

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: 5/2/2025 2:01:55 PM
Subject: Re: [EXTERNAL] - More thoughts on the Nicotine Free Generation Bill.

Hi Ann- Thank you so much for listening (rather reading) and for sharing your perspective and opinion and for having the discussion with me. I really do appreciate it.

I think 6 pm should work for me-see you at the Town Hall then.

Best.

Leah

On Thursday, May 1, 2025, 03:50:39 PM EDT, Ann Harrison <harrisona@manchester.ma.us> wrote:

I can be at town hall at 6 on monday if you would like to talk - and thank you for the charts and further arguments.

Cheers,

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: Thursday, May 1, 2025 1:37:19 PM
To: Ann Harrison <harrisona@manchester.ma.us>
Subject: Re: [EXTERNAL] - More thoughts on the Nicotine Free Generation Bill.

Hi Ann,

Here is a chart that I found (but outdated. I think the data is from 2011-2015) showing both amount of stores by region (map form) that sell cigarettes and percentage of tobacco users by region (map form), and a graph showing (as we expected) an inverse relationship between income and percentage of people who smoke.

<https://www.mahb.org/tobaccomaps/>

There are many reasons for that. Also, tobacco companies do historically target low income communities with marketing and advertising (but again many other reasons exist for that disparity).

You are correct that most smokers start by age of 20. From statistics that I found- nearly 9/10 by age 18, nearly 25% by age 21, and 99% by age 26. And yes youth do start smoking for the reasons that you mention including peer pressure. Having an older cohort of people (by just a few years) who are legally able to smoke and who do it can also influence someone to smoke. People in the 16-20 range may be influenced to start using tobacco products by those in the 21-25 age range. The generational nicotine ban will help stop that influence.

Smoking overall in Massachusetts has greatly decreased and in Manchester as well per the Richdale's estimations of cigarette cells between 1994 and today.

Just for a time line for tobacco bans in Mass:

1992 Mass Tobacco Cessation and Tobacco Program was formed (funded for my excise taxes from tobacco) and started a widespread medial educational campaign about the health hazards of smoking.

2004 Smoking ban in workplaces, restaurants, and bars

2005: Needham raises age to buy tobacco to 21 (brought forth I believe by doctors)

2012 Boston Housing authority- no smoking in apartments or building

2013: Smoking banned in city run parks

2013: A dozen communities raised the age for tobacco purchase tobacco to age 18

2018: Bill passed to increase age to purchase tobacco in Mass to 21 from age 18 (went into effect 2019).

All of these measures along with increased awareness about the dangers of tobacco use have decreased smoking rates. As I said previously, if tobacco products were developed now, they would not be allowed by the FDA. on the market. What is egregious is that despite all of the dangers and health effects and their highly addictive properties, that tobacco products are STILL on the market. The tobacco lobby is just too well funded and politically powerful to eradicate tobacco products. Their business model is to get people to be addicted to generate a constant revenue stream. We are powerless against the tobacco lobby (much like the gun industry) despite it being the number one preventable cause of death and disease in the US. The generation free nicotine ban is a valuable opportunity to prevent the sale of tobacco products to a generation that has not tried them yet. And it is a legal way backed by the Supreme Court of Mass. And it will not significantly impact the businesses in town given both how gradual it is and how low the cigarette sales already are. One of the businesses that sells cigarettes declined to come to our public hearing or even make a statement. In Brookline, not one of the businesses that sell tobacco has gone out of business in the past 4 years.

I have talked to my teenage son's friends and they have been in support of the ban. They spent a month in 8th grade health class at MERMS learning about the dangers of tobacco use. How do we then turn around and tell the youth that we had an opportunity to stop the sale of dangerous tobacco products and we chose not to.

Whether you think it is a gimmick or not, in my opinion, if you are against the tobacco ban, then you are for tobacco companies being able to continue to legally sell harmful, dangerous, and highly addictive tobacco well into the future. We are taking steps to eradicate tobacco sales for the youth who are currently not old enough yet to buy tobacco. The BOH is responsible for protecting and promoting health in our local community. This nicotine free generational ban is in line with that goal and responsibility. Even if we do not know yet for sure if it will work, it is difficult to argue that it does not promote the health of the Manchester community or that the BOH has "strayed" from our responsibilities in enacting that.

I would love it if one day I was out of a job because cancer rates dropped significantly. The tobacco industry unfortunately does not feel the same way. Tobacco is far from the only cause of cancers and there are many people who get lung cancer who are never-smokers. Unfortunately cancer rates are higher and striking younger people each year (in the last 10 years, we have seen many patients in their 20's and even in their teens(!) with metastatic colon cancer; incredibly sad and a topic for another day). As a side note, I do agree with you that addiction is a medical issue. And again tobacco has been shown within the brain to be as addictive as cocaine and heroin. WHY do we continue to allow it to be sold for future generations when we know it causes widespread illness and death.

Enough ranting by me. (Sorry!). Enjoy the rest of the sunny day! Finally some spring weather.

And maybe we can talk before the meeting starts on Monday if that works for you?

Best,
Leah

On Wednesday, April 30, 2025, 01:32:48 PM EDT, Ann Harrison <harrisona@manchester.ma.us> wrote:

Leah,

It would be interesting to see a chart by town of education, income, and smoking.

While most people start smoking before the age of 26, most of those start before they're 20. Teenagers smoke for various reasons - to lose weight, to look tough, to defy their parents, to impress their friends (at earlier ages) or not to look uncool.

Those reasons - well maybe not the appetite suppression - fade as people enter their twenties. Smoking is expensive and tends to make the smoker an outcast. Needing to stop what you're doing to go have a smoke doesn't sit well in most occupations.

My belief is that most adults who smoke would like to quit except for the craving. At least in France, there are drugs that eliminate the craving for nicotine and the satisfaction of smoking.

As my disclaimer says, my opinion: Addiction is a medical problem, not a character problem. It should be addressed medically - for nicotine and for opiates.

I'd love to talk either before or after the meeting on Monday. My schedule irregular -

Cheers,

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 Belchertown, 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