

To The Editor:

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 adopt and enforce regulations that protect the health and welfare of residents and the environment. They adopt minimum state models and may make more restrictive rules appropriate for the Town's circumstances.

Tobacco regulation came to the Board's attention in August 2023, when a regional state agent investigated store compliance in Manchester. One of two stores selling tobacco products sold cigarettes to a minor. In the process of addressing the violation, the agent notified the Manchester Board of Health (BOH) that the current local regulation was less restrictive than the state regulation. Specifically, the Board of Health was told that the language in the old regulations made it difficult to enforce, that the fine schedule was out of compliance, and that updated Tobacco regulations were necessary.

The BOH's motivation is to prevent a new generation of tobacco addiction given that:

- Tobacco product use remains the leading cause of preventable disease and death in the United States.
- Cigarette smoking causes disease in almost every organ in the human body.
- Youth and young adult use of tobacco products contributes to future use.
- Nicotine has been found to be as addictive to the brain as heroin and cocaine.
- Nicotine exposure can harm the developing brain and increase the risk for dependence.
- 99% of smokers start smoking by age 26.

Tobacco use in Massachusetts is at a historic low of about 13%, but this statistic does not reflect other tobacco/nicotine products such as pouches, little cigars, or e-cigarettes. Tobacco companies are aggressively targeting youth to have a new generation of consumers. Use of e-cigarettes and vape products are the highest tobacco product use in MA: 18% of adults aged 18-24 use them and about 5.7% of adults overall. Youth tobacco/nicotine use by e-cigarette/vape products is increasing and was 17.6% in 2021.

Manchester, and 12 other Massachusetts communities adopted the Nicotine Free Generation (NFG) in our updated regulations. Similar legislation has been introduced to the Massachusetts Senate in January 2025. The Massachusetts Supreme Court has upheld the local authority to set a generational tobacco by-law.

The regulation is tied to a specific birth date, January 1, 2004, rather than an age. Current purchasers of tobacco/nicotine products are not affected. Existing store revenue is not disrupted.

The public hearing on the Tobacco regulations was advertised two times in The Cricket two weeks in advance and was posted on the Town website. Both licensed stores were invited to the hearing. One store chose to participate and asked for an extension of the effective date, which was granted. One resident requested a postponement of the vote. To enforce the regulation, the penalty for noncompliance is a fine or license suspension. The Board adopted the Tobacco Sales Regulation by a vote of 3 to 1 in November 2024.

There is a petition at Town Meeting to remove the NFG language. This is a non-binding vote because Massachusetts General Law requires the MA Courts to decide the standing of a Board of Health decision.

We appreciate the input of the residents. Our decisions are based on technical data from health agencies and member expertise. The BOH has a goal to

separate our current youth from nicotine products, which has a much higher addiction rate than either alcohol or marijuana. This is a step forward in that effort to protect our youth.

Sincerely,

The Manchester-by-the-Sea Board of Health