

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.