

Belchertown Board of Health
Meeting Minutes
October 9, 2024

Present: Jim Potter, Colleen DuroShea, Ken Elstein, David Gottsegen

Absent: Leeanne Connolly

In-Attendance: Andrea Crete (Public Health Director) and Mary Grenier (Recording Secretary)
Jay Patel, Owner Town Mart

Remote Attendees: Jeff Smith R Street; Melina Bourdeau Sentinel; Kris Hoag; Merridith O’Leary PVCT
Coordinator; BCTV; Josh Pruett; Lisa Stevens-Goodnight MMA; Heather Warner; Alex
Weatherall and Henry Martin

J. Potter opened the meeting at 6:32 PM.

On the agenda is a Board discussion on the draft 2024 tobacco sales regulations.

A. Crete told the Board that the regulations in front of them are the current Belchertown tobacco regulations with 2024 updates. What is highlighted in yellow are sections of language copied from the latest State Law and DPH regulations. Green highlighted sections are uniquely local policy decisions to be made by the Board of Health.

Highlighted yellow:

Statement of Purpose K. Elstein asked if these were State Laws. A. Crete answered State and DPH Laws.

C. Definitions *Bona Fide Purchaser for Value* was added pg. 3

Retailer: A person *who operates...* pg. 6

Rolling Papers: *...which can be...* pg.6

D. No Tobacco Sales to Persons Under 21 yrs. of age. 2 (i) (iii) and (iv) pg. 7

S. Violations 2 d policies subject to local regulation fines (Section S. 2) Tobacco product Sales in Health Care Institutions *as more broadly defined than in state law and restricting oral nicotine pouches to adult only retail tobacco stores.* Pg. 13

Highlighted green:

C. Definitions: Health Care Institution: added *A Retail establishment that provides optician, optometric, hearing aid or audiology services but is not subject to regulation by the board of registration in pharmacy shall not be considered a health institution.* Pg. 5

Oral Nicotine Pouches pg. 6

D. No Tobacco Sales to persons under 21 years of age:

1. *...or born on or after January 1, 2004*

2. Required signage *a. ...or to a person born on or after January 1, 2004 and The signage may be in a form developed and made available by the Massachusetts Department of Public Health.* pg. 7

3. Identification *a. ...born on or before January 1, 2004*

E. Tobacco Product Sales Permit: *7...or born on or after January 1, 2004* pg. 8

F. Prohibition of Smoking Bars: *Oral Nicotine Pouches can only be sold in adult-only retail tobacco stores.* pg. 10

S. Violations: 1. *a... or born on or after January 1, 2004* pg. 12.

2. *d. Policies Subject to State Law Fines ...born on or after January 1, 2004* pg. 13

Lisa Stevens-Goodnight of Massachusetts Municipal Association (MMA) answered the Board’s question of putting in Optometry and Audiology in new regulations. It is a loop-hole where stores that have a pharmacy are not allowed to sell tobacco products but these health care places would still be allowed in the establishment that sell tobacco. It’s been added for any municipality that wanted to cut this loop-hole.

Brookline, MA is the first Board of Health in Massachusetts to ban tobacco sales to anyone born on or after January 1, 2004. The MA Supreme Court upheld this decision in April 2024. Merridith O’Leary PVCT Coordinator, stated that other Massachusetts towns are looking into adopting these changes in their regulations. It’s being called the *Nicotine Free Generation*.

The Board discussed limiting the amount of milligrams of tobacco that can be in an oral nicotine pouch. Ms. Stevens-Goodnight said this is a relatively new product and the MMA is still working on the language for regulations. They are not an approved cessation product. Some oral nicotine pouches can have up to 30-40 ml. of nicotine. She said she would get more information and pass it on to A. Crete to have before the Board’s public hearing.

Vice Chair J. Potter asked the Board to hear from a Belchertown tobacco retailer, Mr. Patel of Town Mart, is present and in the audience. Mr. Patel addressed the Board; “ZEN pouches are FDA regulated, and there are other products that are not FDA regulated, so we stay with ZEN products. Zen is the only one that makes non-flavored for the state of California and Massachusetts. They've been out in the market for about 10-15 years but it's been popular lately. And the 21 thing, I mean, we could go ahead and do it, but what they're going to do is go to the next town and get the service over there, so we're going to be losing business.”

K. Elstein said that with all the questions that were brought up tonight about the language in the regulations he would like to continue this discussion at the next meeting in November. He would like to see the entire Board present and give A. Crete time to get more information about oral nicotine pouches. Board agreed to continue discussion of 2024 Tobacco Sales Regulations until their next meeting. A. Crete will out of town for the next meeting on November 13, 2024. Board agreed to meet on November 6, 2024.

K. Elstein moved to accept the meeting minutes of September 11, 2024 as written. J. Potter seconded. All in Favor. 4-0-0

K. Elstein moved to adjourn at 7:37 PM. C. DuroShea seconded. All in Favor. 4-0-0

940 CMR 29.11 M.G.L. c. 30A, §22(a). List of documents and other exhibits used at the meeting:

Agenda: 10/09/2024

Draft Belchertown Tobacco Sales Regulations

Letter: Opposition to Tobacco Sales Regulations J. Smith *Integrated Harm Reduction, R Street Institute*

Email: Opposition to Tobacco Sales Regulations R. Melvin *Integrated Harm Reduction, R Street Institute*

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