

Thank you for allowing me to speak with you this evening.

I'm Maureen Buzby, Mystic Valley Tobacco Prevention Program Manager. My program serves seven communities, six of which have adopted Nicotine Free Generation. In fact, these six communities were the very first in the world to adopt NFG as a BOH regulation.

Brookline was first municipality in the world to adopt this type of policy, called Tobacco Free Generation at the time, but they passed it as a by-law. They certainly opened the door, but I have to say, I am immensely proud of local Boards of Health who put aside their political, economic, and personal views to do the courageous work that Boards have done for decades – whether it was the controversial smoke-free workplace law 20 years ago, T-21, or the difficult decisions Board members made during COVID.

I understand from Amy that you are all experienced and knowledgeable, so I won't spend time on the health issues caused by nicotine use. We all know smoking is still the leading cause of preventable death in the US

and that smoking is a financial burden to the smoker as well as to our health care system, a burden which trickles down to local municipalities.

What I do want to talk about is why so many communities are considering NFG now. I've been doing tobacco prevention work for the past 14 years and worked on many tobacco policies - pharmacy ban, cigar minimum price, T-21, flavor restriction, smoking bar ban, permit cap, and others, some of which have become state law.

These are good policies, policies that make sense, policies that have helped, policies that moved the needle - - a bit. However, in spite of huge inroads, people still do smoke; millions are still affected by second-hand smoke; vaping in our schools remains a serious issue; and the tobacco industry continues to develop and market new, appealing, cheap, discrete, and high nicotine products.

We now have vape pens that look just like highlighters. Bic style pens that write and vape! A vape device with an LED screen that tells you how many puffs you have left to trigger you to go buy another one. And even vapes with built-in video games.

I bought a couple of devices the other day to take to the State House for our annual visit with legislators. One looks just like a teddy bear. One looks like a guitar. And one, that looks like a CD, has packaging that says, "Vape and play music wirelessly from your pocket". **I have some sample products.** How cool are these that? Who do you think Big Tobacco is targeting?

I understand that you have already discussed oral pouches - a product that packs a terrific punch. While a pack of cigarettes has 22 to 24 milligrams, one tiny nicotine pouch may have 3, 6, 16, 18 or even more milligrams of nicotine. They are very cheap. They are more discrete than vaping. And the high nicotine content makes it easier to become addicted.

The industry would have us believe that these products are safer, that they help adult smokers quit or cut down on smoking, which would be great. But I don't believe these products are designed to attract adult smokers.

The industry is losing smokers. They need replacement customers.

So they target our young people - - teenagers who don't smoke, who have never smoked. Young people experiment with these cool, cute, clever products which

may lead to a lifelong addiction which causes the many health issues we all know about; is a financial burden; can be a gateway to other substance use; and can even cause opportunity loss.

Most young people don't know that if they use nicotine they can't join the military, and may not be able to enter the police academy or become a firefighter. In today's environment we don't want to lose opportunities for future employment. "AI" may take away many jobs but we'll still need police, fire, and military personnel, jobs which can be a good alternative to high school graduates who may not want to pursue college at this time.

How do we help our young people to not become nicotine -dependent in the face of the added stresses they are under, and the constant barrage of appealing products that are relentlessly peddled on social media – social media that most of us do not even see? We know the adolescent brain doesn't fully develop until about age 25, making young people more susceptible to addiction. And we all know nicotine is one of the most, if not the most, addictive substances legally sold in the US.

NFG is a brilliant solution. It's a policy with a long runway which gives retailers time to plan for slight changes year after year and it doesn't prevent those adults who use nicotine products from being able to purchase cigarettes, cigars, vapes, chew, pouches, or any of the other nicotine products currently available - - with more on the way. The industry makes billions in profits and they spend billions on research and marketing. Toothpicks dipped in nicotine? Yes, I've seen those also.

The NFG policy is actually simple once you get used to the idea. We change tobacco sales from an age-restricted product to a birthdate-restricted product.

For example, in many of the 13 communities that adopted NFG in the past year, the birthdate restriction is 1/1/2004. Anyone born before 1/1/2004 can still be sold tobacco products. But it would be illegal to sell tobacco products to anyone born on or after 1/1/2004.

No one who is already 21 loses his or her "privilege" to purchase tobacco products. This policy only affects those who do not now, and have never been able to legally buy nicotine products. It's a slow rollout that allows retailers time to adjust to slightly lower tobacco

sales over an extended period of time, unlike the flavor ban that removed all flavored products from retailers' shelves on day one.

When Brookline passed TFG in 2020 they were sued, and that case went all the way to the Massachusetts Supreme Judicial Court which decided, unanimously, that local municipalities have the authority to adopt this kind of policy to protect their residents. Not that we expect further legal challenges but if there are any,

Northeastern University's Public Health Advocacy Institute will represent any MA city or town pro bono, as they did Brookline. By the way, in their decision, the SJC went even further and applauded local public health for leading the way in protecting youth from the harms of tobacco use.

Last March, immediately after the SJC decision, the Stoneham Board of Health became the first BOH in the world to adopt NFG, followed by Wakefield, and then Melrose, Malden, Winchester, Reading, Concord, Manchester, Chelsea, Belchertown, Needham, Newton, Pelham, and most recently, Somerville.

In summary:

. Retailers have a long time to get used to slightly lower tobacco sales each year.

. Each year just one year's worth of potential new buyers will not be able to legally buy tobacco products.

. No one has a "privilege" taken away. Those who are already of legal age to buy will still be able to purchase these products.

. It's easy to administer - - a salesclerk just has to look at the birthdate on the ID. Either the purchaser was born before the cutoff date and can be sold a tobacco product. Or they were born on or after the cutoff date and can't.

. The highest court in the state has decided the legality of this policy.

. Again, should there be a legal challenge, and we don't expect one, Northeastern University's Public Health Advocacy Institute will defend any municipality pro bono.

. Importantly, young people want this policy. This is for them and about them. They spoke eloquently about nicotine use at the State House just this past week.

They told their legislators about not being able to use the bathrooms at school because of kids vaping, and how nicotine addiction has negatively impacted their peers.

. This policy finally moves us towards a nicotine free generation, saving lives and billions of dollars in health care costs.

The goal, as it was for the Smoke Free Workplace law, is to have enough cities and towns adopt NFG that it becomes more likely to be adopted as state-wide law. An NFG bill was filed in both the State Senate and House in January. It is critical to have more cities and towns adopt this policy. I hope you will be among them. By the way, bills have been filed in both the Indiana and Nevada State Legislatures. But I hope Massachusetts is first, just as we were first with a state-wide flavor ban.

I'd like to close with a quote that resonated with me as I worked on NFG in my region.

A long-time Board chair, who was not always a fan of tobacco sales regulations, said, "We do it for the kids." And that's the key. This is not about adult smokers. We are not taking anything away from adults. This is about protecting future generations from the financial, health, and opportunity costs of a life-time of addiction.

I'd be happy to take questions now. Thank you!