

Tobacco Free Mass

May 13, 2025

Shaun McAuliffe
Health Director, Hopkinton Board of Health
18 Main Street
Hopkinton, MA 01748

Dear Mr. McAuliffe and members of the Hopkinton Board of Health,

At Tobacco Free Mass (TFM), we advocate for legislation, policies, and programs that counteract the tobacco industry's impact on the people of Massachusetts, with a focus on our youth and those most affected by tobacco use and its harms.

Massachusetts is a nationwide leader in tobacco control policies and protections. In the past 30 years, significant efforts have been made to combat youth tobacco use:

- We ended the sale of *flavored tobacco* products and vapes — including menthol — and were the first state to do so.
- Restrictions were placed on the sale of non-flavored nicotine vaping products (with a nicotine content exceeding 35 mg/mL) to licensed, adult-only retail tobacco stores and smoking bars.
- The minimum age for selling tobacco products was raised to 21.
- Smoking and vaping were banned in workplaces, bars, restaurants, and casinos.

But there is still a lot of work to do. According to the Centers for Disease Control and Prevention (CDC), tobacco use is the leading cause of preventable disease, disability, and death in the United States. The latest government survey results show that 2.25 million (8.1%) U.S. middle and high school students reported current (past 30-day) use of any tobacco product in 2024 and 5.28 million (19%) reported ever using any tobacco product.ⁱ

The U.S. Supreme Court has observed, **“Tobacco use, particularly among children and adolescents, poses perhaps the single most significant threat to public health in the United States.”**ⁱⁱ Use of tobacco products, no matter what type, is almost always started and established during adolescence when the developing brain is most vulnerable to nicotine addiction.^{iii iv} People who start smoking as young teens are more likely to:

- Get addicted to nicotine.
- Become lifetime smokers.
- Get diseases caused by tobacco use.
- Die from a disease caused by tobacco use.

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In 2023, TFM signed onto the amicus brief in the case of *Six Brothers, Inc. d/b/a Brookline Sunoco v. Town of Brookline*. In a historic ruling, the Massachusetts Supreme Judicial Court unanimously supported the Town of Brookline's Nicotine-Free Generation Bylaw. The Brookline Bylaw prohibits sales of nicotine products to anyone born on or after January 1, 2000. The Court found that the Bylaw does not conflict with the state minimum age sales law for tobacco products. This has not gone unnoticed as other municipalities have shown interest in this innovative policy aimed at protecting not only today's youth, but future generations.

The Court also recognized the importance of local public health and concluded "[l]ocal communities have a lengthy history of regulating tobacco products to curb the well-known, adverse health effects of tobacco use. For decades, such local laws have coexisted with State laws, often augmenting available Statewide protections."

At TFM we oppose preemption and encourage municipalities to advance policies that attempt to reduce tobacco use in their communities. Local communities have adopted and put into action some of the strongest, innovative, and effective tobacco control policies that have served as a catalyst for transitioning social norms about tobacco use. These policies discourage young people from initiating use and encourage adult tobacco users to quit.^{v vi}

Massachusetts has made great progress in reducing the rates of youth tobacco use but new and emerging tobacco and nicotine products targeted at youth require us to respond in new ways to prevent youth tobacco/nicotine use.

Sincerely,



Ellana Stinson, MD, MPH, MBA
Chair
Tobacco Free Mass

ⁱ Jamal A, Park-Lee E, Birdsey J, et al. Tobacco Product Use Among Middle and High School Students — National Youth Tobacco Survey, United States, 2024. *MMWR Morb Mortal Wkly Rep* 2024;73:917–924.

ⁱⁱ *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 161 (2000).

ⁱⁱⁱ U.S. Department of Health and Human Services. *The Health Consequences of Smoking - 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014.

^{iv} U.S. Department of Health and Human Services (USDHHS). *A Report of the Surgeon General: Preventing Tobacco Use among Youth and Young Adults. We Can Make the Next Generation Tobacco-Free (Consumer Booklet)*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2012.

^v Centers for Disease Control and Prevention. *The Health Consequences of Smoking – 50 Years Progress: A Report of the Surgeon General*. Atlanta, GA: US Dept of Health and Human Services; 2014.

^{vi} National Cancer Institute. *State and Local Legislative Action to Reduce Tobacco Use. Smoking and Tobacco Control Monograph No. 11*. Bethesda, MD: US Dept of Health and Human Services; 2000. Accessed July 23, 2015.

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