



December 14, 2025

Easthampton Board of Health
c/o Health Department
50 Payson Avenue
Easthampton, MA 01027

Dear Ryan Griffin,

At a recent Board of Health meeting, Ken Elstein, of the Belchertown Board of Health, gave a presentation regarding the Nicotine Free Generation policy. I believe he mentioned that my non-profit law firm based at Northeastern University School of Law, the Public Health Advocacy Institute, has offered to defend any Massachusetts municipality, including Easthampton, from any legal challenge resulting from the adoption of the Nicotine Free Generation policy as it appears in the Massachusetts Association of Health Boards' Model Tobacco Regulations.

This is absolutely true. We have made this offer for over a decade, and it can be confirmed by MAHB executive director Cheryl Sbarra. When Brookline became the first jurisdiction in the world to enact this policy in 2020, it was sued by the retail sector of the tobacco industry. We were privileged to have the opportunity to represent Brookline *pro bono* and through a Motion to Dismiss which was affirmed, unanimously, by the Massachusetts Supreme Judicial Court in 2024. To the best of my knowledge, there are no pending legal questions or potential challenges remaining regarding this policy, but if there were, and Easthampton's Nicotine Free Regulation were challenged, we would be willing and very able to handle the defense in cooperation with your town counsel.

If you have any questions regarding this pledge of legal support, please feel free to call me at 617-373-8487.

Sincerely,

A handwritten signature in blue ink, reading 'Mark A. Gottlieb', is enclosed in a thin blue rectangular border.

Mark A. Gottlieb
Executive Director