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>1/23/2025</i>

SENATE No. 1568

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1568) of Jason M. Lewis and John F. Keenan for legislation to prohibit the sale of tobacco products to persons born on or after January 1, 2006. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to create a nicotine free generation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 239 of chapter 111 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by striking out, in line 6, the words “and (iv)” and inserting in place there of the words:- (iv) the prohibition of the sale of tobacco products to persons born on or after January 1, 2006; and (v).

SECTION 2. Subsection (a) of section 6 of chapter 270 of the General Laws, as so appearing, is hereby amended by striking out the definition “Tobacco product” and inserting in place thereof the following definition:-

“Tobacco product”, a product containing or made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on

vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for the approved purpose.

SECTION 3. Subsection (b) of said section 6 of said chapter 270, as so appearing, is hereby amended by inserting, in line 27, after the word "age" the following words:- or born on or after January 1, 2006.

SECTION 4. Said section 6 of said chapter 270, as so appearing, is hereby further amended by adding the following subsection:-

(f) Nothing in this section shall preempt further restriction by the commonwealth or any department, agency or political subdivision of the commonwealth.

SECTION 5. This act shall take effect on January 1, 2027.

Fwd: NFG update

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Thu, Jan 22, 2026 at 11:08 AM

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Rajit Gupta** <rgupta@ashlandmass.com>
Date: Fri, Dec 19, 2025 at 8:55 AM
Subject: Re: NFG update
To: Rich, Zachary <Zachary.Rich@bmc.org>

Dr. Zachary,
Good Morning!
Please reach out to me on my cell, 774-356-7857 anytime this afternoon.

Thank You!

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



On Thu, Dec 18, 2025 at 10:01 AM Rich, Zachary <Zachary.Rich@bmc.org> wrote:
Hi Rajit,

Is there a time tomorrow Friday December 19th in afternoon the would be convenient? If not then I could do anytime on 1/5/2026 or 1/7/2026.

Thanks,
Zachary

On Dec 16, 2025, at 4:03 PM, Rajit Gupta <rgupta@ashlandmass.com> wrote:

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dr. Zachary,

Good Evening!

Please let me know when it's a good time to discuss this on a phone call?

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town

of Ashland

a: 101 Main Street, Ashland, MA 01721

p:

508-532-7922

f:

508-881-0109



On Mon, Dec 15, 2025 at 11:56 AM Rich, Zachary <Zachary.Rich@bmc.org> wrote:

Hi Rajit Gupta,

I hope you are doing well. I was wondering if you could share with me what happened at the last Board of Health meeting. Unfortunately I missed it and was wondering what the state of NFG in Ashland was.

Thanks,

Zachary Rich

Get Outlook for iOS

From: Rajit Gupta <rgupta@ashlandmass.com>

Sent: Tuesday, October 7, 2025 11:46:52 AM

To: Rich, Zachary <Zachary.Rich@bmc.org>

Subject: Re: NFG update

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dr. Zachary,

Good Morning!

Thanks for your email. We are still looking into it and will get back to you as soon as possible.
Will keep you posted.

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town

of Ashland

a: 101 Main Street, Ashland, MA 01721

p:

508-532-7922

f:

508-881-0109



On Mon, Oct 6, 2025 at 6:35 PM Rich, Zachary <Zachary.Rich@bmc.org> wrote:

Hello Rajit Gupta,

I was hoping you could share any updates you had on Nicotine Free Generation in Ashland after discussing it with the Town Manager. I would be happy to help out in anyway to facilitate a Ashland BOH vote open hearing.

Best,
Zack

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Fwd: FW: NFG Guidance Document Now Available!

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Thu, Jan 22, 2026 at 11:11 AM

Sincerely,

**Rajit Gupta, MPH,CHO,RS***Director of Public Health***Town of Ashland**

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Parivallal Thillaigovindan** <pthillaigovindan@framinghamma.gov>
Date: Thu, Dec 19, 2024 at 2:28 PM
Subject: RE: FW: NFG Guidance Document Now Available!
To: Rajit Gupta <rgupta@ashlandmass.com>

Sure, No problem. Thank you for letting me know.

Pari

From: Rajit Gupta <rgupta@ashlandmass.com>
Sent: Thursday, December 19, 2024 2:25 PM
To: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>
Subject: Re: FW: NFG Guidance Document Now Available!

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Thanks! I will let you know in case we need to do this remote and if so, I will send you a link. For right now, let's keep it in person.

Sincerely,

Rajit Gupta, MPH,CHO,RS
Director of Public Health
Town of Ashland
a: 101 Main Street, Ashland, MA 01721
p: 508-532-7922
f: 508-881-0109

On Thu, Dec 19, 2024 at 2:22 PM Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov> wrote:

Sounds good, I will meet you on Thursday 26th at 9am.

Thank you,

Pari

From: Rajit Gupta <rgupta@ashlandmass.com>
Sent: Thursday, December 19, 2024 2:18 PM
To: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>
Subject: Re: FW: NFG Guidance Document Now Available!

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How about Thursday at 9am?

Sincerely,

Rajit Gupta, MPH,CHO,RS
Director of Public Health
Town of Ashland
a: 101 Main Street, Ashland, MA 01721
p: 508-532-7922
f: 508-881-0109

On Thu, Dec 19, 2024 at 2:07 PM Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov> wrote:

Good Afternoon!

I am available on both days.

Thank you,

Pari

From: Rajit Gupta <rgupta@ashlandmass.com>

Sent: Thursday, December 19, 2024 1:58 PM

To: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>

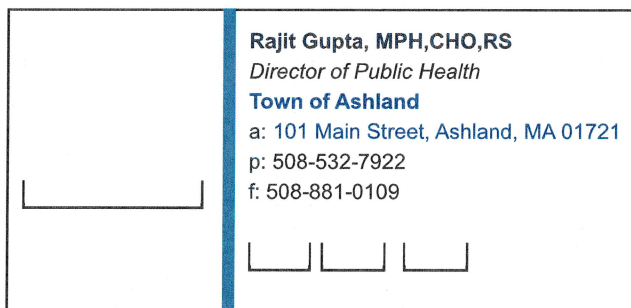
Subject: Re: FW: NFG Guidance Document Now Available!

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Good Afternoon!

Thanks for your suggestions. What is your availability for Monday or Thursday next week?

Sincerely,



On Thu, Dec 19, 2024 at 1:56 PM Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov> wrote:

Hi Raj,

I hope all is well.

This is with regard to changes to Ashland BOH Restriction to the Sale of Tobacco products Regulation .

Following are few suggestion to existing regulation,

1. Addition of definitions on

- a. Rolling paper
- b. Blunt wraps
- c. Flavored Tobacco Products
- d. Tobacco Flavor enhancers

2. Oral Nicotine pouch

3. Manufacturers document

4. Prohibition of Smoking Bar

5. Prohibition of Sale of Tobacco products in Hotel, Inn etc.

6. Prohibition of Sale of Flavored Tobacco products by the decision of Board of Health.

7. Prohibition of Oral Nicotine pouches? (about 3 or 8mg?)

Please let me know your availability to discuss regarding the same.

Thank you,

Pari

From: Rajit Gupta <rgupta@ashlandmass.com>

Sent: Wednesday, December 11, 2024 1:48 PM

To: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>

Subject: Re: FW: NFG Guidance Document Now Available!

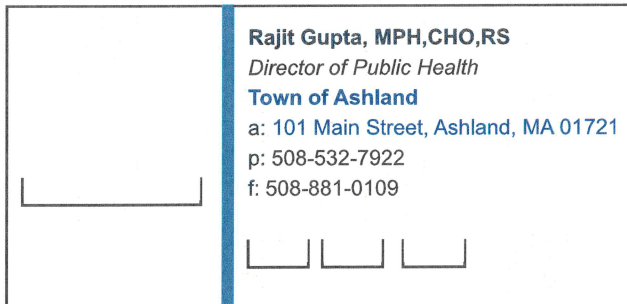
CAUTION: This email originated from outside your organization. Do not click links or open attachments unless you recognize and verify the sender and know the content is safe.

Good Afternoon!

Thanks for sending that.

Please let me know when you have time to discuss the change to our current tobacco regulation?

Sincerely,



On Wed, Dec 11, 2024 at 1:46 PM Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov> wrote:

Hi Raj,

I hope all is well.

Please find fwd email from DPH on NFG Guidance document for Municipalities in Massachusetts, for you reference.

Please let me know if you have any question.

Thank you,

Pari

From: Depina, Zendilli M (DPH) <Zendilli.M.Depina@mass.gov>
Sent: Friday, December 6, 2024 4:01 PM
To: Depina, Zendilli M (DPH) <Zendilli.M.Depina@mass.gov>
Cc: chris banthin <chrisbanthin@phaionline.org>; Cheryl Sbarra <sbarra@mahb.org>; Lisa StevensGoodnight <lstevensgoodnight@mma.org> <lstevensgoodnight@mma.org>
Subject: NFG Guidance Document Now Available!

CAUTION: This email originated from outside your organization. Do not click links or open attachments unless you recognize and verify the sender and know the content is safe.

Hello,

I am excited to share that the NFG Guidance document is now ready for your review and use. Attached is the completed document that TA has created for BOH to utilize when speaking to their towns regarding NFG. This resource is designed to help your towns better understand the policy and support implementation efforts. The document includes:

- An introduction to the NFG policy and its components
- Policy language
- Common arguments and responses
- Evidence supporting NFG
- A summary of the court decision on NFG
- Information on health equity and community engagement

Additionally, the appendices provide:

- Model regulations
- An article from the *New England Journal of Medicine* on NFG
- A Health Equity and Community Inclusion Checklist to collaborate with community organizations and residents

Please note: **This document is for internal use only and should not be shared online** as it is intended for BOH/PH audiences and should not be shared on any public-facing platforms where the tobacco industry and other opponents could gain insight into our counterarguments and the resources TA has provided.

If you have any questions or need any assistance please reach out to TA.

Have a good weekend,

Zendilli

Zendilli Depina, MPH (she/her)

Senior Tobacco Prevention Programs Specialist

Massachusetts Tobacco Cessation and Prevention Program

Massachusetts Department of Public Health

250 Washington Street, Boston, MA 02108

zendilli.m.depina@mass.gov

One Framingham - Focused on the Future

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One Framingham - Focused on the Future

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Meeting Invite

5 messages

Susan Robie <srobie@ashlandmass.com>

Wed, Dec 17, 2025 at 5:05 PM

To: Laura Clifford <lclifford@ashlandmass.com>, Rajit Gupta <rgupta@ashlandmass.com>

Good Evening,

I am reaching out to seek some guidance from you. At the last Select Board meeting, there was a discussion regarding extending an invitation to the Board of Health to attend the Select Board meeting on January 7, 2026.

The purpose of the invitation would be to discuss the "Nicotine Free Generation" initiative. Please let me know how you suggest we proceed with this request.

Thank you for your help.

Have a great day!



Susan Robie

Executive Assistant

Town Manager/Select Board

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7921

f: 508-881-0171



Laura Clifford <lclifford@ashlandmass.com>

Wed, Dec 17, 2025 at 5:14 PM

To: Susan Robie <srobie@ashlandmass.com>

Cc: Rajit Gupta <rgupta@ashlandmass.com>

Hi Susan,

The Board of Health met last night, and Raj did let them know that the Select Board wanted to invite them to attend their January 7th meeting, the three Members that were present were all in agreement in regards to attending.

Raj did mention that he wanted to reach out to Dr. Rich (one of the NFG spokespeople) to make sure he would be able to attend; once he confirms that, we can confirm the Board of Health's attendance at the SB meeting on January 7th.

Thank you!

Laura Clifford

Community Development & Health Department

Town of Ashland

a: 101 Main Street, Ashland, MA 01721



p: 508-881-0100 x 7128

f: 508-881-0182



[Quoted text hidden]

Susan Robie <srobie@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Wed, Dec 17, 2025 at 5:28 PM

This is great!

Thank you so much and please let me know if for any reason we need to make an adjustment to the schedule.

[Quoted text hidden]

[Quoted text hidden]

Laura Clifford <lclifford@ashlandmass.com>
To: Susan Robie <srobie@ashlandmass.com>

Wed, Dec 17, 2025 at 5:34 PM

Will do, thanks!



Laura Clifford

Community Development & Health Department

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-881-0100 x 7128

f: 508-881-0182



[Quoted text hidden]

Rajit Gupta <rgupta@ashlandmass.com>
To: Susan Robie <srobie@ashlandmass.com>
Cc: Laura Clifford <lclifford@ashlandmass.com>, Beth Reynolds <breyolds@ashlandmass.com>

Mon, Dec 22, 2025 at 8:50 AM

Hi Susan,

Good Morning!

I spoke to Dr. Zachary (NFG) Friday afternoon and he will be available for the select board/board of health meeting on Jan 7th.

I have briefed my board also about the possibility of the meeting as well.

Please let me know if anything else is needed from my end.

Thank You!

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



On Wed, Dec 17, 2025 at 5:06 PM Susan Robie <srobie@ashlandmass.com> wrote:
[Quoted text hidden]

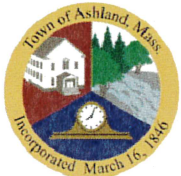
Fwd: NFG

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Thu, Jan 22, 2026 at 11:09 AM

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Rajit Gupta** <rgupta@ashlandmass.com>
Date: Thu, Dec 4, 2025 at 8:22 AM
Subject: Re: NFG
To: Shaun McAuliffe <smcauliffe@hopkintonma.gov>

Hi Shaun,

Good Morning!

It is still under discussion. They have asked for a joint meeting with the select board on this.
Happy to discuss on a call.

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



On Thu, Dec 4, 2025 at 7:23 AM Shaun McAuliffe <smcauliffe@hopkintonma.gov> wrote:
Good morning Rajit,

I heard that your board rejected NFG. Any chance of them reconsidering?

Shaun McAuliffe
Hopkinton
Sent from my iPhone

--

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*Massachusetts Public Records Law

<<http://www.sec.state.ma.us/pre/preidx.htm>>.*

Visit us online at

www.hopkintonma.gov <<http://www.hopkintonma.gov>>.

Fwd: Data on NFG implementation

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Thu, Jan 22, 2026 at 11:07 AM

Sincerely,

**Rajit Gupta, MPH, CHO, RS***Director of Public Health***Town of Ashland**

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Parivallal Thillaigovindan** <pthillaigovindan@framinghamma.gov>

Date: Wed, Nov 19, 2025 at 1:31 PM

Subject: Re: Data on NFG implementation

To: McGinnes, Hannah (DPH) <Hannah.McGinnes@mass.gov>

Hi Hannah,

Thank you so much for the information. This is very helpful.

I shall keep you posted on any updates.

Best regards,
PariGet Outlook for iOS<<https://aka.ms/o0ukef>>

From: McGinnes, Hannah (DPH) <Hannah.McGinnes@mass.gov>

Sent: Wednesday, November 19, 2025 1:21:15 PM

To: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>

Subject: Re: Data on NFG implementation

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Oh no, so sorry I missed this then.

In short, we do not currently have any data showing the impact NFG policies have on youth tobacco/nicotine use rates. With the exception of Brookline, most policies that MA has have started this year and it will likely take years to notice any real change in use rates. That being said, MTCP does have an evaluation plan for NFG policies involving youth surveys that are currently in the field. Once we finish data collection and analyze the results we will share it back with MTCP programs and partners!

That is not to say there is zero evidence base for these policies, I would recommend reading MTCP's talking points on NFG and the attached policy guide (especially page 6-7) for more information

Hope this is helpful!
Hannah

From: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>
Sent: Wednesday, November 19, 2025 10:42 AM
To: McGinnes, Hannah (DPH) <Hannah.McGinnes@mass.gov>
Subject: RE: Data on NFG implementation

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Hi Hannah,

The meeting was yesterday 🤝 but NGF was not focused much.

Please take your time. Any information will be helpful.

Have a great day,

Thank you so much for your support.

Best Regards,

Pari

From: McGinnes, Hannah (DPH) <Hannah.McGinnes@mass.gov>
Sent: Wednesday, November 19, 2025 8:13 AM
To: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>
Subject: Re: Data on NFG implementation

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Hi Pari!

When do you need this by?

I will say there is limited information out there, but I will see what I can pull together.

From: Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov<mailto:pthillaigovindan@framinghamma.gov>>
Sent: Tuesday, November 18, 2025 3:50 PM
To: McGinnes, Hannah (DPH) <Hannah.McGinnes@mass.gov<mailto:Hannah.McGinnes@mass.gov>>
Subject: Data on NFG implementation

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Hannah,
I hope all is well.
I have a quick request with regard to NFG policy adopted municipalities.

Is there any data available on NFG policy adopted municipalities showing any change in the trend of smoking and or vaping in middle and high schools and or is there any other data supporting the advantage of NFG policy adoption that helps other communities to take a decision on its adoption of NFG policy. We have BOH meeting in Ashland and the director reached out with such questions.

Please let me know if you have anything on this topic. I am sorry for any inconvenience due to last minute queries.

Thank you for your support.

Best Regards,

Pari

Get Outlook for iOS<[https://urldefense.com/v3/__https://aka.ms/o0ukef__;!!CPANwP4y!VrsSvSKJTrxmS3TTX7QgkZMUi03APu5q_6_DmTWRkncf9NOBMCV2RONivUx1BjIBQykUOHpbTekp32iq-QCzbGgYbrTvqKKhKGra0RHx\\$<https://urldefense.com/v3/__https://aka.ms/o0ukef__;!!CPANwP4y!VrsSvSKJTrxmS3TTX7QgkZMUi03APu5q_6_DmTWRkncf9NOBMCV2RONivUx1BjIBQykUOHpbTekp32iq-QCzbGgYbrTvqKKhKGra0RHx\\$%20>>](https://urldefense.com/v3/__https://aka.ms/o0ukef__;!!CPANwP4y!VrsSvSKJTrxmS3TTX7QgkZMUi03APu5q_6_DmTWRkncf9NOBMCV2RONivUx1BjIBQykUOHpbTekp32iq-QCzbGgYbrTvqKKhKGra0RHx$<https://urldefense.com/v3/__https://aka.ms/o0ukef__;!!CPANwP4y!VrsSvSKJTrxmS3TTX7QgkZMUi03APu5q_6_DmTWRkncf9NOBMCV2RONivUx1BjIBQykUOHpbTekp32iq-QCzbGgYbrTvqKKhKGra0RHx$%20>>)>

One Framingham - Focused on the Future

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

One Framingham - Focused on the Future

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One Framingham - Focused on the Future

Please be advised that the Massachusetts Secretary of State considers e-mail to be a public record, and therefore subject to public access under the Massachusetts Public Records Law, M.G.L. c. 66 § 10.

[boardofhealth:12396] Fwd: Letter from NECSEMA to the Ashland Select Board, and Ashland Board of Health

Rajit Gupta <rgupta@ashlandmass.com>
To: Board of Health <boardofhealth@ashlandmass.com>

Tue, Nov 18, 2025 at 5:35 PM

Dear Board Members,
Good Evening!
Please see an email and letter from the Director of NECSEMA regarding NFG.

Thank You!

Sincerely,



Rajit Gupta, MPH, CHO, RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Peter Brennan** <Peter@necsema.net>

Date: Tue, Nov 18, 2025 at 3:17 PM

Subject: Letter from NECSEMA to the Ashland Select Board, and Ashland Board of Health

To: selectboard@ashlandmass.com <selectboard@ashlandmass.com>, cbennett@ashlandmass.com <cbennett@ashlandmass.com>, bkinsman@ashlandmass.com <bkinsman@ashlandmass.com>, ygreaves@ashlandmass.com <ygreaves@ashlandmass.com>, mwarren@ashlandmass.com <mwarren@ashlandmass.com>, jmagnani@ashlandmass.com <jmagnani@ashlandmass.com>, rgupta@ashlandmass.com <rgupta@ashlandmass.com>, mherbert@ashlandmass.com <mherbert@ashlandmass.com>

Letter from NECSEMA to the Ashland Select Board, and Ashland Board of Health,

Attached is testimony in opposition to the NFG proposal before the board of health on 11/18/2025. I will unfortunately be unable to attend, but if you need any additional information prior to the hearing please reach out.

I would recommend this article from Boston Magazine, which has a good summary of both sides of the issue:
<https://www.bostonmagazine.com/news/2025/07/29/nicotine-free-massachusetts/>

Don't hesitate to contact me if you have any questions. Thank you.

Peter

Peter A. Brennan

Executive Director

New England Convenience Store & Energy Marketers Association, Inc. (NECSEMA)

1044 Central Street, Suite 203, Stoughton, MA 02072

Mobile: 781-901-9841 | Office: 781-297-9600 ext. 3 | Fax: 781-297-9601

peter@necsema.net | www.necsema.net | Join NECSEMA



NECSEMA NFG Letter - Ashland.pdf

240K



New England Convenience Store & Energy Marketers Association

PETER A. BRENNAN
Executive Director

November 18, 2025

Select Board
Ashland Town Hall
101 Main St,
Ashland, MA 01721

Board of Health
Ashland Town Hall
101 Main St,
Ashland, MA 01721

Dear Members of the Ashland Select Board, and Ashland Board of Health,

Some municipalities in Massachusetts are contemplating the adoption of "Nicotine Free Generation" (NFG) regulations to ban the sale of all nicotine products locally. We ask that you reject any attempts to adopt this regulation. Such a policy undemocratically infringes on 21-plus adults in your community and fails to effectively impact youth access to age-restricted products.

Eliminating youth access to age restricted products is a goal retailers share with health officials and NFG proposals, by design, drive nicotine products into the illicit, unregulated market. Removing these legal adult products from regulated environments makes them more, not less, attractive to youth who will seek to obtain such products illegally.

The proposed NFG changes to local tobacco regulations typically state:

"Prohibition of Sales – No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to anyone born on or after 1/1/2004. Any person, firm, corporation, establishment, or agency who or which shall violate any provisions of this regulation and upon written notification shall be fined and suspended in accordance to the schedule set forth under the Regulation of the Board of Health Restricting the Sale of Tobacco Products."

Proponents of NFG claim the policy is intended to protect youth by banning sales, but not access to nicotine products for adults 21 years of age or older. NFG has nothing to do with minors under the age of 21. The adoption of the above or similar language would not reduce youth access to nicotine products in your community but rather would prevent 21-plus adults from purchasing nicotine products just as they currently do alcohol, cannabis, lottery or engage in sports wagering according to the rights granted by the state to those age 21 or older.

It is important to understand why NFG regulation is unnecessary and inappropriate for 21-plus adults, local retailers, and your community:

- Youth access and use of nicotine should be a primary concern when considering novel nicotine regulations. NFG does nothing to prevent access to nicotine for minors under the age of 21.

- Significant concerns about the creation of a “massive,” unregulated illicit market with potentially dangerous products, along with concerns about the loss of tax revenue, led New Zealand to repeal a briefly adopted ban of nicotine products.
- Youth and legal aged adults will continue to find ways to acquire nicotine products just as they did with alcohol during prohibition, and when cannabis was illegal.
- Both retailers and local and state economies will suffer financially as this NFG policy is effectively a de facto prohibition of the product.

Licensed retailers responsibly age verify all regulated nicotine sales by law.

NFG policy is overreaching and not only fails in its attempt to regulate nicotine use, but it is also destructive to the valuations of local businesses that have been built over many years and provide a critical resource for your community. The impact of the regulations will result in harm to local stores, their families, and the local and state economy. Claims that the sunset nature of the policy is “virtuous” demonstrates a complete lack of knowledge and empathy. It is not virtuous, but punishing, since the moment this policy is passed, the value of businesses with a license to sell nicotine products will be destroyed.

We ask both now and in the future that you weigh any similar proposals with sensibility, facts, and fairness in mind.

Adulthood is the ability to make legal choices, despite others’ personal morals.

Many adults choose to responsibly use nicotine products. Your community should maintain a legal way for these adults to obtain them in a regulated environment subject to unannounced inspections.

Some adults choose to use nicotine in its many forms, for many personal reasons, just as they use alcohol and marijuana or wager on sports. The rights and freedoms of adults to make decisions about their individual lives is a key tenet of our democracy.

Your community has historically displayed the wisdom of keeping adult products in regulated and permitted stores and off the streets. Yet, NFG policies represent a tipping point in your community where NFG proponents target all nicotine products as morally wrong, while other adult products that have similarly been deemed harmful remain acceptable. This is bad governance and policy making that tramples on civil liberties and harms small businesses.

It is an inconvenient truth that cities and towns like yours financially benefit from the sale of marijuana, alcohol, and tobacco alike. Ignoring this truth is selective self-deception which erodes faith in government and helps erode faith and confidence in the government’s ability to operate fairly for all. Anti-tobacco advocates have gone too far in using the lure of “youth prevention” to push this policy, when in reality, the NFG policy only prohibits adults’ rights to use legal adult products.

Brookline Committees Rejected NFG.

After significant deliberation and consideration, every Brookline board and committee that held a hearing voted "NO ACTION" on Nicotine Free Generation (NFG) policy.

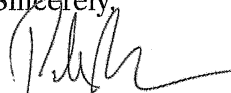
Despite their elected and appointed leaders' rejections of the proposal, a small majority of Brookline Town Meeting members voted to adopt the policy, but they did so without the same time and attention given by boards and committees. Furthermore, they voted on the NFG warrant article (14) two hours into the 3rd of 3 straight "arduous" nights of voting. It would not be a stretch to say energy and attention to this issue were suboptimal by the time the vote was made.

Please consider the implications of instituting a policy such as NFG. It threatens the rights of adults, undermines small business owners, and hinders the local and state economy. Many products, such as alcohol, marijuana, and gambling/lottery are age restricted, with reason, but the trend has been to regulate and monitor the sale and usage of these products to ensure that youth access is restricted while allowing adults to make adult choices. The same should hold true with tobacco and nicotine products.

Citizens lose faith in government when policies regarding regulated products are inconsistent, like the NFG policy, because they contradict common sense.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,



Peter A. Brennan

CC: Edward D. Burman, Board of Health Chair
Michael D. Herbert, Town Manager



Laura Clifford <lclifford@ashlandmass.com>

[boardofhealth:12395] Fwd: Ashland tobacco free

1 message

Rajit Gupta <rgupta@ashlandmass.com>

Tue, Nov 18, 2025 at 5:33 PM

To: Board of Health <boardofhealth@ashlandmass.com>

Dear Board Members,
Good Evening!
Please see an email from one of our Tobacco Vendors regarding NFG.

Thank You!

Sincerely,



Rajit Gupta, MPH, CHO, RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Ankitkumar Patel** <akkipatel1115@yahoo.com>

Date: Tue, Nov 18, 2025 at 3:31 PM

Subject: Ashland tobacco free

To: rgupta@ashlandmass.com <rgupta@ashlandmass.com>, <cbennett@ashlandmass.com>, <bkinsman@ashlandmass.com>, <ygreaves@ashlandmass.com>, <mwarren@ashlandmass.com>, <jmagnani@ashlandmass.com>, <mherbert@ashlandmass.com>

Hi all respected town select board members
Health department personnel, town manager,

My name is SHRUTIBEN PATEL and I own business as 272 POND LLC , which is gas station and convenience store
This is my only business I own and feed my family
As a town of Ashland make agenda to make Ashland nicotine free town , which is good though but I and my business oppose this reform
It will destroy small and independent businesses
In gas station business we sale 45-60 % tobacco products, which has low profit margins and if this bill comes in effect then store like mine and other independent businesses have to close businesses forever
Secondly it gives our town business to other towns
In store we add security system and our train staffs dosen't sale to minors
So I request to all select board members and others town people, board of health to oppose this bill

Thank you
SHRUTIBEN PATEL

Sent from Yahoo Mail for iPhone

 **Ashland, MA BOH Agenda (11-18-25).pdf**
166K

[boardofhealth:12380] Select Board Meeting- NFG discussion

1 message

Rajit Gupta <rgupta@ashlandmass.com>

Wed, Nov 12, 2025 at 6:48 PM

To: Board of Health <boardofhealth@ashlandmass.com>

Dear Board Members,

Good Evening!

Please see a link to the SB meeting, with my discussion with the Board beginning at the 1:01:00 mark regarding NFG.

<http://98.118.96.186/internetchannel/show/8335?site=3&query=select+board&fullText=false>

We will have it on for our upcoming meeting on Nov 18th.

Thank You!

Sincerely,

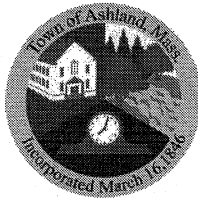
**Rajit Gupta, MPH,CHO,RS***Director of Public Health***Town of Ashland**

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109





Town of Ashland, Office of the Board of Health

Ashland Board of Health Meeting (ZOOM)
Meeting Minutes
August 19, 2025

Ed Burman, Chair
John Byrnes, Vice Chair
Rajit Gupta, Health Agent/Director

David Kinsman, Clerk
Barbra Sekesogundu Simon, Member
Maurice Krasner, Member

Board Members Present

Ed Burman, Jay Byrnes, David Kinsman, Barbara Sekesogundu Simon, and Maurice Krasner.

Others Present

Rajit Gupta, Health Director
Laura Clifford, Administrative Assistant

Call Meeting to Order

Mr. Burman called the meeting to order at 6:00 PM.

Citizen's Participation

None.

External Grease Trap Waiver, Cheirin Bao Ashland LLC, 12 Pond Street

Tilda Bohannon, Business Consultant for Cheirin Bao, explained that Cheirin Bao is a franchise in Brazil with over 1,000 stores. There will be no fried food, the sandwiches will come to the store frozen, and they are microwaved prior to serving to the customers. The owners have been trained and certified in food management and allergen safety, and have received training for chokesaver certifications.

Motion: Mr. Burman motioned to approve the Grease Trap Waiver for Cheirin Bao, Ashland LLC, 12 Pond Street. The motion was seconded by Mr. Byrnes.

Vote: 5-0-0. Motion approved.

Ms. Bohannon noted they are hoping to open as soon as possible, once they complete the building construction, in a month or two.

Fee Schedule, add Pastry & Beverage Permit Application Fee (Daily/Up to 10 days)

Mr. Gupta explained that this is a minor change for convenience, to lessen a permit fee for someone who may be doing a small event in which only coffee and donuts are served. This permit will be available for \$10, or \$25 for up to ten days. A regular temporary food permit is \$40. This will be added to the Fee Schedule, which is a Regulation, and will need to be signed by the Board.

Motion: Mr. Byrnes motioned to make the changes to the Fee Schedule, as discussed, to add the Pastry and Beverage Permit Application Fee. Mr. Burman seconded the motion.

Vote: 5-0-0. Motion approved.

Health Director's Agenda:

- **Shadows Shelter Complaint, Multiple Food Safety and Housing Issues**
Mr. Gupta reported that in July we received a complaint from a former resident of the shelter; Mr. Gupta and Deputy Chief Moraghan conducted an inspection and a Letter to Correct Order was issued. A follow-up inspection was conducted, and some of the items were corrected, they are looking at rectifying the remaining issues. David Davidowicz, who was present for the meeting, stated that he is working to have this situation resolved as soon as possible.
- **Arbovirus Reports / Central Mass Mosquito Control Project**
Mr. Gupta reported that unfortunately today we received a report that they found a West Nile Virus positive mosquito sample in Ashland, they have also been found in Framingham, Holliston and Hopkinton, so care must be taken to avoid getting bit. Information will be sent out via Social Media, and the Town Manager's Newsletter. So far, in the State, we have had 240 West Nile Virus positive mosquito samples, as well as 13 positive samples for EEE. There is one animal case that was found in a goat last month.
- **Swimming Pool Inspections**
Mr. Gupta reported conducting spot checks at the four pools; three of the pools were fine; when he conducted the inspection at The Asher, he found the pool door open, he also found the door where the pool pump and chemicals are kept open as well. Mr. Gupta had an email exchange in which he informed the ownership.
- **Hazard Mitigation Plan**
Mr. Gupta updated the Board on the status of the Town's Hazard Mitigation Plan; he noted that a MAPC representative gave a presentation at the Select Board meeting. Once approved by FEMA it will be in place.
- **Farmers Market – Board of Health Table**
Mr. Gupta reported that a table was setup at the Farmers Market, they gave out tick kits, as they are seeing an increase in tick-borne illnesses.
- **Ashland Ale House, 135 Discount, Wastewater issue**
Mr. Gupta reported that this issue with wastewater is resolved; Mr. Curran was there a few weeks ago and did not see any water. If anything comes up he will bring it to the Board's attention.
- **Sunnyside Restaurant, Update**
Mr. Gupta reported that Sunnyside had a passing inspection, he will forward the report to the Board. We still have a \$400 outstanding fine.

- Fall Vaccine Clinic Dates Announced:
 - September 8th: 11:00AM-1:30PM
 - September 15th: 11:00AM-12:45PM
 - October 13th: 11:00AM-1:00 PM
 - October 27th: 11:00AM-1:00PM

Four clinics have been scheduled with Pine Hill Pharmacy, they are held on Mondays; one of the clinics is falling on the Columbus Day holiday, they kept it on specifically for residents who may have the day off and want to come in. We will also be doing our regular Wednesday and Thursday clinics as well; flu vaccine will be available for any uninsured/underinsured residents.

- Unpermitted Chickens, Roosters: 237 Pleasant Street
Two citations have been issued at 237 Pleasant Street by Dona Walsh, Animal Inspector; the owner is currently dealing with Conservation Commission, and has submitted an Animal Permit Application with us, so if they are cleared by Conservation, we will review their application.
- Housing Cases: 137 Pond Street, 20 Joanne Drive #35 and #10, 242 Main Street
The heirs for 137 Pond Street have been paid out by the sale of the property. A second reinspection was conducted at #35 Joanne Drive, there is still roach activity; another complaint was received for #10, Mr. Gupta is following up with management.
242 Main Street has had issues going on for a while, there were issues at the previous residence she lived at as well. We have conducted a couple of reinspections, there are some sanitation issues as well; she has been asked to declutter, and clean up after the rabbit that she keeps.
- OpenGov Permitting Software; Update
Mr. Gupta reported that all of our permitting is live on OpenGov; Mr. Gupta thanked Mr. Byrnes for helping with the testing of the Animal Permit application. They are still working on the Inspectional Software.
- Remote Area Medical (RAM) Clinic, August 1-3, 2025, Framingham; Recap
372 patients were seen at the RAM Clinic, close to the same numbers as last year.
- Disease Investigations; Update
Mr. Gupta discussed receiving reports for two cases of Human granulocytic anaplasmosis, which is a tick-related disease, a case of legionella, a case of norovirus, and two TB cases.

Mr. Byrnes requested that a link to the Select Board Meeting / Hazard Mitigation Plan Presentation be sent to the Board.

Mr. Krasner inquired as to The Asher pool gate being open after the owner, during a Board of Health meeting, had discussed a special gate-locking system; which is ineffective if the door is going to be left open. Mr. Gupta responded that there was a guard manning the pool area inside; he will keep an eye and do another spot-check.

Mr. Krasner inquired as to the water that is leaking near the wetlands, whether an environmental report was issued. Mr. Gupta will check on this.

Consent Agenda:

- Review and Approve FY2026 YTD Budget Reports
- Meeting Minutes, July 15, 2025

Motion: Mr. Byrnes motioned to approve the consent agenda; Ms. Sekesogundu Simon seconded the motion.

Vote: 5-0-0. Motion approved.

Discuss Future Agenda Items; Tobacco Regulation Review

Mr. Gupta reported meeting with the Tobacco Agent from Framingham, who has made draft edits to our Tobacco Regulation; he will review this, as well as the Nurse, Anne Fitzgerald, then he will ask David Kinsman to review, and will bring it to the next Board Meeting to adopt.

Zachary Rich, physician at Boston Medical and part of the Nicotine-Free Generation group, inquired if the Board would be interested in hearing more about the Nicotine-Free Generation. Mr. Burman noted we will have him on the next agenda; Mr. Rich said they need about ten minutes, and can be available to attend on any upcoming meeting date.

Next Meeting Dates: September 2nd and September 16th

Adjournment

Motion: Mr. Byrnes made a motion to adjourn the meeting; Ms. Sekesogundu Simon seconded the motion.

Vote: 5-0-0. Motion approved.

The meeting adjourned at 6:26 PM.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 8/19/2025 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Request from Cheirin Bao for waiver from Fats, Oils and Grease Regulation
2. Revised Fee Schedule, dated 8/19/2025
3. July 15, 2025 draft Meeting Minutes
4. BOH Year-to-Date Budget Report

Ashland Board of Health Meeting (ZOOM)

September 16, 2025, 6:00 PM

To Join Zoom Meeting:

<https://us02web.zoom.us/j/87064042997?pwd=ZVEvUGZ2cIA3TURTY21tYXpJMGdZQT09>

Meeting ID: 870 6404 2997

Passcode: 307135

- 1. Call Meeting to Order, 6:00 PM**
- 2. Citizen's Participation, 6:00 PM**
- 3. Tobacco-Free Generation, Discussion with Zachary Rich, 6:00 PM**
- 4. Ashland Day at Stone Park, October 4, 2025 (Raindate October 5, 2025)**
- 5. Health Director's Agenda:**
 - **Fall Vaccine Clinics with Pine Hill Pharmacy, Remaining Dates:**
 - **September 15th: 11:00AM-12:45PM**
 - **October 13th: 11:00AM-1:00 PM**
 - **October 27th: 11:00AM-1:00PM**
 - **Shadows Shelter, Complaint, Food Safety and Housing Issues, Update**
 - **Seasons Market, 123 Union Street, Mosquito Complaint**
 - **12 Pond Street, Cheirin Bao, Update**
 - **Ashland Ale House, 135 Discount, Wastewater issue**
 - **Unpermitted Chickens, Roosters: 237 Pleasant Street**
 - **Housing Cases: Joanne Drive #35 and #10, 242 Main Street**
 - **MEHA 2025 Yankee Conference, September 10-12, 2025**
 - **Housing Code Training at Needham Health Department**
 - **Arbovirus Reports / Central Mass Mosquito Control Project**
 - **Blood Donation Drive, September 26, 2025**
 - **Disease Investigations; Update**
- 6. Consent Agenda:**
 - **Review and Approve FY2026 YTD Budget Reports**
 - **Meeting Minutes, August 19, 2025**
- 7. Discuss Future Agenda Items; Tobacco Regulation Review**
- 8. Next Meeting Dates: October 7, October 21, 2025**
- 9. Adjournment**

This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.

September 16, 2025, Board of Health Meeting Minutes

Laura Clifford <lclifford@ashlandmass.com>

Tue, Nov 4, 2025 at 9:08 AM

To: Meeting Minutes <meeting-minutes@ashlandmass.com>

Hi Cindy and Chris,

Please see the attached approved meeting minutes from the Board of Health's September 16, 2025 meeting.

Thank you!

Laura



Laura Clifford

Community Development & Health Department

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-881-0100 x 7128

f: 508-881-0182



20250916BOHminutes.pdf

680K



Town of Ashland, Office of the Board of Health

Ashland Board of Health Meeting (ZOOM)
Meeting Minutes
September 16, 2025

Ed Burman, Chair
John Byrnes, Vice Chair
Rajit Gupta, Health Agent/Director

David Kinsman, Clerk
Barbra Sekesogundu Simon, Member
Maurice Krasner, Member

Board Members Present

Ed Burman, Jay Byrnes, David Kinsman, Barbara Sekesogundu Simon, and Maurice Krasner.

Others Present

Rajit Gupta, Health Director
Laura Clifford, Administrative Assistant

Call Meeting to Order

Mr. Burman called the meeting to order at 6:00 PM.

Citizen's Participation

None.

Tobacco-Free Generation, Discussion with Zachary Rich, 6:00 PM

Mr. Gupta explained that Zachary Rich had joined our last meeting to request attending tonight's meeting to discuss the Nicotine-Free Generation (NFG), which has been adopted in 17 communities so far.

Zachary Rich explained that he is a critical care doctor, dealing with lung and tobacco-related illnesses, he stated that he feels strongly about this issue. Dr. Rich shared a presentation that reviewed TFG policies; TFG policies restrict sales to those born after a certain birthdate, rather than age. Anyone who can currently purchase nicotine products will always be able to purchase nicotine products.

In most cases, the policies have been repealed, except for in Brookline, where it was challenged in the courts and upheld. It is a gradual phase-out to help the health of future generations. The vast majority of smokers wish they had never started, most smokers started before the age of 18.

Brookline was the first to enact Tobacco Free Generation in 2020; it was challenged in court and upheld by the Massachusetts Supreme Court. Dr. Rich stated that this is a bipartisan issue; these policies provide broad support. Dr. Rich noted Ashland being one of the first in the Tobacco 21 movement, increasing the purchasing age from 18 to 21, which went on to being signed by the President as a National policy in 2019.

Dr. Rich explained that the policy would prohibit any tobacco sales vendor from selling tobacco products within the municipality to any individual born on or after January 1, 2005.

Mr. Burman inquired as to whether the legislation is voted on strictly by the Board of Health; Dr. Rich explained that in Hopkinton it was strictly the Board of Health, but each municipality has a different way of doing things. Mr. Byrnes inquired, and Dr. Rich responded, that the legislation is for all nicotine products, including vaping and non-combustible products such as pouches. In Brookline the basis cited for the challenge was municipal overreach.

Mr. Krasner inquired as to the effect the policy has had in Brookline; Dr. Rich noted that it has been in effect for five years now; they are actively studying this. There is evidence from the Tobacco 21 movement that shows it did have an effect. Dr. Rich noted that they have not seen any commercial retailers go out of business.

Ms. Sekesogundu-Simon inquired as to the penalties or fines that Town have imposed on businesses; Dr. Rich stated that many follow the existing fine structure for selling to minors.

Mr. Burman suggested that Mr. Gupta speak with the Town Manager to see if this is something that the Select Board has interest in, and whether a public hearing should be held.

Maria and Scott Francis, residents, thanked the Board for allowing this matter to be heard; Mr. Francis stated he has had a long-term addiction to nicotine, it was the hardest addiction to overcome. Ms. Francis expressed her passion for the well-being of the community, as a smoker since the age of 14 she understands the importance of this issue. Their son Jack also spoke in favor of passing the Nicotine Free Generation.

Amy Turncliff, resident, stated that she has three teenage children and has worked in youth substance prevention for over 20 years; Ms. Turncliff spoke in support of the Nicotine-Free Generation policy movement, noting that we would all like an addiction-free future.

Mr. Burman inquired if there is an education component that goes along with this, that could start with Middle School students. Dr. Rich stated they have a team of public health nurses that are excited to come and do exactly that.

Mr. Burman thanked everyone who joined this conversation, and Dr. Rich for the presentation.

Ashland Day at Stone Park, October 4, 2025 (Raindate October 5, 2025)

Mr. Gupta reported that so far we have 11 permitted vendors for Ashland Day; there are two vendors we are currently working with; one may need to be denied based on the fact that they do not have a base of operations. The YMCA will be attending with a mobile food truck, as well as an animal zoo.

Health Director's Agenda.

- **Fall Vaccine Clinics with Pine Hill Pharmacy, Remaining Dates:**

- **September 15th: 11:00AM-12:45 PM**
- **October 13th: 11:00AM-1:00 PM**
- **October 27th: 11:00AM-1:00PM**

Mr. Gupta reported that we have had two clinics so far, the clinic attendance is slightly lower this year, compared to last year. In addition to the clinic, we have on-hand 40 doses of free Flu vaccine for uninsured, and underinsured.

- **Shadows Shelter, Complaint, Food Safety and Housing Issues, Update**

Mr. Gupta stated that the housing issues have been addressed and are closed; the food side is still pending.

- **Seasons Market, 123 Union Street, Mosquito Complaint**

We received a complaint in regards to a large number of mosquitoes; they have sprayed a couple times and have cleaned up around the property, so we are all set on this.

- **Ashland Ale House, 135 Discount, Wastewater issue**

Mr. Gupta stated that this issue has been resolved and is now closed.

- **Unpermitted Chickens, Roosters: 237 Pleasant Street**

This complaint came to us in July, the rooster is gone but they still have chickens. The owners were told by Conservation that they would need to file an RDA due to their proximity to wetlands, although they have not yet filed.

Mr. Burman noted that Dona Walsh, Animal Inspector, spoke to him in regards to three roosters that were found abandoned that were being kept at the Ashland kennel; however, they are not allowed to be kept there, she may be in touch regarding a possible waiver to keep roosters housed at the kennel.

- **Housing Cases: Joanne Drive #35 and #10, 242 Main Street**

There are two open housing cases at Joanne Drive; Mr. Gupta is waiting for a pest control report for one, the other needs a reinspection. 242 Main Street has been closed.

- **MEHA 2025 Yankee Conference, September 10-12, 2025**

Mr. Gupta attended the Yankee Conference in Plymouth last Wednesday through Friday, Commissioners from both DPH and DEP spoke at the conference. There is a new food software service that will be provided throughout the State called Metrix. We did have some challenges with the Inspection part of OpenGov, so we will see how it works out.

- **Housing Code Training at Needham Health Department**

Mr. Gupta discussed the five-day Housing training that is held in Needham on Mondays, which is sponsored by the State; he has two more Monday sessions to go. One of the training hub trainers will be coming to Ashland to go on a Housing case with him.

- **Arbovirus Reports / Central Mass Mosquito Control Project**

There are 436 mosquito positive samples for WNV and 23 mosquito positive samples for EEE. There are four cases of West Nile Virus in the State.

- **Blood Donation Drive, August 26, 2025**

There were 20 units of blood donated, the next Blood Drive is scheduled for January 13th.

- **Disease Investigations; Update**

Today we received a case of Hep A; there are two other TB cases.

Consent Agenda:

- **Review and Approve FY2026 YTD Budget Reports**
- **Meeting Minutes, August 19, 2025**

Motion: Mr. Byrnes motioned to approve the consent agenda as presented; which was seconded by Mr. Burman.

Vote: 5-0-0. Motion approved.

Discuss Future Agenda Items; Tobacco Regulation Review

Mr. Gupta noted that the Tobacco Regulations can be reviewed together with the Tobacco-Free Generation; Mr. Gupta stated that there are a couple other regulations that have not been reviewed in some time that we may want to review, including Well Regulations. Mr. Byrnes would like to discuss Tobacco-Free Generation further.

Next Meeting Dates: October 7, October 21, 2025

Mr. Gupta will discuss with Mr. Burman the next meeting date, as well as any new issues for the next agenda.

Adjournment

Motion: Ms. Sekesogundu-Simon made a motion to adjourn the meeting; Mr. Kinsman seconded the motion.

Vote: 5-0-0. Motion approved.

The meeting adjourned at 7:00 PM.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 9/16/2025 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Nicotine-Free Generation Letter/Presentation
2. Year-to-Date Budget Report
3. August 19, 2025 draft Meeting Minutes
4. BOH Year-to-Date Budget Report

Board of Health Meeting, November 18, 2025

Laura Clifford <lclifford@ashlandmass.com>

Fri, Nov 14, 2025 at 10:31 AM

To: Cindy Livingstone <clivingstone@ashlandmass.com>, Christopher Sullivan <csullivan@ashlandmass.com>, Rajit Gupta <rgupta@ashlandmass.com>

Hi Cindy and Chris,

The Board of Health will be meeting via Zoom only (No need for SB meeting room) on November 18th at 6:00 PM; please see updated draft agenda in Civic Plus.

Thank you,

Laura



Laura Clifford

Community Development & Health Department

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-881-0100 x 7128

f: 508-881-0182





Town of Ashland

MASSACHUSETTS

Ashland Board of Health Meeting (ZOOM)

November 18, 2025, 6:00 PM

Join Zoom Meeting

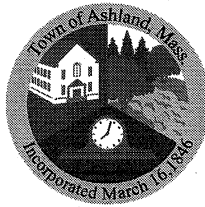
<https://us02web.zoom.us/j/87064042997?pwd=ZVEvUGZ2cIA3TURTY21tYXpJMGdZQT09>

Meeting ID: 870 6404 2997

Passcode: 307135

1. **Call Meeting to Order, 6:00 PM**
2. **Citizen's Participation, 6:00 PM**
3. **Cirrus Apartments, Repeated Trash/Dumpster Violations, Update: 6:00 PM**
4. **Nicotine-Free Generation, Discussion**
5. **Health Director's Agenda:**
 - **Tobacco Regulation Violation Hearing, Scheduled for December meeting.**
 - **OpenGov Online Permitting, Update**
 - **Metrix, State-Provided Inspectional Software Program, Update**
 - **MHOA Conference, November 5 – 7, 2025, Mass Mutual Center, Springfield, MA**
 - **Kratom and 7-OH**
 - **Drug Take-Back Day at the Ashland Community Center, Saturday, October 25th -**
 - **Beaver Dams**
 - **Monkey Pox Advisory, Update**
 - **Latest Fall Vaccine Clinic Dates with Pine Hill Pharmacy:**
 - **October 13th, October 27th, October 29th, November 12th (Complete)**
 - **November 19th, at Town Hall, 11:00 AM – 1:00 PM**
 - **Unpermitted Chickens: 237 Pleasant Street**
 - **Housing Cases: 19A Joanne Drive, #3A; and, 49 Cherry Street**
 - **Arbovirus Reports, Update**
 - **Disease Investigations; Update**
6. **Consent Agenda:**
 - **Review and Approve FY2026 YTD Budget Reports**
 - **Meeting Minutes, October 21, 2025**
7. **Discuss Future Agenda Items; Tobacco Regulation Violation – Hearing, Tobacco Regulation Review, Well Regulation Review, Approval of 2026 Permit Renewals, and Grease Trap Waivers.**
8. **Next Meeting Dates: December 2, 2025, December 16, 2025**
9. **Adjournment**

This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.



Town of Ashland, Office of the Board of Health

Ashland Board of Health Meeting (ZOOM)
Meeting Minutes
November 18, 2025

Ed Burman, Chair
John Byrnes, Vice Chair
Rajit Gupta, Health Agent/Director

David Kinsman, Clerk
Barbra Sekesogundu Simon, Member
Maurice Krasner, Member

Board Members Present

Ed Burman, Jay Byrnes, David Kinsman, Maurice Krasner, and Barbra Sekesogundu Simon.

Others Present

Rajit Gupta, Health Director
Laura Clifford, Administrative Assistant

Call Meeting to Order

Mr. Burman called the meeting to order at 6:00 PM.

Citizen's Participation

Laura Romney, stated that she is a Kratom educator; she inquired as to when the Board would be speaking about Kratom and receiving input from the public. Mr. Gupta noted that tonight is just an update from him, that we are not having a public discussion on Kratom during tonight's meeting. Ms. Romney stated she would be able to help answer questions if requested, and has sent an email to the Board. Mr. Burman stated this will be on a future agenda.

Cirrus Apartments, Repeated Trash/Dumpster Violations, Update

Mr. Gupta briefed the Board on the most recent actions taken by Cirrus Apartments regarding the dumpster violations; there is a new dumpster that has been placed in the back. Mr. Gupta noted he has conducted two inspections since the dumpster has been brought in and both times the cover was not on, and there is no cement pad underneath. Mr. Gupta noted this has been going on for over a year now, they should have no more than two additional weeks to comply.

Board Members agreed to allow for an additional two weeks for compliance, if there is no progress, Cirrus Management should be notified that they will be issued citations, and those fines may increase if they remain noncompliant.

Nicotine-Free Generation, Discussion

Mr. Byrnes discussed watching the Select Board Meeting and their discussion on the Nicotine-Free Generation; everyone agrees in regards to the harmfulness of tobacco and nicotine. Mr. Byrnes discussed the concerns brought up during the Select Board meeting, including that there are current legislative actions occurring at the State level, as well as concerns regarding government overreach. In researching whether this mandate is consistent with the Board of Health per MAHB (Mass Association of Health Boards), he does not believe that it falls under the traditional mandate of the Board of Health. Mr. Kinsman agreed, and noted that it may go too far; there are laws and regulations on the books that are intended to keep young people from beginning a lifelong habit of nicotine use. Mr. Kinsman discussed the deterioration of trust in institutions, particularly after Covid. Mr. Kinsman expressed concern with further eroding that trust by telling adults what they can/cannot do, which is a step that should only be taken when clearly necessary.

Mr. Burman discussed this being something that should be voted on by the community at Town Meeting, not a decision made by the Board. Mr. Byrnes agreed and stated he keeps coming back to whether this is actually consistent with our mandate as the Board of Health, he does not see the connection. Citizens who are interested in pursuing this can petition for this at the next Town Meeting as a Bylaw proposal.

Mr. Burman asked that Mr. Gupta report back to the Town Manager/Select Board, that we, as a Board, feel this is not our decision to make. Mr. Burman suggested having a joint meeting with the Select Board if they wish to discuss further.

Health Director's Agenda:

- **Tobacco Regulation Violation Hearing, Scheduled for December meeting.**
Mr. Gupta reported that the violation hearing due to the sale to a minor was postponed to the next meeting; the \$1,000 fine has been paid.
- **OpenGov Online Permitting, Update**
Mr. Gupta updated the Board on the progress the Department has made using OpenGov software for all of our permitting.
- **Metrix, State Provided Inspectional Software, Update**
Mr. Gupta reported that there are challenges with the OpenGov Inspectional Software, we may not pursue this software; they will likely be able to use the State-issued software, Metrix, when it becomes available.
- **MHOA, November 5 – 7, 2025, Mass Mutual Center, Springfield, MA**
Mr. Gupta updated the Board on the MHOA Conference he attended; he attended a session on Nicotine-Free Generation.
- **Kratom and 7-OH review for December meeting**
Mr. Gupta reported receiving multiple emails on the Kratom topic, which he has forwarded to the Board. Our Tobacco Compliance Officer, Parivallal Thillaigovindan, has found that two Ashland vendors are selling Kratom. Mr. Byrnes noted that he sent the Board a desk reference of where things stand with Kratom; many meetings have been occurring at the State and

Federal level, and there are multiple bills being considered at the State level. Mr. Byrnes suggested discussing this at a future meeting; he noted he has done work in this area for quite a while.

Mr. Byrnes explained there are mainly two types of Kratom; there is the synthetic, more concentrated, 7-Hydroxymitragynine, which people find to be a more harmful product, and there is mitragynine, the parent molecule found naturally in the leaves. There are vendors known to sell the concentrated 7-hydroxymitragine product. Most advocates are in favor of continuation of the availability of the leaf (natural) product. Mr. Thillaigovindan discussed whether 7-Hydroxymitragynine, the more concentrated product, was banned in Massachusetts. Mr. Byrnes said that he was not aware of a statewide ban but would look into that.

Mr. Kinsman inquired if the Board can relate to the State our preferred outcome via a letter to our representatives, and that we would like to see an outcome happen soon; State bills can linger for long periods of time with no action; Board Members agreed. Mr. Gupta requested that Mr. Thillaigovindan continue to check the stores to ensure there is no selling of the concentrated 7-Hydroxymitragynine; Mr. Gupta will do spot checks as well.

- **Drug Take-Back Day at the Ashland Community Center, Saturday, October 25th, 2025**
The Police sponsored a successful drug take-back day on October 25th at the Community Center.
- **Beaver Dams, Update**
Mr. Gupta reported that we received a complaint regarding beaver dams and flooding; he went out with the Conservation Agent and found four beaver dams, one was under the culvert near the railroad tracks, one was on Town property, and two others on private property. They are keeping an eye on the Town-owned dam, and may need to issue an Emergency Beaver Permit.
- **Monkey Pox Advisory, Update**
Mr. Gupta reported receiving an advisory from DPH regarding an uptick in the number of Monkey Pox cases; there are 34 cases this year in Massachusetts.
- **Latest Fall Vaccine Clinic Dates with Pine Hill Pharmacy: October 13th., October 27th, October 29th, November 12th, November 19th, at Town Hall, 11:00 AM – 1:00 PM**
Mr. Gupta reported that there have been five clinics with Pine Hill Pharmacy this season, and there is sixth one scheduled for tomorrow. This is in addition to the Wednesday/Thursday childhood clinics.
- **Unpermitted Chickens: 237 Pleasant Street**
No update; still waiting for residents to file with Conservation.
- **Housing Cases: 19A Joanne Drive #3A, 49 Cherry Street**
Mr. Gupta discussed the recent housing cases; one involved a roach infestation as well as mice at Chestnut Place, and we have issued an Order letter. Mr. Gupta expressed concern with the pest activity at Chestnut Place Apartments. Both dumpster inspections were not good either. The occupant at 49 Cherry Street is still there but has been evicted.

- **Arbovirus Reports, Update**

Mr. Gupta reported the end of the arbovirus season, we had a total of 9 West Nile Virus cases this year. No EEE cases, which is good news.

- **Disease Investigations; Update**

Mr. Gupta reported receiving 2 TB cases and one case of Hepatitis C.

Consent Agenda:

- **Review and Approve FY2026 YTD Budget Reports**
- **Meeting Minutes, October 21, 2025**

Motion: Mr. Byrnes motioned to approve the Consent Agenda; the motion was seconded by Mr. Kinsman.

Vote: 5-0-0. Motion approved.

Discuss Future Agenda Items; Tobacco Regulation Violation – Hearing, Tobacco Regulation Review, Well Regulation Review, Approval of 2026 Permit Renewals, and Grease Trap Waivers.

Next Meeting Dates: December 2, 2025, December 16, 2025

The Board discussed whether to meet in-person or via Zoom; they agreed to wait and see. If it is a light agenda the Board will meet via Zoom, if it is a larger agenda, they will plan to meet in-person.

Davi Ribeiro, the new owner of Killa Pizza, thought he was supposed to attend tonight's meeting due to a change of ownership that occurred without notifying the Board of Health Office; but it was never confirmed that he was required to come in. Mr. Gupta reminded Mr. Ribeiro that we need to see plans regarding the work they are planning to do, and any equipment they will be replacing.

Adjournment

Motion: Ms. Sekesogundu Simon made a motion to adjourn the meeting; Mr. Kinsman seconded the motion.

Vote: 5-0-0. Motion approved.

The meeting adjourned at 6:45 PM.

ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 11/18/2025 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Year-to-Date Budget Report
2. October 21, 2025 draft Meeting Minutes

Fwd: NFG

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Thu, Jan 22, 2026 at 11:09 AM

Sincerely,

**Rajit Gupta, MPH, CHO, RS***Director of Public Health***Town of Ashland**

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Buzby, Maureen** <mbuzby@cityofmelrose.org>

Date: Wed, Nov 12, 2025 at 8:21 PM

Subject: RE: NFG

To: Rajit Gupta <rgupta@ashlandmass.com>

Cc: Chui, Anthony <achui@cityofmelrose.org>

Hello again, Rajit.

This time I'll address you by YOUR name and not by my colleague Gruha's name. Just before writing to you I responded to an email from Gruha and managed to repeat her name in my answer to you. Sorry about that.

BTW, did you meet Gruha at MHOA? She did a workshop: "How Epidemiologists Can Assist Local Public Health Nurses in TB Investigations". I didn't get to see it as her workshop was at the same time as our NFG workshop, but I heard it was very well received. So many good offerings at MHOA!

I suspect Anthony may also address the data question but I do want to add that, as with other brand new regulations, we rely on knowledge we already have – for instance, we know that greater access to products creates more opportunity for people, in this case young people, to become users of that product. One of the goals of NFG, in addition to reducing availability, is to deformatize tobacco and nicotine use, the same way we denormalized smoking in public places by adopting the smoke-free workplace law.

I think the "whereas's" in the model reg provide good support for NFG as well as for our other tobacco regulations. Let me know if you need a copy of the model reg.

Not sure if you received the ASH (Action on Smoking Health) Tobacco Endgame or "Sunset" update. Let me know. So much happening around the globe. It's an exciting time for sure.

Hope this helps.

Best regards,

Maureen

Work: 781-979-4158

Cell: 781-307-1411

From: Buzby, Maureen

Sent: Wednesday, November 12, 2025 5:28 PM

To: 'Rajit Gupta' <rgupta@ashlandmass.com>; Chui, Anthony <achui@CityofMelrose.org>

Subject: RE: NFG

Hi Gruha,

Too early for any data in our communities. It may be years before we have actual data. NFG is a slow rollout. Each year after adoption only a small percentage of potential new customers will be affected. Down the road perhaps YRBS data will help us.

Bills have been filed in both the State Senate and in the State House.

There was a public hearing before the Joint Committee on Public Health in July. No vote expected this legislative session.

Please let me know if you have other questions. Anthony may want to add to this.

Thanks,

Maureen

From: Rajit Gupta <rgupta@ashlandmass.com>

Sent: Wednesday, November 12, 2025 5:15 PM

To: Chui, Anthony <achui@cityofmelrose.org>; Buzby, Maureen <mbuzby@cityofmelrose.org>

Subject: NFG

Hi Anthony/ Maureen,

Good Evening!

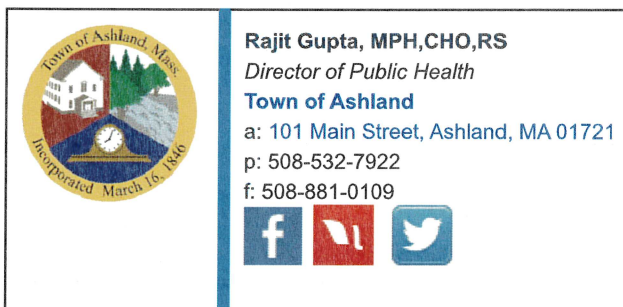
It was great meeting you both at MHOA and the session on NFG was very informative.

Please provide if you have any data on the impacts of NFG in the communities that adopted it so far and also if there is anything filed with the state legislature in regards to this.

Appreciate your assistance on this matter.

Thank You!

Sincerely,



Please remember when writing or responding, the Massachusetts Secretary of State has determined that e-mail is a public record. This e-mail is intended to be conveyed only to the designated recipient(s) named above. Any use, dissemination, distribution, or reproduction of this message by unintended recipients is not authorized and may be unlawful. ****CITY OF MELROSE PUBLIC

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****CITY OF MELROSE PUBLIC RECORDS NOTICE: Please be advised that the Massachusetts Attorney General has determined that email is a public record unless the content of the email falls within one of the stated exemptions under the Massachusetts Public Records Laws.****

NFG

2 messages

Laura Clifford <lclifford@ashlandmass.com>

Fri, Nov 7, 2025 at 9:10 AM

To: Rajit Gupta <rgupta@ashlandmass.com>

Hi Raj,

Did Hopkinton get back to you, with a copy of their regulations? Did Dr. Rich send you other communities' regulations?

If not I'll just send out the ones I found online today.

Thank you!

Laura

**Laura Clifford**

Community Development & Health Department

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-881-0100 x 7128

f: 508-881-0182



Rajit Gupta <rgupta@ashlandmass.com>

Fri, Nov 7, 2025 at 9:20 AM

To: Laura Clifford <lclifford@ashlandmass.com>

Please send whatever you have found so far.
Thanks!

Sent from my iPhone

On Nov 7, 2025, at 9:10 AM, Laura Clifford <lclifford@ashlandmass.com> wrote:

[Quoted text hidden]

Brookline / Needham Tobacco Regulations

Laura Clifford <lclifford@ashlandmass.com>

Fri, Nov 7, 2025 at 12:43 PM

To: Board of Health <boardofhealth@ashlandmass.com>

Hello Board Members,

Please see attached Regulation and Bylaw for the cities of Brookline and Needham.

Have a nice weekend!

Laura



Laura Clifford

Community Development & Health Department

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-881-0100 x 7128

f: 508-881-0182



2 attachments

 **Tobacco Regulation NFG - Needham.pdf**
497K

 **Brookline - Tobacco Town ByLaw.pdf**
82K



**Needham Public
Health Division**
Prevent. Promote. Protect.

Board of Health

Edward Cosgrove, PhD Stephen Epstein, MD, MPP Tejal K. Gandhi, MD, MPH

Robert Partridge, MD, MPH Aarti Sawant-Basak, PhD

ARTICLE 1

Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham

A. Statement of Purpose:

Whereas, there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat;¹

Whereas, the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin² and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,³ and that it is addiction to nicotine that keeps youth smoking past adolescence;⁴

Whereas, a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers “spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive” and that these companies were likely to continue targeting underage smokers;⁵

¹ U.S. Center for Disease Control and Prevention (CDC), *Health Effects of Cigarette Smoking Fact Sheet* (2021), https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

² CDC, *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*, (2010), http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

³ U.S. Dep’t of Health and Hum. Servs., *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General* at 122 (2014), <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

⁴ *Id.* at 13 (Executive Summary).

⁵ *United States v. Phillip Morris*, 449 F.Supp.2d 1, 1605-07 (D.D.C. 2006).

Whereas, the majority (90%) of smokers begin smoking before the age of 25, and over 5 million youth and young adults (ages 25 and under) smoke;⁶

Whereas, cigars and cigarillos, can be sold in a single “dose;” and enjoy a relatively low tax as compared to cigarettes;⁷

Whereas, spitless tobacco sales have increased from 100,000 units a year in 2018 to over 700,000 units a year by 2023;⁸

Whereas, nicotine use in any form during adolescence can cause addiction and can harm parts of the brain that control attention, learning, memory, mood, and impulse control. Nicotine use may also increase adolescents’ risk of future addiction to other drugs;⁹

Whereas more than 90 percent of all adult smokers begin smoking before the age of 18. In 2023, 22.2% of U.S. middle and high school students reported ever using any tobacco product, corresponding to 6.21 million persons, and 10% or 2.8 million middle and high school students reported current tobacco use;¹⁰

According to the 2021 National Youth Tobacco Survey (NYTS), 17.1% of current youth smokers reported directly purchasing cigarettes from a gas station or convenience store and 7.0% reported directly purchasing cigarettes from a vape shop or tobacco shop;¹¹

Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products to 21 will likely reduce tobacco initiation, particularly among adolescents 15 – 17, which would improve health across the lifespan and save lives;¹²

Whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 2% of Needham high school students used cigarettes on at least one day of the 30 days before the survey, compared with 3% of students in 2021. And whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 10% of Needham high school students used cigarettes in their lifetime, compared with 9% of students in 2021;

⁶ Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, *Key substance use and mental health indicators in the United States: Results from the 2020 National Survey on Drug Use and Health* (HHS Publication No. PEP21-07-01-003, NSDUH Series H-56) (2021) (Retrieved from <https://www.samhsa.gov/data/>).

⁷ CDC, *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5) (2009) (Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>).

⁸ Massachusetts Dept. of Public Health, *Updated Presentation: Monitoring the Impacts of MA Flavored Tobacco Law* (2024).

⁹ Campaign for Tobacco Free Kids, *The Rise of Products Using Synthetic Nicotine* (2021) (<https://assets.tobaccofreekids.org/factsheets/0420.pdf>)

¹⁰ Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, CDC; ²Center for Tobacco Products, Food and Drug Administration, Silver Spring, Maryland.

¹¹ 2021 National Youth Survey, <https://www.cdc.gov/mmwr/volumes/71/ss/ss7105a1.htm>

¹² IOM (Institute of Medicine) 2015. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. Washington DC: The National Academies Press, 2015.

Whereas, data from the 2023 MetroWest Adolescent Health Survey shows 9.6% of Needham High School students and 11.1% of high school students from 24 communities in the Metro West Region used any nicotine products in the past 30 days (cigarettes, smokeless tobacco, cigars, pouches, gum or electronic vapor products);

Whereas use of e-cigarettes among students in Massachusetts is 16%, representing a decrease of 1.5% for highschoolers between 2021 and 2023. Middle school 30-day use remained the same at 4.9 between 2021 and 2023;¹³

Whereas 16% of Massachusetts youth currently use e-cigarettes and 30.4% have tried them¹⁴ and in Needham 8.6% of Needham high school students currently use e-cigarettes and 17% of those students have tried e-cigarettes once in their lifetime, according to the 2023 MetroWest Adolescent Health Survey (MWAHS);¹⁵

Whereas, spitless tobacco, in particular nicotine salt packages, provides a discrete, cheap nicotine delivery system;¹⁶

Whereas, the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking;¹⁷

Whereas, the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are “starter” products that help establish smoking habits that can lead to long-term addiction;¹⁸

Whereas, the U.S. Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco-related death and disease is for local governments to ban categories of products from retail sale;¹⁹

Whereas, the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an “acutely hazardous waste;”²⁰

Whereas, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including number of cigarettes smoked per day, reduced smoking abstinence during a quit attempt, and increased smoking prevalence among youth;²¹

¹³ Massachusetts Department of Public Health, Massachusetts Youth Health Survey (MYHS) 2023

¹⁴ Massachusetts Department of Public Health, 2023 Massachusetts Youth Health Survey (MYHS)

¹⁵ MetroWest Adolescent Health Survey: Needham High School Reports 2023

¹⁶ Ibid.

¹⁷ U.S. Dep’t of Health and Human Servs., *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General* 508, 530 (2012) (www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

¹⁸ Food and Drug Administration, *Fact Sheet: Flavored Tobacco Products* (2011), www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Dep’t of Health and Human Services, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 508, 539 (2012) www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁹ See fn. 3 at p. 85.

²⁰ 310 CMR 30.136

²¹ Ying-Chih Chuang et al., *Effects of neighbourhood socioeconomic status and convenience store concentration on individual level smoking*, 59(7) J. Epidemiol Cmty Health 568 (2005) (doi: 10.1136/jech.2004.029041); Shelley D. Golden et al., *County-level associations between tobacco retailer density and smoking prevalence in the USA, 2012*, 17 (101005) Prev. Med. Rep. (Mar. 2020)

Whereas, the density of tobacco retailers near adolescents' homes has been associated with increased youth smoking rates and initiation of non-cigarette tobacco product use;²²

Whereas, tobacco retailers are more prevalent in underserved communities, especially in neighborhoods with a higher proportion of African American or Hispanic residents;²³

Whereas, policies to reduce tobacco retailer density have been shown to be effective and can reduce or eliminate social and racial inequities in the location and distribution of tobacco retailers;²⁴

Whereas, the Massachusetts Supreme Judicial Court has held that ". . . [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means."²⁵

Now, therefore it is the intention of the Needham Board of Health to regulate the sale of tobacco products.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Needham Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states that "Boards of health may make reasonable health regulations".

C. Definitions:

(doi: 10.1016/j.pmedr.2019.101005); Eric C. Leas et al., *Place-Based Inequity in Smoking Prevalence in the Largest Cities in the United States*, 179(3) JAMA Intern Med., 442 (2019) (doi: 10.1001/jamainternmed.2018.5990); JG Lee et al., *Associations of tobacco retailer density and proximity with adult tobacco use behaviors and health outcomes: a meta-analysis*. Tobacco Control. Published Online First: 03 September 2021; LR Reitzel et al., *The effect of tobacco outlet density and proximity on smoking cessation*. American Journal of Public Health. 2011, 101(2):315-320; L Henriksen et al., *Is adolescent smoking related to the density and proximity of tobacco retailers and retail cigarette advertising near schools?* Preventive Medicine. 2008, 47(2): 210-4.

²² LJ Finan et al., *Tobacco Outlet Density and Adolescents' Cigarette Smoking: A Meta-Analysis*, 28(1) Tob Control. 27 (2019) (doi: 10.1136/tobaccocontrol-2017-054065); Abdel Magid HS et al., *Tobacco Retail Density and Initiation of Alternative Tobacco Product Use Among Teens*, 66(4) J. Adolescent Health 423 (2020) (doi: 10.1016/j.jadohealth.2019.09.004).

²³ Siahpush M. et al., *Association of availability of tobacco products with socio-economic and racial/ethnic characteristics of neighbourhoods*, 124(9) Pub. Health 525 (2010) (doi: 10.1016/j.puhe.2010.04.010); Lee JG, et al., *Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPIRE Study*, 71(5) J. Epidemiol Cmty Health 487 (2017) (doi: 10.1136/jech-2016-208475); D.O. Fakunle et al., *Black, White, or Green? The Effects of Racial Composition and Socioeconomic Status on Neighborhood-Level Tobacco Outlet Density*, Ethn Health. 1 (2019) (doi: 10.1080/13557858.2019.1620178).

²⁴ Ribisl KM, et al., *Reducing Disparities in Tobacco Retailer Density by Banning Tobacco Product Sales Near Schools*, 19(2) Nicotine Tobacco Res. 239 (2017) (doi: 10.1093/ntr/ntw185); HG, Henry et al., *Tobacco Retail Licensing and Density 3 Years After License Regulations in Philadelphia, Pennsylvania (2012-2019)*, 110 (4) Am J. Pub. Health 547 (2020) (doi: 10.2105/AJPH.2019.305512); A.E. Myers et al., *A comparison of three policy approaches for tobacco retailer reduction*, 74 Prev. Med. 67(2015) (doi: 10.1016/j.ypmed.2015.01.025).

²⁵ *Druzik et al v. Board of Health of Haverhill*, 324 Mass. 129 (1949).

For the purpose of this regulation, the following words shall have the following meanings:

Adult-Only Retail Tobacco Store (also known as “Retail Tobacco Store” in G.L. c. 270): An establishment that is not adjoined, that has a separate entrance not used by any other retailer, that does not sell food, beverages or alcohol, that does not have a lottery license, whose only purpose is to sell or offer for retail sale tobacco products and/or tobacco product paraphernalia, in which the entry of persons under the age of 21 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products from the Needham Board of Health and applicable state licenses. The entrance to the establishment must be secure so that access to the establishment is restricted to employees and to those 21 years or older. The establishment shall not allow anyone under the age of 21 to work at the establishment. As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of a retailer with a tobacco product sales permit.

Blunt Wrap: Any product made wholly or in part from a tobacco product, manufactured or packaged with loose and removable leaves or section of a leaf, or as a hollow tube, that may be used by the consumer to wrap or contain loose tobacco or other fillers.

Bona Fide Purchaser for Value: A bona fide purchaser is someone who exchanges value for property without any reason to expect irregularities in the transaction.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Characterizing flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 C.F.R. 1700 *et seq.*, pursuant to 15 U.S.C. 1471 through 1476.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package and is not otherwise defined as a cigarette under G.L. c. 64C, §1, Paragraph 1. Tobacco leaf in kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product.

Coupon: Any card, paper, note, form, statement, ticket or other communication distributed for commercial or promotional purposes to be surrendered to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Electronic Nicotine Delivery System: An electronic device, whether for one-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that "electronic nicotine delivery system" shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that "electronic nicotine delivery system" shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; provided further, that "electronic nicotine delivery system" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for that approved purpose.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or

produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a Flavored Tobacco Product.

Health Care Institution: An individual, partnership, association, corporation or trust or a person or group of persons who provides health care services and employs health care providers subject to licensing under this chapter; or a retail establishment that sells pharmaceutical goods and services and is subject to regulation by the board of registration in pharmacy. Health care institutions include but are not limited to hospitals, clinics, health centers, pharmacies, drug stores, doctors' offices, and dental offices.

Liquid Nicotine Container: A package:

- (i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and
- (ii) that is used to hold a soluble nicotine in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

Listed or non-discounted price: The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Manufacturer Documentation: A written document from a manufacturer that certifies which of each of its products is not flavored, as defined under Massachusetts law and these regulations. Manufacturer Documentation shall also mean a written document from a manufacturer that certifies the nicotine content expressed as milligrams per milliliter for each of its Electronic Nicotine Delivery System products. A manufacturer documentation must:

1. Be written by the manufacturer of the product(s).
2. Certify that the product(s) listed in the documentation are neither flavored nor have a characterizing flavor as defined by 105 CMR 665.005.
3. Include an attestation clause indicating that the "letter is true and accurate."
4. State that the "manufacturer will immediately provide an updated letter to correct any inaccuracy."

5. State that the person signing the letter "is authorized on behalf of the manufacturer to sign the letter."
6. Contain a signature of the manufacturer's corporate officer or an owner; and
7. For any Electronic Nicotine Delivery System product, certify that it does not have a nicotine content greater than 35 milligrams per milliliter. The content amount must be in "milligrams per milliliter." If the nicotine content is documented in a separate letter, the above-listed requirements must be included in that separate letter.

Note that a Manufacturer's Documentation IS NOT conclusive evidence that a product is unflavored. A board of health may conduct a smell/taste test to determine if a manufacturer's documentation misrepresents whether a product is flavored.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Oral Nicotine Pouches: Pre-portioned pouches containing nicotine and other ingredients, intended to be used between the cheek and gum to deliver nicotine.

Permit Holder: Any retailer engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or their business agent.

Retailer: Any person, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retail Establishment: A physical place of business or a section of a physical place of business in which a tobacco product is offered for sale to consumers.

Rolling Papers: Sheets, rolls, tubes, cones or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine.

Self-Service Display: Any display including an unlocked humidor regardless of size from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

Smoking Bar: An establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Town of Needham; and (v) maintains a valid license issued by the department of revenue to operate as a smoking bar. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars", "hookah-bars" and "vape bars."

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product. A rolling paper with a characterizing flavor shall be considered a Tobacco Product Flavor Enhancer.

Tobacco Product: A product containing or made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for the approved purpose.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

Workplace: Any enclosed area of a structure, indoor area, facility or a portion thereof at which one (1) or more employees perform services for their employer (including the personal residence of the employer during those hours when used as a place of employment); other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space. It also includes motor vehicles, employee lounges, restrooms, conference rooms, hallways, stairways and entrance ways, as well as exterior, unenclosed spaces at stairs, ramps,

landings, patios, porches, decks, adjacent yards, loading docks and other areas within twenty (20) feet of the entrance doors or other areas where smoke would migrate into the enclosed area of a structure.

D. No Tobacco Sales to Persons Born on or after January 1, 2004

1. No person shall sell or provide a tobacco product to a person born on or after January 1, 2004.

2. Required Signage:

All retail establishments, including adult-only retail tobacco stores, shall conspicuously post signage, made available from the Needham Board of Health. Such signage shall include: (i) referral information for smoking cessation resources; (ii) a statement that sale of tobacco products, including e-cigarettes, to a person born on or after January 1, 2004 is prohibited; (iii) health warnings associated with using electronic nicotine delivery systems; and (iv) except in the case of smoking bars, notice to consumers that the sale of flavored tobacco products are prohibited at all times. Such signage shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. The signage may be in a form developed and made available by the Massachusetts Department of Public Health.

3. Identification:

Each person selling or distributing tobacco products shall first verify the age of **every** purchaser of tobacco products by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is born before January 1, 2004.

E. Tobacco Product Sales Permit:

1. No person shall sell or otherwise distribute tobacco products, as defined herein, within the town of Needham without first obtaining a Tobacco Product Sales Permit issued annually by the Needham Board of Health. Only owners of establishments with a permanent, indoor, non-mobile location in Needham are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Needham.

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Needham regulation. Each applicant is required to sign a statement

declaring that the applicant has read said regulation and that the applicant is responsible for instructing all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. Each applicant who sells tobacco products is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued. Applicant may be asked to provide evidence that a legitimate business transfer or business purchase has taken place.

4. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee for which shall be determined by the Needham Board of Health annually. All required Massachusetts Department of Revenue licenses related to the sale of tobacco products, as defined herein, must also be displayed conspicuously at the retail establishment.

5. As a condition for obtaining and/or renewing a Tobacco Sales Permit, the Needham Board of Health may require tobacco retailers and any employee involved in the sale of tobacco products to participate in training programs provided by, or approved by, the Board regarding compliance with the laws and regulations prohibiting the sale of tobacco products to persons born on or after January 1, 2004.

6. No Tobacco Sales Permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation and state laws regarding the sale of tobacco products and signs a statement, a copy of which will be placed on file in the office of the employer, that the employee has read and understands the regulation and applicable state laws.

7. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation. Neither the permit holder nor their employees shall interfere with or obstruct an inspection.

8. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.

9. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person born on or after January 1, 2004, three times within the permit year or 4 times within the 36-month period of performance and the time period to appeal has expired. The violator may request a hearing in accordance with the Violations section.

10. Retail Density.
 - a. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises
 - b. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of an existing retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the nearest point of the property line of the retailer with a valid Tobacco Product Sales Permit to the nearest point of the property line of the site of the applicant's business premises.
 - c. If the purchaser of a business with a valid tobacco sales permit pursuant to Section E.9 or the current holder of tobacco sales permit changes the location of the business, the new location shall be subject to the retail density requirements of Section E.11.
11. Sale of Business.
 - a. Notwithstanding a cap on the total number of permit holders, the seller of a business holding a valid tobacco sales permit may transfer said permit to a bona fide purchaser for value of the business, subject to approval by the Board of Health, as required herein.
 - b. The purchaser shall apply for the transfer of the permit no later than (30) calendar days after said purchase. The purchaser shall not sell tobacco product until the **transfer of the permit is approved by the Board of Health**; and
 - c. All fines and suspensions of the previous owner must be satisfied prior to the sale.
12. Maximum Number of Tobacco Product Sales Permits—Retiring Cap

As of the effective date of this regulation, any permit surrendered, revoked or not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Needham Board of Health and shall be permanently retired by the Board of Health.

F. Prohibition of Smoking Bars:

Smoking Bars are prohibited in the Town of Needham.

G. Oral Nicotine Pouches:

1. No retailer or person shall sell or distribute or cause to be sold or distributed oral nicotine pouches with a charactering flavor nor those with a nicotine content greater than six (6) mg per individual pouch. Prior to the sale of any nicotine pouch products, a retailer or person will provide a written manufacturer's document certifying the products are not flavored, as defined under Massachusetts law and these regulations. Reference the full description of "Manufacturer Documentation" in Section C, Definitions.
2. Oral nicotine pouches shall only be sold in adult-only retail tobacco stores.

H. Cigar Sales Regulated:

1. No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and ninety cents (\$2.90) or more.
2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars and eighty cents (\$5.80) or more.
3. This Section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Needham.
4. The Needham Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

I. Sale of Flavored Tobacco Products Prohibited:

No person, as defined herein, shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, as defined herein, or any flavored tobacco product enhancer, as defined herein.

Retailers must obtain manufacturer documentation certifying that all products possessed, held, kept, sold or distributed by the retailer do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer (105 CMR 665.010(E)).

J. Nicotine Content in Electronic Nicotine Delivery Systems:

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars.

Retailers must obtain manufacturer documentation verifying that all electronic nicotine delivery products possessed, held, kept, sold or distributed by the retailer indicating the nicotine content expressed as milligrams per milliliter for each electronic nicotine delivery system to be sold in the retail establishment (105 CMR 665.010(C)).

K. Prohibition of the Sale of Blunt Wraps:

No retailer or person shall sell or distribute blunt wraps in Needham.

L. Free Distribution and Coupon Redemption: No retailer or person shall:

1. Distribute or cause to be distributed, any free samples of tobacco products, as defined herein.
2. Accept or redeem, offer to accept, or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; and
3. Sell a tobacco product, as defined herein, through any discount (e.g., "buy-two-get-one-free") if the sale reduces the price of a pack to less than the listed or non-discounted price.

M. Out-of-Package Sales:

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging, or dispensing of any tobacco product, as defined herein, for retail sale. No retailer or person, as defined herein, shall possess, hold, keep, sell, or distribute or cause to be possessed, held, kept, sold, or distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. Permit holders who sell Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, Massachusetts Hazardous Waste Regulations.
3. All permit holders must comply with 940 CMR 21.05 which reads: "It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or

gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S.C. §§1471 through 1476 and 16 CFR §1700 *et seq.*”

4. No permit holder shall refill a cartridge that is prefilled with nicotine in a liquid or gel substance and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

N. Self-Service Displays:

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

O. Vending Machines:

All vending machines containing tobacco products, as defined herein, are prohibited.

P. Non-Residential Roll-Your-Own Machines:

All Non-Residential Roll-Your-Own machines are prohibited.

Q. Prohibition of the Sale of Tobacco Products by Health Care Institutions:

No health care institution located in Needham shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist, or drug store, shall sell or cause to be sold tobacco products, as defined herein.

R. Prohibition of the Sale of Tobacco Products by Educational Institutions:

No educational institution located in Needham shall sell or cause to be sold tobacco products, as defined herein, including by any person or retailer on the property of an educational institution.

S. Incorporation of State Laws and State Regulations:

1. The sale or distribution of tobacco products, as defined herein, must comply with state statutes including but not limited to those provisions found at G.L. c. 270, §§6, 6A, 7, 28, 29 and G.L. c. 112, §61A.

2. The sale or distribution of tobacco products, as defined herein, must comply with state regulations including but not limited to those provisions found at 940 CMR 21.00, Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts, 940 CMR 22.00 Sale and Distribution of Cigars in Massachusetts; and 105 CMR 665.00, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems.

T. PROHIBITION ON SMOKING IN PUBLIC PLACES AND WORKPLACES:

1. No person shall smoke or use an e-cigarette nor shall any person having control of the premises upon which smoking is prohibited by this regulation or by M.G.L. c. 270, §22, or the business agent or designee of such person, permit a person to smoke or use an e-cigarette in any of the following places in addition to those prohibited by G.L. c. 270, §22: all outdoor areas of restaurants, bars, taverns, and any other outdoor place where food and/or beverages, and/or non-alcoholic beverages are sold, served, or otherwise consumed or carried, health care facilities, municipal and school buildings, municipal vehicles, public places, public transportation, retail stores, town-owned parks and playgrounds, town-owned athletic fields, town-owned property, conservation land, nursing homes, hotels, motels, inns, bed and breakfast, lodging homes, and adult-only retail tobacco stores.
2. Notwithstanding any other provision of these regulations, smoking may be permitted in the following places and/or under the following circumstances consistent with all applicable state laws:
 - a. Private residences except those portions used as a public place, food service establishment, childcare, adult care, or health care office during the hours when operating as such.

U. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate G.L. c. 270, §§6, 28, 29 and 105 CMR 665.000, the following penalties apply:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.

- b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
2. For violations of all other sections specific to the Town of Needham, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00), and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three violations within a thirty-six (36)-month period, a fine of three hundred dollars (\$300.00), and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
3. List of state laws and local policies:

Policies Subject to State Law Fines

- Tobacco and Vape Sales to persons under the age of 21 (G.L. Ch. 270, §6)
- Flavored Tobacco Product Sales Restrictions (G.L. Ch. 270, §28)
- Penalties for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.045)
- Local Tobacco Sales Permit suspension for a first violation for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.040(d))
- Required Retailer Signage (105 CMR 665.015)
- Ban on Free Distribution (105 CMR 665.025)
- Ban on Self-Service Displays (105 CMR 665.010(B))

Policies Subject to Local Regulation

- Nicotine Free Generation / Sales to persons born on or after January 1, 2004
- Prohibition of the Sale of Blunt Wraps
- Ban on Smoking Bars
- Cigar Sales Regulated, including minimum sales price regulations.
- Tobacco Product Sales in Health Care Institutions as more broadly defined than in state law.
- Tobacco Product Sales in Educational Institutions
- Non-Residential Roll-Your-Own Machines Ban
- Display of MA Department of Revenue license(s)

Policies Subject to State Law Fines cont.

- Ban on Out-Of-Package Sales (105 CMR 665.030)
- Sales Without a Local Tobacco Product Sales Permit for Smoking Bars and Retail Tobacco Stores only (105 CMR 665.013(A))
- Failure to Check Identification of Purchaser (105 CMR 665.020)
- Nicotine Content in Electronic Nicotine Delivery Systems (G.L. Ch. 270, §29)
- Coupon Redemption (105 CMR 665.025)
- Child-Proofed Liquid Nicotine Containers Required (105 CMR 665.035)
- Failure to obtain manufacturer's non-flavored certification (105 CMR 665.010(E))
- Failure to obtain manufacturer's nicotine content certification (105 CMR 665.010(C))
- Admitting a person under the age of 21 into an Adult-Only Retail Tobacco Store (105 CMR 665.020(B))
- Other state policies

Policies Subject to Local Regulation cont.

- No Local Tobacco Sales Permit
- Retailer Density Minimums
- Transfer of Permit in Sale of Business
- Restricting Oral Nicotine Pouches to adult-only retail tobacco stores
- Other local policies

5. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a thirty-six (36) month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing shall permanently revoke a Tobacco Product Sales Permit.
6. Failure to cooperate or interference with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.
7. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while their permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days. Multiple suspensions of a Tobacco Product Sales Permit shall not be served concurrently.
8. A permit issued pursuant to this regulation may be suspended, revoked, or not renewed for any of the following reasons:
 - a. Violation of the permit holder of any provision of state or local laws and/or regulations.

- b. Fraud, misrepresentation, false material statement, concealment, or suppression of facts by the permit holder in connection with an application for a permit or for renewal thereof.
9. The Needham Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such a hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Needham Board of Health shall impose fines and/or suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.
10. For purposes of such fines, the Board of Health shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense.

V. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in G.L. c. 40, §21D where the penalty calls for a monetary fine not exceeding three hundred (\$300) dollars.

W. Separate Violations:

Each day any violation exists shall be deemed to be a separate offense.

X. Enforcement:

Enforcement of this regulation shall be by the Needham Board of Health, its Director of Health & Human Services, and its designated agents.

The Board of Health may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Needham Board of Health or its designated agent(s) and the Board shall investigate.

Y. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Z. Effective Date:

Regulatory changes imposing limits on the nicotine content of pouches and affirming existing restrictions on flavored nicotine products were discussed by the Board of Health during public meetings on February 21, April 18, and May 20, 2025. A revised regulation reflecting those changes and restricting the sale of nicotine pouches to adult-only retail tobacco stores was posted and public hearings were held on June 20 and August 8, 2025. The amended regulation incorporating those changes was approved by a unanimous vote of the Needham Board of Health on August 8, 2025 and will take effect on October 1, 2025.

A notice and summary of the regulation was posted by the Needham Town Clerk, was posted on the Needham Public Health Division's website, and was published in a newspaper in circulation in the Town of Needham. Copies of this regulation have also been filed with the Needham Town Clerk and the Massachusetts Department of Environmental Protection.

The original Needham Board of Health smoking and tobacco regulation was enacted in September 1991. It has been amended extensively over the years, most notably in 2005 with the enactment of the Tobacco 21 policy, which was phased-in over a three-year period. This regulation was amended again in 2009 with the implementation of a prohibition on the sale of tobacco products in pharmacies. A ban on flavored tobacco was incorporated in 2015, the tolling period for violations was revised in 2017, and restrictions on electronic nicotine delivery systems were incorporated in 2018 and 2019. Updates on the number of permits and also the adoption of updated state regulation requirements, along with the adoption of the state fine schedule, took place in 2020 and 2021. An update to the regulation, unanimously approved by the Board of Health on September 23, 2021, included a modification to the definition of "person" on page six and shall go into effect on October 15, 2021. The Nicotine Free Generation policy was incorporated into the regulation by vote of the Board of Health on December 13, 2024.

TOWN OF BROOKLINE



Article 8.23

Tobacco Control

ARTICLE 8.23
TOBACCO CONTROL

SECTION 8.23.1 - PURPOSE

In order to protect the health, safety and welfare of the public, including but not limited to its younger population, by restricting the sale of and public exposure to tobacco and e-cigarette products known to be related to various and serious health conditions such as cancer, this by-law shall limit and restrict the sale of and public exposure to tobacco and e-cigarette products within the Town of Brookline.

SECTION 8.23.2 - DEFINITIONS

a. Tobacco - Any product containing, made, or derived from tobacco that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco or snuff. "Tobacco" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

b. E-Cigarette - Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery, and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid, with or without nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, hookah pens, or under any other product name.

c. Smoking - Lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other tobacco product or non-tobacco product designed to be combusted and inhaled. The activation of or inhalation of vapor from an e-cigarette shall be considered smoking under this by-law.

d. Tobacco Vending Machine - A mechanical or electrical device which dispenses tobacco or e-cigarette products by self-service, with or without assistance by a clerk or operator.

- e. Self-Service Display - Any display from which customers may select a tobacco or e-cigarette products without assistance from an employee or store personnel.
- f. Minor - A person under twenty-one years of age.
- g. Employee - An individual who performs services for an employer.
- h. Employer - An individual, partnership, association, corporation, trust or other organized group of individuals that utilizes the services of one (1) or more employees.
- i. Workplace - An indoor area, structure or facility or a portion thereof, at which one or more employees perform a service for compensation for the employer, other enclosed spaces rented to or otherwise used by the public; where the employer has the right or authority to exercise control over the space.
- j. Food Service Establishment - An establishment having one or more seats at which food is served to the public.
- k. Health Care Institution - An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.
- l. Entity - any single individual, group of individuals, corporation, partnership, institution, employer, association, firm or any other legal entity whether public or private.
- m. Educational Institution - any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.
- n. Retail Establishment - any store that sells goods or articles of personal services to the public.
- o. Blunt Wrap - Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

p. Characterizing flavor - A distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted or detectable either prior to or during consumption of a tobacco or e-cigarette products or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product or the provision of ingredient information.

q. Component part - Any element of a tobacco or e-cigarette products, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

r. Constituent - Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco or e-cigarette products during the processing, manufacturing or packaging of the tobacco or e-cigarette products. Such term shall include a smoke constituent.

s. Distinguishable - Perceivable by either the sense of smell or taste.

t. Smoke Constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco or e-cigarette product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco or e-cigarette product.

u. Flavored tobacco or e-cigarette product - Any tobacco product or e-cigarette component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco or e-cigarette products, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco or e-cigarette products, that such tobacco or e-cigarette products has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco or e-cigarette products is a flavored tobacco or e-cigarette products.

v. Retail tobacco store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco and/or e-cigarette products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Brookline Board of Health.

w. Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

SECTION 8.23.3 - REGULATED CONDUCT

a. Public Places

(1) To the extent that the following are not covered by applicable State laws or regulations, no person shall smoke in any rooms or interior areas in which the public is permitted. This includes, but is not limited to, any food service establishment, health care institution, classroom, lecture hall, museum, motion picture theater, school, day care facility, reception area, waiting room, restroom or lavatory, retail store, bank (including ATMs), hair salons or barber shops and meetings of government agencies open to the public.

(2) Taxi/Livery services licensed by the Town of Brookline shall be provided in smoke-free vehicles. The restriction of smoking in taxi/livery vehicles applies to drivers as well as passengers. Vehicles shall be posted in such a manner that their smoke-free status can be readily determined from the outside of the vehicle.

(3) Licensed Inns, Hotels, Motels and Lodging Houses in the Town of Brookline must provide smoke-free common areas. Licensed Inns, Hotels and Motels in the Town of Brookline must designate 100% of individual dwelling units or rooms as non-smoking.

(4) The use of tobacco or e-cigarette products by minors or school personnel is prohibited in or upon any public sidewalk or other public property located within four hundred (400) feet of Brookline High School grounds. The Commissioner of Public Works shall erect and maintain signage identifying the locations where

smoking is prohibited under this paragraph (4). Such signage shall be erected so as to notify the public of the smoking prohibition and the areas affected thereby.

b. Workplaces

(1) Smoking in workplaces is prohibited.

(2) Notwithstanding subsection (1), smoking may be permitted in private residences; except during such time when the residence is utilized as part of a business as a group childcare center, school age child care center, school age day or overnight camp, or a facility licensed by the department of early education and care or as a health care related office or facility.

(3) Every establishment in which smoking is permitted pursuant to this by-law shall designate all positions where the employee's presence in an area in which smoking is permitted to be "smoking positions." The establishment shall notify every applicant for employment in a smoking position, in writing, that the position may cause continuous exposure to secondhand smoke, which may be hazardous to the employee's health.

(4) No establishment in which smoking is permitted pursuant to this by-law may require any employee whose effective date of employment was on or before November 1, 1994 to accept a designated smoking position as a condition of continued employment by the employer.

(5) No establishment in which smoking is permitted pursuant to this by-law may discharge, refuse to hire, or otherwise discriminate against any employee or applicant for employment by reason of such person's unwillingness to be subjected to secondhand smoke exposure unless the employee has been hired for a designated smoking position and has been so notified in writing at the time of hiring.

(6) It is the intent of this by-law that a designated smoking position shall not be considered suitable work for purposes of M.G.L. c. 151A, and that an employee who is required to work in a smoking position shall have good cause attributable to the employer for leaving work. c. E-cigarette Usage - Locations Prohibited (1) In addition to the smoking prohibitions set forth in this bylaw, the use of e-cigarettes is further prohibited wherever smoking is prohibited under M.G.L. Chapter 270, Section 22 (the "Smoke-Free Workplace Law"), and in all locations listed in Section 8.23.3 of this by-law. The Director of Health and

Human Services and/or their designee(s) shall enforce this section in accordance with Section 8.23.6.

SECTION 8.23.4 - POSTING REQUIREMENTS

Every person having control of a premises where smoking is prohibited by this by-law, shall conspicuously display on the premises, including the primary entrance doorways, signs reading "Smoking Prohibited By Law." Posting of the international symbol for "No Smoking" shall be deemed as compliance.

SECTION 8.23.5 - SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit - No Entity otherwise permitted to sell tobacco products shall sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. Effective September 1, 2017 or upon the approval of the Attorney General if later, the Director of Public Health shall not issue any new tobacco sales permits to first-time permit applicants with ~~new~~-businesses not currently licensed. Holders of tobacco sales permits on the effective date of this section may continue to use such permits. All such holders must apply for renewal of their permits according to the procedures of the Department. Those who fail to apply for renewal in a timely manner will receive written notification from the Department and then those permits may be revoked or fines imposed after such procedure as set forth in the procedures of the Department. Any such action may be appealed to the Select Board within thirty (30) days. However, applicants who acquire a business that is the holder of a tobacco sales permit on the effective date of this section may apply, within sixty (60) days of such acquisition, for a tobacco sales permit such as that held by the previous owner of the business, only if the buyer intends to sell tobacco products and will be operating a substantially similar business, and subject to rules and requirements of the Health Department.

b. Prohibition of Tobacco Vending Machines - The sale of tobacco or e-cigarette products by means of vending machines is prohibited.

c. Restrictions on the Distribution of Tobacco or e-cigarette Products - No person, firm, corporation, establishment or agency shall distribute tobacco or e-cigarette products free of charge or in connection with a commercial or promotional endeavor

within the Town of Brookline. Such endeavors include, but are not limited to, product "giveaways", or distribution of a tobacco or e-cigarette product as an incentive, prize, award or bonus in a game, contest or tournament involving skill or chance.

d. Prohibition of Sales - No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to anyone born on or after 1/1/2000.

e. Self-Service Displays - All self-service displays as defined by 8.23.2 (e) are prohibited. All commercial humidors including, but not limited to walk-in humidors must be locked.

f. Prohibition of the Sale of Tobacco Products and e-cigarettes by Health Care Institutions - No health care institution located in the Town of Brookline shall sell or cause to be sold tobacco or e-cigarette products. Additionally, no retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco or e-cigarette products.

g. Prohibition of the Sale of Tobacco and e-cigarette Products by Educational Institutions - No educational institution located in the Town of Brookline shall sell or cause to be sold tobacco or e-cigarette products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

h. Required Signage

1. The owner or other person in charge of an entity authorized to sell tobacco or e-cigarette products at retail shall conspicuously post signage provided by the Town of Brookline that discloses current referral information about smoking cessation.

2. The owner or other person in charge of an entity authorized to sell tobacco or e-cigarette products at retail shall conspicuously post a sign stating that "The sale of tobacco or e-cigarette products to someone born on or after 1/1/2000 is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or

placed at a height of less than four (4) feet or greater than eight (8) feet from the floor.

i. Tobacco Sales

1. No Tobacco Product Sales Permit holder shall allow any employee to sell tobacco or e-cigarette products until such employee has received a copy of this By-law and federal and state laws regarding the sale of tobacco and e-cigarette and signs a statement, a copy of which will be placed on file in the office of the employer, that they have read the regulation and applicable state and federal laws.

2. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser was born prior to 1/1/2000.

3. All retail sales of tobacco or e-cigarette products within the Town of Brookline must be face-to-face between the seller and the buyer and occur at the permitted location.

4. Original Cigar Package Price - All single cigars shall be sold for no less than two dollars and fifty cents (\$2.50). No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more. This section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Brookline.

5. No entity shall sell or distribute or cause to be sold or distributed any flavored tobacco or e-cigarette products, except in retail tobacco stores.

6. No entity shall sell or distribute or cause to be sold or distributed blunt wraps.

SECTION 8.23.6 - VIOLATIONS AND PENALTIES

a. Any person who violates any provision of this by-law, or who smokes in any area in which a "Smoking Prohibited By Law" sign, or its equivalent, is conspicuously displayed, shall be punished by a fine of \$100 for each offense. For a first violation of this section, and for any subsequent violation, the violator may be afforded the option of enrolling in a smoking cessation/education program approved by the Director of Health and Human Services or their designee(s). Proof of completion of such approved program shall be in lieu of the fines set forth in this Section and in Section 10.3 of these By-laws.

b. Any person having control of any premises or place in which smoking is prohibited who allows a person to smoke or otherwise violate this bylaw, shall be punished by a fine of \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense.

c. Employees who violate any provision of Section 8.23.3(b) shall be punished by a fine of \$100 per day for each day of such violation.

d. Any entity violating any other section of this by-law shall receive a fine of \$300.00 for each offense.

e. Violations of this by-law may be dealt with in a noncriminal manner as provided in PART X of the Town by-laws.

f. Each calendar day an entity operates in violation of any provision of this regulation shall be deemed a separate violation.

g. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Brookline Health Department or a Town department or Board from suspending, or revoking any license or permit issued by and within the jurisdiction of such departments or Board for repeated violations of this by-law.

SECTION 8.23.7 - SEVERABILITY

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

Fwd: Nicotine Free Generation meeting

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Fri, Jan 23, 2026 at 8:36 AM

Sincerely,



Rajit Gupta, MPH,CHO,RS
Director of Public Health
Town of Ashland
a: 101 Main Street, Ashland, MA 01721
p: 508-532-7922
f: 508-881-0109



----- Forwarded message -----

From: **Rajit Gupta** <rgupta@ashlandmass.com>
Date: Tue, Sep 23, 2025 at 8:27 AM
Subject: Nicotine Free Generation meeting
To: Beth Reynolds <breynolds@ashlandmass.com>

Good Morning!

Please set up a NFG's meeting with mr. Herbert to get his thoughts on this and how to proceed further.
Let me know if you have any questions.

Thank You!

Sincerely,



Rajit Gupta, MPH,CHO,RS
Director of Public Health
Town of Ashland
a: 101 Main Street, Ashland, MA 01721
p: 508-532-7922
f: 508-881-0109





RECEIVED

SEP - 8 2025

**Town of Ashland
Board of Health**

September 5, 2025

Ashland Board of Health
101 Main Street
2nd Floor
Ashland MA 01721

Dear Members of the Board,

I am the executive director of the non-profit Public Health Advocacy Institute at Northeastern University School of Law in Boston where I also teach public health advocacy to upper-level law students.

I am eager to share some information about the Nicotine Free Generation proposal because I represented the Town of Brookline (along with my colleagues) *pro bono* in successfully defending the policy from a legal challenge brought by the retail sector of the tobacco industry. The case went to the SJC and established Nicotine Free Generation as a valid exercise of local public health power in Massachusetts. All possible appeals have been exhausted, and the legal issues are settled.

My organization offered our legal help to Brookline and any other place adopting this policy in Massachusetts (including Ashland, although I do not believe you will need our help) because a tobacco phase-out creates healthier communities by gradually ending the sale of tobacco products without affecting a single existing retail customer who can be sold tobacco products today. If widely adopted, it will make a huge difference. Someday, like smoke-free workplaces, Tobacco-21, bans on tobacco sales in pharmacies, and the 2019 flavor ban, it could become a statewide law. But only if it is widely adopted at the local level first!

As I'm sure you know, seventeen Massachusetts municipalities have now passed and are implementing this policy to phase out the addiction and illness caused by nicotine and tobacco products, starting with the next generation of future customers. They are all now on a decisive path toward improving health outcomes and reducing their burden of chronic disease. Importantly, this is a policy focused on prevention and does not directly address the challenges faced by existing residents who are suffering from a tobacco use disorder. Tobacco users who are nicotine dependent still need help, although there is only so much that a local board can do about that other than to

360 Huntington Avenue, Ste. 117CU | Boston, MA 02115 | 617.373.2026 | 617.373.3672 fax |
www.phaionline.org

promote available cessation assistance.

Nicotine Free Generation ("NFG") is not a panacea. But it will create significant health improvements in the mid and long term. For example, older peers with access to tobacco products are a significant source of these products for youth.¹ Under NFG, such access will be reduced with the progressive increase of the minimum sales age. This is because, while a 21-year-old may still be an older peer or sibling to a high school or even middle school student, it becomes less likely that someone in their mid-to late twenties, after this policy has been in effect for several years, would still be in any teen's social circle.

This is the same effect that was forecast by the Institute of Medicine's model used to predict the impact of raising the minimum sales age for tobacco to 21 or 25.² The IOM's modeling was important evidence supporting the policy to adopt Tobacco-21. As you know, Tobacco-21 started as a local Massachusetts policy in Needham and, in less than 15 years, became national policy.

Likewise, peers who model the use of tobacco products have been a strong predictor of youth initiation.³ But with fewer older peers modeling tobacco product use as a result of NFG, it can be expected to result in a reduction in tobacco initiation by Ashland's middle and high school students.

While the impact of this policy on retailers will be felt over the long term, the loss of new tobacco customers who just turn 21 each year represents only a tiny percentage of overall tobacco sales. UT us a gradual phase-out that will minimize disruption to retailers' businesses. This stands in marked contract with the impact on retailers from the 2019 state law that banned the sale of all flavored tobacco products. Suddenly, a large portion of retailers' tobacco sales was immediately banned. Some retailers are still very unhappy about that law and do not fully understand that NFG takes the opposite approach by phasing out sales over decades in a way that provides ample opportunity for retailers to adjust to the regulatory environment.

I have found that most local retailers who have complained about this policy are under the misimpression that the policy will have a substantial near-term impact on their bottom line. I suspect that they are often alarmed by tobacco industry retail groups like the New England Convenience Store and Energy Marketers Association (NECSEMA), the National Association of Convenience Stores, the National Association of Tobacco Outlets, and other lobbying organizations linked closely with the tobacco industry like the R Street Institute. In fact, NECSEMA has funded a "grassroots" campaign called "Citizens for Adult Choice" to target policymakers with cookie cutter letters and emails, often from out of state senders, with "robo" opposition of NFG, calling it "the tobacco ban".⁴ Perhaps some Board members here have received such materials.

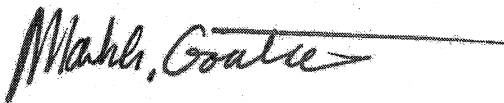
Finally, I would like to address the concerns raised around contributing to black markets

with this policy. There needs to be an existing strong demand for a product to create a black market. Consider the 2019 flavor ban where there was an existing demand for a product removed from retail shelves (Newports, Salems, and flavored vapes). That has resulted in out-of-state purchases and a small but not trivial black market. Contrast this with Tobacco-21. One of the reasons Tobacco-21 did not create a black market was because young people did not lose their pre-existing ability to purchase tobacco. They never had it, so there wasn't an established retail demand from those under the legal age. Likewise, Nicotine Free Generation affects sales only to the next generations, for whom there is no strong existing demand for nicotine products. For this reason, concerns about this proposed policy creating a black market akin to that created by alcohol prohibition are misplaced.

I hope very much that you take the opportunity to advance this regulation to allow the possibility that Ashland can join the growing list of communities that are seeking to protect future generations from the physical, psychological, and financial trap that nicotine addiction causes.

I am enclosing a few copies of a policy guide to NFG I worked on earlier this year. While it contains draft language from the MAHB/DPH model regs at the time, please check to make sure you are using the language from the current model regulations.

Sincerely,

A handwritten signature in black ink, reading "Mark A. Gottlieb", with a long horizontal line extending to the right.

Mark A. Gottlieb
Executive Director

References:

- ¹ White MM, Gilpin EA, Emery SL, et al. *Facilitating adolescent smoking: who provides the cigarettes? Am J Health Promot* 2005;19:355-60. doi:10.4278/0890-1171-19.5.355.
- ² Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products; Board on Population Health and Public Health Practice; Institute of Medicine; Bonnie RJ, Straton K, Kwan LY, editors. Washington (DC): National Academies Press (US); 2015 Jul 23.
- ³ East, K., McNeill, A., Thrasher, J. F., and Hitchman, S. C. (2021) *Social norms as a predictor of smoking uptake among youth: a systematic review, meta-analysis and meta-regression of prospective cohort studies. Addiction*, 116: 2953-2967. <https://doi.org/10.1111/add.1360-0443>
- ⁴ "NECSEMA Launches Campaign Opposing Generational Tobacco Bans" <https://www.convenience.org/Media/Daily/2024/May/21/3-NECSEMA-Campaign-Opposing-Tobacco-Bans-GR>

Nicotine Free Generation: September 2025

1 message

Nicotine Free Generation <nicotinefreegeneration@gmail.com>
To: Nicotine Free Generation <nicotinefreegeneration@gmail.com>
Bcc: lclifford@ashlandmass.com

Sun, Sep 21, 2025 at 9:17 AM

(Please post! RSVP to this email for a presentation.)

Nicotine Free Generation (NFG) aims to very gradually raise the minimum age for nicotine sales. Boards of Health select a cutoff date, like January 1, 2005, and permit sales only to those born before that date. Users who currently are legally sold nicotine are NOT affected.

Seventeen Massachusetts cities and towns, with over half a million residents, have already enacted NFG to protect their young people.

Did you know?

9,300 Massachusetts residents die of nicotine addiction each year. -- American Lung Association

Did you know?

NFG Massachusetts has MOMENTUM! Major endorsements follow:

Did you know?

MMS endorsed NFG.

The **Massachusetts Medical Society**, representing 24,000 physician and medical student members in all of our cities and towns, endorsed NFG in May:

"The MMS supports legislative efforts to establish a 'Nicotine-Free Generation' in Massachusetts through the prohibition on sale of addictive nicotine products to anyone born after a chosen date."

Did you know?

AMA endorsed NFG.

The **American Medical Association** endorsed Nicotine Free Generation in June:

"RESOLVED, that our American Medical Association advocate for legislation establishing a Nicotine Free Generation through the prohibition on sale of addictive nicotine products to anyone born after a chosen date"

"and be it further Resolved, that our AMA alert its members to current opportunities to create Nicotine Free Generation policies ... within the towns, cities, and states where they practice and live."

Did you know?

The 84 plans NFG 2025 Stipend Project.

The 84, "MA Youth Fighting the Tobacco and Vaping Industries"
made Nicotine Free Generation its "Stipend Project for Fall 2025".

Did you know?

MTCP includes NFG in its BoH Work Plan.

MTCP, the Massachusetts Tobacco Cessation and Prevention Program

now includes Nicotine Free Generation in its Board of Health Work Plan, stating it clearly as a goal for its Commonwealth-funded programs.

RSVP to this email for more information or to volunteer or to unsubscribe. **Please invite us to make a presentation about NFG.**

Please forward to others who want all of our kids to live their full, healthy lives.

Board of Health Meeting, September 16, 2025 (Zoom), 6:00 PM

2 messages

Laura Clifford <lclifford@ashlandmass.com>

Fri, Sep 12, 2025 at 11:21 AM

To: Board of Health <boardofhealth@ashlandmass.com>, Michael Herbert <mherbert@ashlandmass.com>, beth reynolds <breyolds@ashlandmass.com>, barbara@wacatv.com

Hello Board Members,

Please find attached the meeting agenda and documents for next Tuesday evening's Board of Health meeting, which will be via Zoom. Here is the link to join the meeting:

<https://us02web.zoom.us/j/87064042997?pwd=ZVEvUGZ2cIA3TURTY21tYXpJMGdZQT09>

Meeting ID: 870 6404 2997

Passcode: 307135

Thank you,

Laura

**Laura Clifford**

Community Development & Health Department

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-881-0100 x 7128

f: 508-881-0182



4 attachments **September 16, 2025 BOH Meeting Agenda.pdf**
127K **Nicotine Free Generation Proposal.pdf**
2569K **BOH - YTD Budget Report - 9-11-2025.pdf**
107K **August 19, 2025 Meeting Minutes - Draft.pdf**
660K

Rajit Gupta <rgupta@ashlandmass.com>

Mon, Sep 15, 2025 at 6:38 AM

To: Scott Francis <Scott@moar-recovery.org>, Zachary.Rich@bmc.org

Cc: Laura Clifford <lclifford@ashlandmass.com>, Parivallal Thillaigovindan <pthillaigovindan@framinghamma.gov>, Eliza Dodge <edodge@ashlandmass.com>

Hi Scott/ Zachary,
Good Morning!Please find a zoom link to our Board of Health meeting on Sept 16 in the email below. NFG discussion is at 6pm.
Looking forward to seeing you at the meeting.

Thank You!

Sincerely,



Rajit Gupta, MPH,CHO,RS

Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



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4 attachments



September 16, 2025 BOH Meeting Agenda.pdf

127K



Nicotine Free Generation Proposal.pdf

2569K



BOH - YTD Budget Report - 9-11-2025.pdf

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August 19, 2025 Meeting Minutes - Draft.pdf

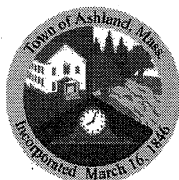
660K

Fwd: Nicotine-Free Generation (NFG) legislation conversation requested

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Fri, Jan 23, 2026 at 9:10 AM

Sincerely,



Rajit Gupta, MPH,CHO,RS
Director of Public Health
Town of Ashland
a: 101 Main Street, Ashland, MA 01721
p: 508-532-7922
f: 508-881-0109



----- Forwarded message -----

From: **Rich, Zachary** <Zachary.Rich@bmc.org>
Date: Tue, Aug 5, 2025 at 3:30 PM
Subject: Re: Nicotine-Free Generation (NFG) legislation conversation requested
To: Rajit Gupta <rgupta@ashlandmass.com>
Cc: Scott Francis <Scott@moar-recovery.org>

Hello Rajit Gupta,

I was excited to hear about the Board's interest in the Nicotine-Free Generation (NFG) policy. I wanted to follow up to see if this was discussed during the July 15th BOH meeting, or if there are plans to discuss it at the upcoming August 19th meeting.

Additionally, I wanted to ask whether it would be appropriate for Scott and/or myself to attend and speak during the Citizens Participation portion of the meeting, either in person or via Zoom.

Thank you very much for your time and consideration.

Best regards,
Zachary Rich

On Jul 14, 2025, at 2:20 PM, Scott Francis <Scott@moar-recovery.org> wrote:

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Rajit,

Thank you so much for your speedy and helpful response! Please let me know if there is anything I can do to be of support.

Sincerely,
Scott Francis

From: Rajit Gupta <rgupta@ashlandmass.com>
Sent: Monday, July 14, 2025 1:46 PM
To: Scott Francis <Scott@moar-recovery.org>
Cc: Zachary.Rich@bmc.org
Subject: Re: Nicotine-Free Generation (NFG) legislation conversation requested

CAUTION: External Message Warning.

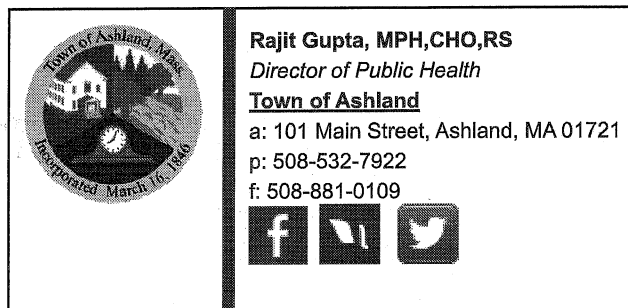
Hi Scott,

Good Afternoon!

Thanks for your email. We are definitely aware of NFG communities and the good work that is being done around it. I will bring this to my board's attention and get back to you.

Appreciate your commitment to the health of our residents.

Sincerely,



On Mon, Jun 9, 2025 at 3:43 PM Scott Francis <Scott@moar-recovery.org> wrote:

Dear Ashland Board of Health,

My name is Scott and I am a resident of Ashland. I'm reaching out to introduce myself and to begin a conversation about za, which I believe could represent a meaningful step forward for the town of Ashland.

NFG legislation establishes a date-based restriction—rather than an age-based one—on the sale of nicotine products. Under this policy, individuals who are currently of legal age may continue to purchase nicotine products, while those born after a specified date will never become eligible to do so. This approach gradually phases out the retail sale of commercial nicotine products in a fair, forward-looking manner. To date, 16 municipalities across Massachusetts—including Hopkinton just this past month—have adopted NFG policies, and several others are actively developing similar legislation. I respectfully invite the Ashland Board of Health to consider exploring this policy. I have also cc Dr. Zachary Rich, a pulmonary and critical care physician who has helped other towns in MA adopt NFG policy who would be more than happy to offer additional information, answer any questions, or support your efforts in any way—whether by email, Zoom, or in person.

Thank you for your time and for your ongoing commitment to the health of the Ashland community.

Sincerely,

Scott Francis
508-971-5421
17 Morey Drive
Ashland, MA

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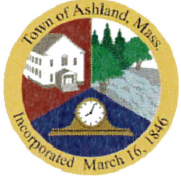
Fwd: NFG and Oral Nicotine Products

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Thu, Jan 22, 2026 at 11:11 AM

Sincerely,



Rajit Gupta, MPH,CHO,RS
Director of Public Health

Town of Ashland

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Shaun McAuliffe** <smcauliffe@hopkintonma.gov>

Date: Thu, May 15, 2025 at 8:46 AM

Subject: NFG and Oral Nicotine Products

To: Lauren Antonelli <lantonelli@townofhudson.org>, Rajit Gupta <rgupta@ashlandmass.com>, Michael Boudreau <mboudreau2@natickma.org>, Karina Scott <kscott@townofhudson.org>, Zeng, Vivian <zengv@sudbury.ma.us>

Good morning,

Last night our Board voted to adopt the NFG regulation and restrict the sale of oral products to adult only establishments. We had over 30 physicians, public health officials and substance abuse counselors speak on behalf of the regulation and provide us support through the process. We have an attorney offering pro-bono legal support (they defended Brookline). Members from this group reside in each of your communities and are more than willing to assist. I'm happy to direct all of them to you if you would like. Let me know what you and your Boards think.

Shaun McAuliffe, RS, MPH

Health Director

Town of Hopkinton

18 Main Street

Hopkinton, MA 01748

(508) 497-9725

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Visit us online at www.hopkintonma.gov.

Fwd: Tobacco Control in Your Community: Please Take 1 Minute Survey

1 message

Rajit Gupta <rgupta@ashlandmass.com>
To: Laura Clifford <lclifford@ashlandmass.com>

Thu, Jan 22, 2026 at 11:13 AM

Sincerely,

**Rajit Gupta, MPH,CHO,RS***Director of Public Health***Town of Ashland**

a: 101 Main Street, Ashland, MA 01721

p: 508-532-7922

f: 508-881-0109



----- Forwarded message -----

From: **Reynolds, Matthew J.** <MREYNOLDS8@mgh.harvard.edu>

Date: Wed, May 7, 2025 at 10:00 AM

Subject: Tobacco Control in Your Community: Please Take 1 Minute Survey

To:

Dear Health Department Leader,

We hope this message finds you well. Over a dozen jurisdictions in Massachusetts have adopted a Nicotine-Free Generation (NFG) policy that limits the sale of nicotine products to those born after a certain year. These towns include Belchertown, Brookline, Chelsea, Concord, Malden, Manchester, Melrose, Needham, Newton, Pelham, Reading, Somerville, Stoneham, Wakefield, and Winchester.

The Nicotine Free Generation Coalition is assessing local community interest in the policy. Included is a link to a brief [survey](#) that should only take a minute to complete. The results will help us effectively reach communities seeking further information regarding the policy and will help prevent unwanted communications to communities not currently interested in considering such a policy. Survey results will ultimately help guide future efforts to support healthier, tobacco-free environments for the youth. Thank you so much for your time and your help!

Link to Survey: <https://redcap.link/NFG>

Sincerely,

Matthew Reynolds
Medical Student
Harvard Medical School

Jonathan P. Winickoff, MD, MPH, FAAP

Professor of Pediatrics
Harvard Medical School
Mass General for Children

The Nicotine Free Generation Coalition

The information in this e-mail is intended only for the person to whom it is addressed. If you believe this e-mail was sent to you in error and the e-mail contains patient information, please contact the Mass General Brigham Compliance HelpLine at <https://www.massgeneralbrigham.org/complianceline>.

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NFG_fact_sheet.pdf

63K

Study Title: Nicotine Free Generation Interest survey

Principal Investigator: Jonathan P. Winickoff, MD, MPH

You are participating in a research survey. The purpose of this research is to assess the local interest of the nicotine free generation policy. Over a dozen jurisdictions in Massachusetts have recently adopted a Nicotine-Free Generation (NFG) policy that limits the sale of nicotine products to those born after a certain year. These towns include Belchertown, Brookline, Chelsea, Concord, Malden, Manchester, Melrose, Needham, Newton, Pelham, Reading, Somerville, Stoneham, Wakefield, and Winchester. Included is a link to a brief survey that should take less than a minute to complete.

We are asking you to participate because we want to hear your thoughts on adopting a NFG policy in your town. The results will help us to reach individuals who seek further information on the policy. We are asking health agents/nurses/board of health members in Massachusetts to participate in the survey.

We obtained your name and contact information through existing contact lists that the Principal Investigator already had from prior community partnerships with the Massachusetts health boards and through contact information on town health department websites.

Only information needed for the research study is recorded and only study team members will have access to your information. We will not gather any additional information from your medical records or other sources. We will not identify you personally in any text published about this study. Although risk of a breach of confidentiality is possible, the risk is very low, as we have many methods in place to ensure that your data remains confidential. Your information will not be used or shared with other researchers outside of this study.

Information collected will not be used in clinical care, and only study team members will see your individual responses and data.

There are no direct risks to you in participating in this research study. Your participation in this survey is voluntary and you may withdraw your participation at any time for any reason. You can decline to participate in any part of this study for any reason and at any time. You can also skip any questions on the survey that you do not want to answer, and you may also choose to stop the survey at any time. Deciding not to participate won't affect medical care they receive at Mass General Brigham now or in the future, or any benefits you receive now or have a right to receive.

If you have any questions or concerns about this study, please feel free to contact Jonathan P. Winickoff, the Principal Investigator of this study, at jwinickoff@mgh.harvard.edu.

If you'd like to speak to someone not involved in this research about your rights as a research subject, or any concerns or complaints you may have about the research, contact the Mass General Brigham IRB at (857) 282-1900.

Missed Phone Call on December 18, 2025, at 1:45 PM: Maureen Buzby, Melrose Health Department.

Phone Call on December 18, 2025, at 2:12 PM (9 minutes): Maureen Buzby, Melrose Health Department.

