

From: [Leah Peavey <leah_capalbo@yahoo.com>](mailto:leah_capalbo@yahoo.com)
 To: [Ann Harrison <harrisona@manchester.ma.us>](mailto:harrisona@manchester.ma.us)
 Date: 4/30/2025 1:08:49 PM
 Subject: Re: [EXTERNAL] - More thoughts on the Nicotine Free Generation Bill.

Hi Ann,

Thank you for reading all of that.

I would definitely love to talk more about SGAR's. I was definitely in favor of your petition. Thank you for all your work on this worthy cause. I am still learning more about it. Gloucester just banned SGARS from municipal properties earlier this month (joining others such as Lowell, Brookline, Newbury). From what I read, 6 municipalities besides Manchester have filed home rule petitions to request authority to restrict SGARs on private property: Newton, Newbury, Orleans, Brookline, Eastham, and Wellfleet and at least 6 municipalities are working on passing "home rule" petitions this spring: Arlington, Kingston, Lexington, Belmont, Winchester, and Grafton.

You know all this well as I saw your contact info on this: Rodenticide Municipal Team Tracker
<https://docs.google.com/spreadsheets/d/1tBvDn0AfQkLj8UW1voZEG8W57n37UxKSuHC4D3ezh6k/edit?gid=14453346#gid=14453346>

I also saw this state tracker as well from Ma Audobon: <https://docs.google.com/spreadsheets/d/1tBvDn0AfQkLj8UW1voZEG8W57n37UxKSuHC4D3ezh6k/edit?gid=14453346#gid=14453346>

I am sorry about both your parents. I agree that working in a WWI shipyard could have contributed. We saw a lot of patients with mesothelioma (a cancer of the lining of the lung) where the patients' only exposure was asbestos from a shipyard. Often the exposure was 30-40 years prior to diagnosis.

I also appreciate your thoughts and that you do disagree. The vote went in favor of repealing it but it was almost 50//50 so it is definitely not a straightforward issue.

The goal of the generational ban is to prevent the next generation from starting smoking all together. I completely agree that banning tobacco products from current smokers would not work and would be harsh for people who are already addicted. Anyone who was able to legally buy tobacco products last year (so for those who were 21 and over last year), can still buy tobacco products in Manchester, it does not affect them. At no point does the ban extend to users who have always been able to buy cigarettes. It does affect those who turn 21 this year - that age was chosen because then they have never been able to legally buy cigarettes in MA and so hopefully are already mainly non-users (of course they could have been obtaining tobacco products underage from a friend, etc). The generational ban would then extend to residents that will turn 21 in the future (like my children). The hope is that the generational ban will gradually phase out NEW users. You are right that people under the generational ban can just drive to Magnolia or Beverly to purchase cigarettes but this does not make it more difficult for them.

During the public hearing, Richdale's owner said that in 1998, they sold 200 cartons a week and in 2024, they sold 30-35 cartons a week so the tobacco rate has decreased over the years even without the ban. I do think a generational ban sends the message to our youth that this town recognizes the deleterious health effects of tobacco and that we discourage its use.

I can understand the opposing view. The generational bans are so new that we do not have data at this point to know if they are effective in reducing tobacco use among younger users. I like to use data to make decisions and we do not yet have it. New Zealand initially was going to enact a tobacco generation. but then scrapped it when a different political party was in power. The UK is proposing a generational tobacco ban as well. Needham was one of the first in the state to increase the age to purchase tobacco to 21 in 2005 and they have a lower adult smoking rate (8%) than the state average (18%). They also now have a generational ban.

Incidentally the FDA has introduced a proposal to decrease the amount of nicotine allowed in tobacco products (but they are not allowed to eliminate it all together, it must be greater than 0). While it is the combustible aspect of tobacco that is harmful, it is the nicotine that makes it addictive. With the high levels of nicotine, it is my opinion that the idea of "choice" with tobacco products is somewhat an illusion.

Thanks again and we will definitely talk more about SGARS. The BOH has been invited to the Select Board meeting this Monday evening.

Best,
Leah

On Tuesday, April 29, 2025, 06:10:46 PM EDT, Ann Harrison <harrisona@manchester.ma.us> wrote:

Dear Leah,

I did read your email to the end and appreciate your arguments although I don't agree with all of them. Yes, it is horrible that tobacco companies target young teenagers and value their profits above the health of their customers. It must be awful to be a medical professional and face the damage people do to themselves with cigarettes every day.

Both my parents smoked and my mother died after aggressive treatment for lung cancer - working in a WWII shipyard may have contributed to her disease. I smoked for a while - nicotine is a very nice drug.

However I see the generational ban as a gimmick. People who are hooked on butts are not going to give up the habit just because they have to go out of town to buy their poison.

I've got to go but will write more soon - we should also talk about the Town's use of SGARs.

Best wishes,

Ann

Opinions expressed are my own and do not represent the position of the Select Board as a whole. All correspondence with the Select Board and its members is subject to the Public Records Law of the Commonwealth of Massachusetts.

From: Leah Peavey <leah_capalbo@yahoo.com>
Sent: Tuesday, April 29, 2025 12:57:03 PM
To: Ann Harrison <harrisona@manchester.ma.us>
Subject: [EXTERNAL] - More thoughts on the Nicotine Free Generation Bill.

Hi Ann,

I am emailing on behalf of myself and not the BOH. You are someone I have long admired from afar and I have always appreciated your dedication and service to the people in the town and your thoughtful and measured comments, insight, and perspective. You were kind enough to email me back when I emailed about the school budget and I appreciated that. I honestly was surprised by the citizens petition against the nicotine generational ban that was signed by the Select Board. I had actually thought of emailing you prior to the town meeting once the citizens petition had been made just to hear more about your perspective and to engage in discourse before the meeting.

I wanted to give you a little more background about the nicotine free generational bill from my standpoint. I am a shy person, not a good public speaker, and was also constrained by the 2 minute time limit and I feel like I did not adequately convey my position last night. I am passionate about supporting this generational nicotine regulation to gradually phase out tobacco use. I started my career working as a clinical trials coordinator for BWH/DFCI in lung cancer, esophageal cancer, and mesothelioma. After obtaining a Masters in Health and a Physician Assistant Degree from Duke University (and while there running/biking frequent on The Tobacco Trail), I returned to Brigham and Women's Hospital to work as a PA in Thoracic surgery (taking care of patients with lung cancer, esophageal cancer, and mesothelioma) and currently for the last 12 years, I have been employed by Dana-Farber Cancer Institute on the medical side for their inpatient solid tumor oncology service (currently at BWH). Many of my cancer patients who were smokers really struggled to quit and others are still smoking while undergoing cancer treatment.

As I said last night, tobacco is the number one cause of preventable disease and death in the US, responsible for 480,000 deaths per year or ~ 1300 deaths per day in the US. It kills more than 8 million people worldwide per year. It causes numerous cancers such as lung, esophagus, larynx, mouth, throat, kidney, bladder, liver, pancreas, stomach, cervix, colon, and rectum and affects almost every organ in the body. Second hand smoking causes 1.2 deaths annually worldwide including the death of 65,000 kids.

There are NO health benefits of smoking, only harmful effects. Furthermore, nicotine is highly addictive, having been found to be as addictive as cocaine and heroin. Less than 1/10 people who smoke succeed in quitting each year. Most people who are current smokers started as teens. 99% of people who smoke regularly started smoking before the age of 26. It is rare for people to start smoking after that age. If nicotine was introduced as a new drug today, it would NEVER be approved for wide scale use.

Back in previous generations, smoking was ubiquitous. People would smoke everywhere. Doctors were smoking. Pregnant women were smoking. Smoking was on TV. My maternal grandparents smoked as did two of their children (thankfully not my mom). My aunt even accidentally sent cigarettes and a lighter in my cousin's lunchbox to school rather than a lunch and the staff at the school had a good laugh about it. It was a different time. That same cousin was sick with bronchitis multiple times a winter because of her mom's smoking. The dangerous effects of tobacco were not known by most and hidden by the tobacco companies. My grandfather died of cancer when I was 12. My grandmother passed away from complications of COPD when that same cousin was giving birth to twins (her first children). Even though she smoked until the end because she could not quit, my grandmother NEVER wanted that for her grandchildren. My cousin would not allow her mom to see her kids unless she quit smoking and she did.

Knowledge is power. The reason tobacco is still everywhere is because the tobacco companies are so powerful. They are highly financially motivated for people to have a nicotine addiction. As the number of adult smokers have dropped, the tobacco companies have been aggressively targeting the youth with their advertising. Per the statistics above, if people do not start smoking by age 25, they likely will not start. A 1984 RJ Reynold report said:

"Younger adult smokers are the only source of replacement smokers....If younger adults turn away from smoking, the industry must decline."

In 2019, tobacco companies spent 22.5 million a day in the US to advertise their products. Tobacco companies developed fruit and candy flavored products (banned in 2009 but still used in e cigarettes, cigars, other tobacco products). Massachusetts and California have banned the sale of flavored products.

Brookline was the first to introduce a generational tobacco ban in 2020. The purpose of the generational tobacco ban is to gradually phase out tobacco use year by year. It does not stop anyone who can already buy cigarettes from buying them. It only prevents a new generation of users.

It was challenged at the Mass Supreme Court level and the Mass Judicial Supreme Court ruled unanimously in March 2024 in favor of the generational tobacco by law.

Justice Dalila Wendlandt wrote in her decision: "The bylaw also is a rational alternative to an immediate and outright ban on sales of all tobacco products, preserving in-town sales to those in group one who may already suffer from addiction."

In addition, the Massachusetts Supreme Judicial court noted that cities and towns "have a lengthy history of regulating tobacco products to curb the well-known, adverse health effects of tobacco use."

"Importantly, state laws and local ordinances and bylawy can and often do exist side by side," the court added, "This is particular true of local ordinances and bylaws regulating public health, the importance of which we have long acknowledged."

Once this decision was upheld at the Mass Supreme Court, multiple towns in Mass have followed suit in passing their own nicotine free generational regulations. For Brookline, it was done at a town meeting. For ten other towns including Stoneham, Wakefield, Winchester, Reading, Malden, Melrose, Concord. Chelsea, Needham, and Belchertow, the BOH made the regulation and held public hearings (similar to ours). For Newton, it was the city council who passed it (in Jan 2025 after we passed ours).

The Manchester BOH started updating our tobacco regulations as required by the state in spring 2024. I read about Brookline's generational tobacco ban in the May 25, 2024 edition of the The New England Journal of Medicine and was immediately on board. I brought it back to the BOH and proposed that we join the growing number of Mass municipalities and add it to our proposed tobacco regulations for review and they agreed.

<https://www.nejm.org/doi/full/10.1056/NEJMp2403297>

The BOH had the evening public hearing for the regulations on 10/24/24 and advertised the meeting for the new tobacco regulations twice in the Cricket at least two weeks before the meeting. Our proposed regulations including the generational ban were posted on our website. The Gloucester Daily Times also ran an article about it (not generated by us) prior to the meeting.

The BOH personally invited the two businesses in town that sell cigarettes and one came and the other chose not to participate. An additional convenience store owner from Magnolia came as well. There was legal counsel representing a convenience store. One of the Select Board joined the meeting as a private citizen. Most of the others who joined the meeting via zoom were other people in the state. The people opposed to it were mainly from special interest groups (eg Citizens for Adult choice is funded by the New England Convenience Store and Energy Marketers Association) who are (understandably) motivated by financial losses with this generational ban. Speaking in support of the ban were several medical doctors including a pediatrician, multiple addiction specialists (both MD's and clinical psychologists and social workers), many of whom came from towns where a similar ban was passed. One of our BOH members was initially against it and expressed the same concern that another resident did last night about prohibition not working but after hearing the expertise and testimony of the medical professionals who treat addiction, they changed their minds. Adolescents and young adults are highly influenced by their peers and having peers just over 21 who can buy tobacco products for them can start them down the nicotine addiction path.

One of the Manchester convenience store owners asked for an extension of the effective date to 4/1/2025 (it was originally going to be 1/1/2025) and we complied. The new generational ban does not take away any existing customers. Everyone who could legally buy tobacco products the year before can still buy them. It is just the cohort of people who are turning 21 this year that will not be able to buy tobacco products in Manchester. It both gives businesses time to gradually adjust their business model and also does not take tobacco products away from someone who is addicted. One of the citizens did ask us to postpone the vote but we declined given it had been advertised twice, the updated regulations were on the website, and the stores that sell tobacco were represented. I was initially surprised as well that there were not more town residents there but in thinking about it, the people who would be affected would be 21 year olds (that may be off at college) or their parents. It is my opinion that parents are not jumping for joy for their children to turn 21 so they can buy tobacco products.

If you noticed last night, most of the citizens of Manchester were not motivated enough by the issue (or granted it could be because they knew the vote was non-binding or had to get home to put children to bed) to stay for the debate and vote. It is my opinion that had younger parents been there, the results of the voting may have been different. While smoking was much more common place in my parents' and grandparents' generation in our family and among their friends/social circle, we do not have anyone in our family in the current generation who is a smoker. People in older generations may take smoking for granted as a part of life and a freedom they enjoy. Younger generations do not see it that way in my opinion especially growing up with all the public health initiatives and education about the dangers of tobacco.

Many Mass towns are now debating enacting their own generational tobacco ban because people are interested in protecting the youth from the dangers, health hazards, and cost of nicotine addiction. They want to break this cycle. When I was a child, you could smoke anywhere even in hospitals and the age to start smoking was 16-18. Massachusetts was a pioneer in both fronts in banning smoking in public places and raising the smoking age to 21 and now it continues to be a pioneer. In January 2025, Massachusetts introduced a Nicotine-Free Bill into the State Senate.

Last night, the argument was that the BOH was overreaching in their scope. There is also an alternative view. I have two boys ages 14 and 10 and both of them were shocked when I told them the vote did not pass. My older son has just finished a tobacco unit in the middle school and asked why the adults were taking the side of the tobacco companies and putting profits over the health of kids. My younger son cannot understand why they let the stores sell these products that are "addictive and cause to get sick and die." He asked if these adults "cared about kids."

Many of the talking points from the Select Board last night in favor of repealing the law seemed similar to the ones from Citizens for Adult Choice who as I mentioned previously, are funded by the New England Convenience Store and Energy Marketers Association. I wish more residents had been at the actual public hearing so they could have heard the detailed debates and voiced their opinions.

The BOH's focus is the health and welfare of the Manchester community. I am proud of our revised tobacco laws that include a generational nicotine ban to protect the next generation from tobacco use. I joined the Manchester BOH to be able to make a difference in the health of the Manchester community long-term and this bill strongly aligns with my goal and my background.

Anyway, I realize all of this is my perspective. It would be wonderful sometime to actually have a conversation about it (even if the vote was non-binding). I apologize that I did not try to engage in discourse before the meeting because I think

communication is always helpful especially when people are looking at the issues differently. Maybe some time we could meet up for coffee.

Thanks for reading all this Ann if you made it to the end! I really appreciate it.

Sincerely,

Leah