

**Berkshire Public Health Alliance Thursday, March 13,
2025, 5:30 PM**

Thank you.

For some of you this will be a repeat performance – my apologies. For the rest of you my goal will be to briefly describe what we've been up to in my Tobacco Program Region.

I work with seven cities and towns in the Mystic Valley region. I've been doing tobacco prevention work for the past 13 years and in that time I'm proud to say my communities have been early adopters of several local tobacco regulations like pharmacy ban, cigar minimum price, T-21, flavor restriction, smoking bar ban, permit cap, and others, some of which have become state law. And, as you know, that is how public health policy works in Massachusetts. Some municipalities decide that we need to do more and look for policies that will improve the health of their residents.

A prime example is when local boards of health led the campaign for a smoke-free workplace law two decades ago, against extreme pushback, town-by town, city-by-city, until there was critical mass and Smoke Free Work Place became state law.

And now we can't imagine going into a restaurant, theater or bar, say nothing about a hospital or a school; or riding on a subway, bus, train, or plane where someone is smoking. That law denormalized smoking in public places.

We all know that tobacco use is still the leading cause of preventable death in the US. Every year almost half a million Americans die prematurely of smoking related disease. And billions of dollars are spent on smoking related illnesses.

The policies I mentioned, and I'm proud to have worked on many of them, moved the needle - a bit. However, people still 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 like oral pouches with 14, 16 or even 18 milligrams of nicotine - - in each pouch. Compare that to a pack of cigarettes with 24 milligrams in the entire pack.

We now have vape pens that look just like highlighters. Bic style pens that write or 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 the newest vapes with built-in video games. You can play Mario Bros. while you vape. What's next? We can never keep up. Not against an industry with billions in profits.

Back in 2020 the Town of Brookline passed a by-law that made it illegal for Brookline retailers to sell tobacco to anyone born after 1/1/2000.

It's actually pretty simple. As of 1/1/2020, anyone purchasing a tobacco product has to be born before 1/1/2000. Brookline retailers have to remember just one date, whereas now the Minimum Legal Sales Age changes every single day.

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

Almost two years ago my health director and I started discussing the possibility of introducing TFG, as it was known at the time, to cities and towns in our region.

We started by meeting with local prevention partners, educators, health care professionals, youth workers, and then other stakeholders, especially those in municipal government – Mayors, Town Managers, City Council and Selectboard members, School Committee members, and others.

I presented NFG (renamed from TFG so it would be clear that this policy covers all nicotine delivery products not just traditional combustible tobacco)

to each Board, one-by-one. In each case Board members voted to move to the next step- - a Public Hearing.

It's not required but this is a significant policy and we wanted to make sure everyone had a chance to weigh in. In fact, we not only sent retailer communication through normal channels such as email and regular US Postal Service mail, I hand-delivered a hardcopy of the public hearing notice to every single tobacco retailer in my region. Sometimes right after an RJ Reynolds or other industry rep had been there urging customers to reject the policy.

Turnout at the hearings ranged from a low of ten in one city to almost a hundred in another. There was, as expected, opposition from retailers, distributors, trade association execs, and even a few smokers. Some of the turnout resulted from flyers posted in store windows by the opposition. Some of you have probably received robo emails sent from all over the country advising you to reject this policy. Municipalities who have not even discussed NFG yet have been bombarded by a well-funded industry. Not a surprise.

Four communities in my region held public hearings before we learned the outcome of a lawsuit filed against Brookline. Last March the SJC, Massachusetts' highest court, delivered a unanimous decision in favor of Brookline's right to pass a TFG by-law. Immediately after the SJC decision, at their very next

meeting, the Stoneham Board of Health became the first BOH in the world to adopt NFG, followed by Wakefield and then Melrose. And then Malden, and Winchester, and Reading. And more recently Concord, Manchester, Chelsea, Belchertown, Needham, Newton, Pelham, and counting.

The goal, as it was for the Smoke Free Workplace law, is to get enough cities and towns to adopt NFG that it becomes more likely to be adopted as state law. An NFG bill was filed in both the State Senate and House in January. It is critical to get more cities and towns to adopt this policy. I hope you will be among them.

NFG, which changes tobacco from an age-restricted product to a birthdate-restricted product, starts to move us towards the end of tobacco addiction which has harmed millions and cost billions for decades.

In summary:

- . Lots of lead time. 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 gets 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 - - the 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.

- . 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 as they did in Brookline.

- . And we finally move towards a nicotine free generation, saving lives and billions of dollars in health care costs.

I'd like to close with a couple of quotes that resonated with me as we worked on this policy across my region.

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

We know nicotine addiction can be a gateway for other substance use. Adolescents, whose brains are not fully developed until about age 25 or 26, are especially susceptible to addiction.

Almost no one becomes addicted to nicotine as an adult. In fact, 80 % of smokers started while still teenagers.

And youth want it! Youth show up for public hearings. And speak up at these hearings. This is for them and about them. They want to have a voice.

In fact, another quote came from a 16 year-old Natick high school sophomore just this past weekend. She asked me why anyone would object to this policy so I explained some of the pushback we hear, for example, that we are taking away someone's rights. She said, "Taking away the right to sell a poison???" This is a young person so alarmed by the number of her peers who use nicotine products that she has filed her own bill in the State House - to ban internet sale of tobacco products. She is very interested in working on the NFG bill as well as on her own internet sales ban bill. She told me, "We have to everything we can to fight Big Tobacco". And she's right.

I am happy to take questions
now.

Thank you.

Maureen Buzby

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