

My name is Leah Peavey, 6 Rockwood Heights Rd, Manchester and I am a member of Manchester's Board of Health. I am also a health care provider having worked in the field of oncology for over 20 years.

The state required Manchester's BOH to update our out of date tobacco regulations to be in compliance with the current state regulations. Per Massachusetts General Laws, Local Boards of Health must adopt regulations that are at least as stringent as the the state regulation and are able to add more restrictive modifications that protect the health and welfare of residents.

Manchester BOH proposed adding a generational ban on the sale of nicotine products in Manchester to those born on or after January 1, 2004, , similar to one passed by Brookline in 2020, and upheld by the Massachusetts Supreme Court in 2024, It does not affect existing nicotine users over the age of 21. The goal is not to take nicotine products away from existing users but to protect future generations from the health hazards of nicotine addiction.

The BOH's reasoning is as follows:

- Tobacco product use remains the leading cause of preventable disease and death in the United States causing more than 480,000 deaths per year or about 1300 deaths per day in the US. Worldwide, it kills more than 8 million people a year.
- Cigarette smoking causes diseases of almost every organ of the human body, including multiple cancers, heart disease, stroke, Type 2 diabetes, and chronic obstructive pulmonary disease (COPD).
- 49.2 million—or nearly 1 in 5—U.S. adults reported current tobacco product use in 2022.
- 99% of cigarette smokers who smoke daily try smoking by age 26.
- Nicotine has been found to be as addictive as cocaine and heroin. Less than 1 in 10 adults who smoke cigarettes succeed in quitting each year. The BOH's motivation is to prevent future generations from nicotine addiction.

The BOH held a public hearing on the proposed tobacco regulations in October 2024. The public hearing was advertised twice in the Cricket at least two weeks in advance, and the notice was posted on the website. It was also highlighted in the Gloucester Daily Times. Both stores currently selling tobacco products were invited to the meeting. One store chose not 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 Manchester residents participated. However, numerous attendees from around the state presented arguments both for and against the nicotine generation ban. The Board ultimately adopted the proposed tobacco regulation by a vote of 3 to 1. Removing the fine for noncompliance to the tobacco regulation would weaken the regulation and therefore the BOH is opposed to removing fines.

The Boards of Health in Stoneham, Wakefield, Winchester, Reading, Malden, Melrose, Concord, Chelsea, Belchertown, and Needham have all passed generational tobacco bans as did the city council of Newton. State legislation for a nicotine free generation was also introduced in the Massachusetts Senate January 2025.

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.

Thank you.

The Manchester-by-the-Sea Board of Health

In 2020, Brookline, MA updated their tobacco regulations to include a ban on the sale of nicotine products to anyone born on or after 1/1/2000. The regulation is tied to a date of birth rather than a specific age. The Massachusetts Supreme Court unanimously upheld Brookline's generational tobacco by-law.

- Smoking causes cancer of the lung, esophagus, larynx, mouth, throat, kidney, bladder, liver, pancreas, stomach, cervix, colon, and rectum.”
 - In 2022, 49.2 million (19.8%)—or nearly 1 in 5—U.S. adults reported current tobacco product use
 - In 2022, 22.2% of US Middle and High schoolers reported using tobacco products. In 2022,
 - Nicotine exposure can harm the developing brain, which continues to develop into the mid-20's.
- dangers, health hazards, and cost of nicotine addiction and to gradually phase out tobacco use. This step towards gradually phasing out tobacco use was highlighted in the May 25, 2024 edition of the The New England Journal of Medicine which is how I learned about it.

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,

I am speaking today about the citizens petition regarding new tobacco regulations adopted by the Manchester Board of Health In November 2024.

he penalty for noncompliance is a fine or after multiple violations, suspension of the license.