

From: [Leah Peavey <leah_capalbo@yahoo.com>](mailto:leah_capalbo@yahoo.com)

To: [Wendy Hansbury <hansburyw@manchester.ma.us>](mailto:hansburyw@manchester.ma.us)

Date: 3/26/2025 6:48:11 AM

Subject: Re: [EXTERNAL] - Re: Tobacco - NFG petition response

Attachments: Tobacco letter- Leah March 26.docx

Tobacco letter- Leah March 26.pages

Hi Wendy,

I worked on my draft some more this am. It is still not under a page though but shorter. I included a word doc and a pages doc.

I am honestly still unclear of what the petition is trying to accomplish (support generational ban but no fines, or do not support ban and using no fines to get rid of generational ban) and if we are addressing people's concerns in our letter.

A meeting to discuss this our letters/strategy/communication further may have been helpful.

Thank you for helping with all this on top of the other endless list of to-do's! It is really appreciated.

Leah

On Tuesday, March 25, 2025, 03:06:29 PM EDT, Wendy Hansbury <hansburyw@manchester.ma.us> wrote:

Hi Leah,

Thanks for the edits. I will put it together with Martin's and send it out to the Board for comments. I will try to get it down to 1 page, so some good information may be cut. Please let me know if there is something you think needs to be in there and I'll add it back.

Wendy

From: Leah Peavey <leah_capalbo@yahoo.com>

Sent: Tuesday, March 25, 2025 2:19 PM

To: Wendy Hansbury <hansburyw@manchester.ma.us>

Subject: Re: [EXTERNAL] - Re: Tobacco - NFG petition response

Hi Wendy-

I ended up working on the tobacco letter too. I felt like the letter as sent to us sounded too confrontational for me. I am not sure my edits are better as I used that as a background. I took a lot of information from your "Petition to Overturn BOH."

If the town supports the ban but just opposes the fines, I am for working with them and try to adjust our fines and not have to go to the town meeting for a vote- that seems sill. But if the town opposes the ban and therefore also opposes the fines but are fighting the fines as a way of fighting the ban and the vote is actually for or against the ban, that is a different scenario.

For example, Needham separates fines for violations of state rules (underage smoking, etc) vs local rules (such as generational tobacco pan as below with the fines lower (\$100 vs \$1000 for first violation). See #2 below for local violations. We could discuss amending our rules to something similar. Maybe lesser fines would be more palatable.

I found it difficult in revising the letter to know the ultimate goal of our letter. I wanted to educate people about the nicotine free generational band- the rationale and purpose from a public health standpoint and the history of how we came to adopt it for this town as I think most people in the town do not know. People who are voting will want background on the issue. People at the town meeting may take the vote to be one on the actual generational ban rather than on the fines. The letter as sent to us seems more focused on the process of making and overturning the law. I think people in town are less focused on that and ultimately more focused on the actual regulation.

I hope you are able to open my document. I did it on "Pages" on my computer and then exported it to "Word." I sent both. I crossed out old words and put in changes in red (you will see a lot copied from your Petition to Overturn BOH." There is a paragraph in green that I had copied that references the Cape Ann Tobacco Policy Program. I added it at the last minute to show we were working with others and do support the retailers but also think we could get by without it.

Likely- my letter is much too long. And without a doubt, Martin's will be the most well written, concise but yet complete.

Thanks!

Leah

On Monday, March 24, 2025, 04:24:20 PM EDT, Wendy Hansbury <hansburyw@manchester.ma.us> wrote:

I admit to being confused about which letter is being worked on, too. Martin sent comments on the tobacco letter, so I guess that is the one we are working on. I'd prefer to keep it positive and angled toward why we think this is important for us to adopt. I don't know exactly what the SB thought, but I believe it is business driven and a don't impinge on my rights as an

adult.

Your comments on the Tobacco Letter will be appreciated.

Thanks, Wendy

From: Leah Peavey <leah_capalbo@yahoo.com>
Sent: Monday, March 24, 2025 4:02 PM
To: Wendy Hansbury <hansburyw@manchester.ma.us>
Subject: [EXTERNAL] - Re: Tobacco - NFG petition response

Hi Wendy,

Ok- never mind this email- I will send you comments/edits tomorrow. Assuming the working document is the "Tobacco Letter?"

I agree with Martin that we should put something in the paper ahead of the town meeting to explain the BOH position and the new regulations as most people may be unaware of it until they see it introduced at the town meeting. Much better to be proactive.

Thanks!

Leah

On Monday, March 24, 2025, 12:15:04 PM EDT, Leah Peavey <leah_capalbo@yahoo.com> wrote:

Hi- Thank you for all of the information and for you and Peter for putting together those letters. Sorry for the delay.

Are you saying that the ultimate decision was made not to send a letter to the Cricket and/pr not to send any information to be published about the recent adoption of our tobacco regulations?

From Ann Harrison's email, it seemed like the conflict was about the generational tobacco ban itself rather than the fines. Do you know if a Manchester resident had forwarded her the email? It had the talking points of Citizens for Adult Choice (which is funded by the New England Convenience Store and Energy Marketers Association).

I liked how the document labeled "Petition to Overturn Local BOH Regulations" included a rationale behind our regulation where as the "Tobacco Letter" is more about the process of passing the regulation itself.

It would help to know the motivation behind bringing it to a vote at the town meeting. Is the intent for it to be a vote against the actual generational ban or just the fines itself? I wish we could have de-escalated this via conversations with the Select Board before bringing it to a town meeting.

Thanks,

Leah

On Thursday, March 20, 2025, 11:08:29 AM EDT, Wendy Hansbury <hansburyw@manchester.ma.us> wrote:

Hello Members of the Board,

Attached are the letters Peter and I wrote to send to the Cricket. Also attached is a document with some of the comments from Peter and I in email exchanges. I hope this isn't confusing, but there was a progression of thought that ended with "no editorial in writing, call the Cricket for an interview".

Any comments can come back to me. I will send out everyone's comments before the meeting next week.

Thank you for your time,

Wendy

Wendy Hansbury MPH, RS

Pronouns: she/her/hers ([why pronouns matter](#))

Public Health Director

Manchester-by-the-Sea Board of Health

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To The Editor:

This letter is in regards to a recent petition signed by 19 residents of Manchester-by-the-Sea in regards to new tobacco and nicotine regulations adopted by the Manchester-by-the Sea Board of Health In November 2024.

For background, in August 2024? (Correct year)? a state agent investigated compliance to the state tobacco regulations. One of two stores selling tobacco products in Manchester was found to be selling cigarettes to minors. In the process of leveling fines to the store, the state discovered that the Manchester version of the tobacco regulation was out-date and not in compliance with the current state regulation. The Manchester-by-the-Sea Board of Health was told to bring our tobacco regulation in compliance with the current state regulation.

Massachusetts General Laws established local Boards of Health to act as agents for the Department of Public Health and the Department of Environmental Protection. Local Boards are deputized to adopt and enforce regulations that protect the health and welfare of residents and the environment. The state agency drafts regulations. Local Boards of Health must adopt regulations that are at least as stringent as the the state regulation and can add more restrictive modifications that are appropriate for the Town.

Several other municipalities, starting with Brookline, MA in 2021, in updating their respective tobacco regulations included a ban on the sale of nicotine products to anyone born after a certain date to prevent with the goal of protecting future generation from the dangers, health hazards, and cost of nicotine addiction. The regulation is tied to a date of birth rather than a specific age. The Massachusetts Supreme Court upheld Brookline's generational tobacco by-law and multiple other municipalities in Massachusetts followed suit. A member of the Board of Health asked that a similar Nicotine Free Generation (NFG) regulation with a date of January 1,2024 be included for review in Manchester-by-the Sea's tobacco regulations. It does not affect existing nicotine users over the age of 21.

The BOH's rationale is as above to prevent a new generation of tobacco addiction given that tobacco use is the leading cause of preventable death in the United States, cigarette smoking causes diseases of almost every organ in the human body, nicotine is as addictive as cocaine and heroin, and that 99% of smokers try smoking by age 26.

The Board of Health encourages resident comments and participation. The Board of Health held a public hearing on the corrected tobacco regulation the proposed Nicotine Free Generation regulation. The public hearing for the tobacco regulations was advertised two times in the Cricket at least two weeks in advance, and the notice was posted on the website. Both stores currently selling tobacco products were invited to the meeting. One store did not choose to participate. The other store asked for an extension of the effective date which was granted. One resident requested a postponement of the vote. No other residents participated. However, attendees from around the state presented arguments both for and against the Nicotine Free Generation ban. The Board adopted the tobacco regulation by a vote of 3 to 1. In order to enforce the regulation, the penalty for noncompliance is a fine or after multiple violations, suspension of the license

Manchester is one of 13 communities to adopt the **NFG regulation**; the others include Brookline, Stoneham, Wakefield, Winchester, Reading, Malden, Melrose, Concord, Chelsea, Belchertown, Needham, and Newton. In addition, state legislation to ban the sale of nicotine products to anyone born after 2005 was introduced in the Massachusetts Senate January 2025.

The petition to vote at **the upcoming** town meeting is to remove the fine for noncompliance to the tobacco regulation and leave only suspension of license. The BOH believes that this would weaken the regulation and therefore we are opposed to removing fines. It is also important to note that a town meeting vote is non-binding given that the Massachusetts General Laws structure of the local Board of Health authority requires that a Massachusetts Court determines the validity of a Board of Health decision.

Sincerely,

The Manchester-by-the-Sea Board of Health

