

From: [Peter Colarusso <PeterColarusso@hotmail.com>](mailto:PeterColarusso@hotmail.com)

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

Date: 2/18/2025 5:40:03 PM

Subject: [EXTERNAL] - Re: Tobacco petition

Attachments: Petition to Overturn Local BOH Regulation.docx

Hi Wendy

You have a strong technical background. In all my years managing R&D I have found that most scientists write in great detail. Necessary for technical papers but tend to overwhelm the general public. I would suggest the tobacco message is that we are overseen by the state, have little editorial authority. All regulations are filed and approved by the state.

Stay warm

Sent from my iPhone

On Feb 18, 2025, at 5:26 PM, Wendy Hansbury <hansburyw@manchester.ma.us> wrote:

Thank you, Peter.

Those are great points. I put them in. "restrictive" last line in first paragraph, first line in 3rd paragraph, and the end of the sentence just before the bullet points.

I'm not the spin dr I was hoping for, but I'm getting better. ☐

Wendy

From: Peter Colarusso <PeterColarusso@hotmail.com>

Sent: Tuesday, February 18, 2025 4:53 PM

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

Subject: [EXTERNAL] - Re: Tobacco petition

Hi Wendy

Thanks for the draft. Three quick comments:

In the first paragraph the statement that we can modify the state regulation can be misconstrued and feeds into their request. We can make the regulation more restrictive but not less; ie we can't eliminate penalties for noncompliance. By definition regulations have to have a penalty for noncompliance.

Also can you mention that the regulation will not impact those currently over 21.

There is an impression that we arbitrarily decided to review the tobacco regulation. Stating that the state told us our old regulation was not consistent with current tobacco regulation reinforces that we need to respond to state directives

Sent from my iPhone

On Feb 18, 2025, at 4:12 PM, Wendy Hansbury <hansburyw@manchester.ma.us> wrote:

Hi Peter,

What do you think of this draft?

I hit most of your points except the violation. I think having only 1 in the past 5+ years doesn't help our case. The original violation date was August 2023. Joyce didn't tell us there were issues with the fines until after the spring 2024 vote.

Of course, change what you want. I cut out a lot of the explanation of how it got to the Board in the attempt to keep it 1 side page.

Wendy

From: Peter Colarusso <PeterColarusso@hotmail.com>

Sent: Tuesday, February 18, 2025 10:09 AM

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

Subject: [EXTERNAL] - Re: Tobacco petition

Hi Wendy

Made it through the worst of clean up. Hopefully for the last time this season.

The message I tried to communicate:

We are under the authority of state agencies

We do not write regulations. The state supplies the regulations for uniformity between municipalities

We can only make the regulations more rigorous not less - can not eliminate the fines

The review of the regulation was due to a violation uncovered by the state.

The review of the public hearing indicates that only one person cared.

Vote in not binding. Only challenge to BOH is through the courts.

Hoped to explain our position and that future attempts will be futile

Sent from my iPhone

On Feb 18, 2025, at 9:59 AM, Wendy Hansbury

<hansburyw@manchester.ma.us> wrote:

Hi Peter,

Hope you dug out of the snow/ice okay.

This is a great start. I've made some comments through the markup /comment feature.

Hoping it's okay with you and because I'm pretending to be a spin doctor in training ☹, I'll write a version that has less detail about the regulation adoption, and more detail about why adopting the NFG tobacco product ban is a good policy for the town. I'll send it to you before the end of the day. I will include a lot of your good information/points.

Wendy

From: Peter Colarusso <petercolarusso@hotmail.com>
Sent: Monday, February 17, 2025 10:30 AM
To: Wendy Hansbury <hansburyw@manchester.ma.us>
Subject: [EXTERNAL] - Tobacco petition

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Sent from my iPhone

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 regulation models. Local Boards of Health may adopt the regulation and make more restrictive modifications that are appropriate for the Town.

A citizens' petition has been submitted for the 2025 Spring Town Meeting asking to overturn a local public health regulation. 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. The Manchester Board of Health encourages residents' comments and participation in our local government.

The Board of Health was told by the North Shore / Cape Ann Tobacco Policy Program that our local regulations were not updated to the current version of the state's requirements, including the fine schedule. In November 2024, the Board of Health held a public hearing to adopt the tobacco related regulations. A member of the Board of Health asked that the proposed Nicotine Free Generation (NFG) regulation, that prohibits nicotine product sales to people born after January 1, 2004, be included for review. The drafts used during the hearing were provided by the North Shore / Cape Ann Tobacco Policy Program.

The North Shore / Cape Ann Tobacco Policy Program is funded through the Massachusetts Tobacco Control Program (MTCP) of the Department of Public Health and is part of Smoke Free Solutions North, the MTCP Community Mobilization Network. MTCP was created through a statewide referendum in 1992 and has programs that facilitate smoking cessation and supports retail compliance.

The public hearing for the regulations were advertised two times in the local newspaper two weeks in advance, and the notice was posted on the website. The Board's Administrative Assistant contacted the tobacco sales license holders prior to the meeting, one of whom attended the hearing. Few other community members attended, which is usual for the Board's public hearings.

The Board's choice to adopt this regulation is focused on changing the access points of a highly addictive substance. We are all interested in protecting one another from preventable disease; yet this regulation does not affect existing nicotine users over the age of 21.

The main reasoning for the Board to adopt the Nicotine Free Generation regulation include:

- "Tobacco product use remains the leading cause of preventable disease and death in the United States. In 2022, 49.2 million (19.8%)—or nearly 1 in 5—U.S. adults reported current tobacco product use.",
- "Youth and young adult use of tobacco products contributes to future use. This is because nicotine exposure can harm the developing brain and increase the risk for dependence.", and
- "Public health professionals and researchers have proven longstanding public health strategies can reduce tobacco use. These strategies include: Media campaigns, and Expanded access and availability of treatment and counseling for tobacco dependence. These measures can be coordinated with tobacco prevention and control policies (e.g., price increases, smoke-free policies). Together, they are essential for reducing the toll caused by tobacco product use including disease and death in the United States."

(CDC Smoking and Tobacco Use; Current Cigarette Smoking Among Adults in the United States, Sept. 17, 2024. <https://www.cdc.gov/tobacco/php/data-statistics/adult-data-cigarettes/index.html>)

One community member asked for a postponement of the vote. The local retailer asked for additional time to prepare before enforcement of the NFG regulation. This was allowed by the Board

along with the 3 to 1 vote to approve the regulations as presented. Manchester is one of 13 communities to adopt the NFG rule. This proposal for a sales ban is before the MA Legislature for consideration during this session.