

From: Silbaugh, Katharine <silbaugh@bu.edu>

Sent: May 05, 2025 16:14:12.000000000 UTC

Subject: RE: Brookline ordinance

To: John Maa <maa_john@yahoo.com>

Cc: Chris Bostic <bosticc@ash.org>; Jon Berrick <tobaccofreegeneration@gmail.com>; Tamu Green <tamu@eqwi.us>; Anthony Ishak <aishakpharmd@yahoo.com>; Richard Daynard <r.daynard@phaionline.org>; Carolyn Dresler <cmdresler@gmail.com>; Lissy Friedman <lissyfriedman@phaionline.org>; Mark Gottlieb <mark@phaionline.org>; Mark Meaney <mark.meaney@mitchellhamline.edu>; mchouhms@gmail.com <mchouhms@gmail.com>; Maureen Buzby <mbuzby@cityofmelrose.org>; Winickoff Jonathan P. MD MPH <JWINICKOFF@mgh.harvard.edu>; Ken Elstein <kenelstein@gmail.com>

Sorry, no, it's not an implied exemption. The way law works, all is legal except that which is prohibited or regulated. NFG regs in Massachusetts govern only sales, and within the retail licensing system in each municipality. All else, meaning use, possession, and wholesale or direct from farm sales are not impacted by the regulation. It's really inaccurate to call that an implied exemption. To make it an explicit exemption, you'd have to write something into NFG that would be incoherent as written into municipal law regulating retail sales.

From: John Maa <maa_john@yahoo.com>
Sent: Monday, May 5, 2025 12:10 PM
To: Silbaugh, Katharine <silbaugh@bu.edu>
Cc: Chris Bostic <bosticc@ash.org>; Jon Berrick <tobaccofreegeneration@gmail.com>; Tamu Green <tamu@eqwi.us>; Anthony Ishak <aishakpharmd@yahoo.com>; Richard Daynard <r.daynard@phaionline.org>; Carolyn Dresler <cmdresler@gmail.com>; Lissy Friedman <lissyfriedman@phaionline.org>; Mark Gottlieb <mark@phaionline.org>; Mark Meaney <mark.meaney@mitchellhamline.edu>; mchouhms@gmail.com; Maureen Buzby <mbuzby@cityofmelrose.org>; Winickoff Jonathan P. MD MPH <JWINICKOFF@mgh.harvard.edu>; Ken Elstein <kenelstein@gmail.com>
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I hear you we can say there is an implied exemption but it is not expressly stated

We require tobacco retail licenses in California for all legal sales, and will check if sacred tobacco is in the code

I walked to the art Museum yesterday in SF and this woman tried to sell me three packs of cigarettes on the street. Should have asked to see her tobacco retail license!

Sent from my iPhone

On May 5, 2025, at 8:58 AM, Silbaugh, Katharine <silbaugh@bu.edu> wrote:

Since they only address tobacco sales by licensed local retailers, they de facto all exempt sacred tobacco.

From: John Maa <maa_john@yahoo.com>
Sent: Monday, May 5, 2025 11:58 AM
To: Chris Bostic <bosticc@ash.org>
Cc: Silbaugh, Katharine <silbaugh@bu.edu>; Jon Berrick <tobaccofreegeneration@gmail.com>; Tamu Green <tamu@eqwi.us>; Anthony Ishak <aishakpharmd@yahoo.com>; Richard Daynard <r.daynard@phaionline.org>; Carolyn Dresler <cmdresler@gmail.com>; Lissy Friedman <lissyfriedman@phaionline.org>; Mark Gottlieb <mark@phaionline.org>; Mark Meaney <mark.meaney@mitchellhamline.edu>; mchouhms@gmail.com; Maureen Buzby <mbuzby@cityofmelrose.org>; Winickoff Jonathan P. MD MPH <JWINICKOFF@mgh.harvard.edu>; Ken Elstein <kenelstein@gmail.com>
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Sounds like a good plan.

Do any of the NFG ordinances exempt sacred tobacco? It doesn't seem like Brookline or UK address it

Sent from my iPhone

On May 5, 2025, at 8:37 AM, Chris Bostic <bosticc@ash.org> wrote:

I've been talking with contacts in Native American tobacco control, and I just want to put up a yellow flag. The sacred tobacco issue is complicated and nuanced, and *how* we do things is likely as important as *what* we do. One thing that has struck me in working with this community is the strong notion that no one can speak for all Native Americans, indeed not even for one Tribe or even another person. This makes it tricky to bring in outside expertise or advocacy.

The most important first step is to listen and understand concerns. My colleague suggested reaching out to the North American Indian Center of Boston, Inc. (NAICOB) in Jamaica Plain. As a regional group, they are in a better position to understand and perhaps have an influence. At the initial meeting, we shouldn't try to "sell" NFG, but instead explain what we're trying to accomplish and express our desire to have a meaningful dialogue with the Native community. You may even invite the BOH member with the concern, to ensure it doesn't appear that we're trying to "go over her head" but instead start a dialogue.

Cheers,
Chris

From: John Maa <maa_john@yahoo.com>
Sent: Sunday, May 4, 2025 12:36 PM
To: Katharine Silbaugh <silbaugh@bu.edu>
Cc: Jon Berrick <tobaccofreegeneration@gmail.com>; Tamu Green <tamu@eqwi.us>; Anthony Ishak <aishakpharmd@yahoo.com>; Chris Bostic <bosticc@ash.org>; Richard Daynard <r.daynard@phaionline.org>; Carolyn Dresler <cmdresler@gmail.com>; Lissy Friedman <lissyfriedman@phaionline.org>; Mark Gottlieb <mark@phaionline.org>; Mark Meaney <mark.meaney@mitchellhamline.edu>; mchouhms@gmail.com; Maureen Buzby <mbuzby@cityofmelrose.org>; Winickoff Jonathan P. MD MPH <JWINICKOFF@mgd.harvard.edu>; Ken Elstein <kenelstein@gmail.com>
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Thanks - took a look again in the light of day and did not see any distinction of commercial or sacred tobacco.

I did like the definition of smoking to include non tobacco products as well

This seems to make the sacred tobacco issue less of a concern - not in the Brookline ordinance or the UK

Finished my slides and ATS is reviewing. Will share once that is complete. Talk is May 20

On May 4, 2025, at 3:28 AM, Silbaugh, Katharine
<silbaugh@bu.edu> wrote:

It's a sales restriction
Sent from a handheld device

On May 4, 2025, at 1:25 AM, John Maa
<maa_john@yahoo.com> wrote:

<https://www.brooklinema.gov/DocumentCenter/View/18677/Town-of-Brookline-Tobacco-Bylaw>

Almost done with my ATS slides.

Looked up the Brookline ordinance.

Is there a section about sacred tobacco/ commercial tobacco? Worked a lot this evening and took a Quick Look. Please let me know if you see the specific language. Thanks!

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