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To: Buzby, Maureen <mbuzby@CityofMelrose.org>

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

As [Shaun](#) said, I'm Maureen Buzby, Tobacco Prevention Program Manager for seven communities, six of which have adopted Nicotine Free Generation. In fact, these six communities are 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 the local Boards of Health who put aside their political, economic, and whatever personal views they may have, to do the courageous work that Boards have done for decades – whether it was the very controversial smoke-free workplace law 20 years ago or all the difficult decisions Boards had to make during COVID.

I understand from Amy that you are all experienced and knowledgeable, so I won't dwell on the "why" - at least not the health issues surrounding nicotine use. We all know the health harms caused by smoking and that smoking is still the leading cause of preventable death. And of course smoking and other nicotine use is still an extreme financial burden to those who are addicted as well as to the state and then of course all our local municipalities.

I want to share why we explored this policy in my region. 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 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, 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 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. I have one that looks like a teddy bear. One that looks like a guitar. And this one, that looks like a CD. The packaging says, "Vape and play music wirelessly from your pocket". How cool is that? Who do you think they might be targeting?

I also have nicotine pouches if there is anyone here who hasn't seen pouches, or maybe hasn't seen them up close.

These amazing little pouches that pack a terrific punch. While a pack of cigarettes has 22 to 24 milligrams of nicotine one little tiny pouch may have 3, 6, 9, 19 or more milligrams of nicotine. There are very, very cheap. They are more discrete than vaping. The high nicotine content make it easier to get 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.

They target young people - - teenagers who don't smoke, who have never smoked. Young people who 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 do not know that if they use nicotine they cannot not join the military, and may not be able to enter the police academy or become a firefighter. In today's environment we do not want to decrease opportunities for future employment. "AI" may take many jobs away from us but we will still need police, fire, and military personnel.

How do we help our young people to not become nicotine dependent in the face of the added stress they are under, the onslaught of appealing products that are relentlessly peddled on social media – social media that most of us do not even see? Our brains don't fully develop until about

age 25 or 26, 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. [Toothpick dipped in nicotine? We have those too.](#)

It's pretty simple once you get use 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, the SJC went even further and applauded the important work of local public health in 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.
- . 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.
- . And we finally move 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.

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!

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