



Community Health <ech@easthamptonma.gov>

Board of Health - Nicotine-Free Generation Authority

3 messages

Community Health <ech@easthamptonma.gov>

Mon, Mar 16, 2026 at 2:54 PM

To: Irza Bigas-Melendez <ibigas@easthamptonma.gov>

Cc: Ryan Griffin <rgriffin@easthamptonma.gov>

Irza, at our last Board of Health meeting, the Board requested language explicitly identifying its authority to act on a Nicotine-Free Generation policy. The following information is meant for the Board ahead of their public hearing, can you ensure they receive this email?

Thank you,
-Brad

Good afternoon, Board members,

I have reviewed your regulations and authorities and identified the following information to help you with your public hearing regarding the Nicotine-Free Generation policy. In the document titled "Restricting the Sale of Tobacco Products," on the city website, the following information is true:

1. On page 3, under "Authority," the language states:

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

This is your primary legal mechanism. A Nicotine-Free Generation policy would need to be legally framed and defended as a "reasonable health regulation" under this state law. Local newspapers must run advertisements before public hearings where this authority is exercised.

"Notice of the time, place and subject matter of which, sufficient for identification, shall be given by publishing in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days prior to the date set for such hearing."

2. Also on page 3, the language states:

Whereas the Massachusetts Supreme Judicial Court has held that "...the right to engage in business must yield to the paramount right of government to protect the public health by any rational means," as cited in Druzik et al. v. Board of Health of Haverhill, 324 Mass. 129 (1949).

This judicial precedent is a powerful implied authority. Opponents of a sales ban will likely argue it infringes on business rights. This established court ruling legally justifies the Board of Health restricting commercial sales if that restriction is a "rational means" of protecting public health.

3. Intergovernmental backing for local bans is discussed on page 2.

"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 sales."

This demonstrates that the U.S. Surgeon General explicitly encourages local governments to enact product bans to eradicate tobacco-related disease, providing strong federal public health backing for a phase-out. This is also supported by the Massachusetts Supreme Judicial Court's ruling in *Six Brothers, Inc. v. Town of Brookline* (2024) confirming that local public health measures can be **more** protective than statewide baselines in this domain, provided they are drafted properly and remain consistent with state authority.

4. On pages 5 (Section C) and 6 (Section D) the document defines a Minimum Legal Sales Age (MLSA) as:

The age an individual must be before that individual can be sold a tobacco product in the municipality," and mandates that "No person shall sell tobacco products...to a person under the minimum legal sales age."

While currently set at age 21, the existence of an established, enforceable "minimum legal sales age" demonstrates that the Board of Health already possesses—and actively exercises—the authority to conditionally ban the sale of nicotine

based entirely on a purchaser's date of birth.

I want to be clear: I am not a lawyer, and I am not providing legal advice. I have simply pulled from an established legal framework that already exists in Easthampton. If you have legal questions such as defining a "reasonable health regulation" or what "rational means" entails, I encourage you to consult a solicitor for an accurate legal interpretation.

Otherwise, I'm happy to continue assisting you in the coming weeks as you prepare for your public hearing.

-Brad

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Irza Bigas-Melendez <ibigas@easthamptonma.gov>
To: Community Health <ech@easthamptonma.gov>
Cc: Ryan Griffin <rgriffin@easthamptonma.gov>

Mon, Mar 23, 2026 at 10:00 AM

Dear Board of Health Members,

Please find the information below regarding the Board's authority to act on a Nicotine-Free Generation policy. Brad requested that this be shared with you ahead of your upcoming public hearing.

Brad noted that he is not providing legal advice and suggests consulting a solicitor for specific legal interpretations of "reasonable health regulation" or "rational means."

Best regards,

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Irza M. Bigas Meléndez

She/Her

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Mon, Mar 23, 2026 at 11:13 AM



Community Health reacted via [Gmail](#)

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