

From: Anthony Ishak <aishakpharmd@yahoo.com>

Sent: Jan 17, 2025 00:59:41.000000000 UTC

Subject: Re: NFG bill draft -

To: mark@phaai.org <mark@phaai.org>; Silbaugh, Katharine B <silbaugh@bu.edu>; Winickoff, Jonathan P.,MD, MPH <jwinickoff@mgh.harvard.edu>; Chui, Anthony <achui@cityofmelrose.org>; Buzby, Maureen <mbuzby@cityofmelrose.org>

I think we were going to meet Monday the 27th, do you think we can wait until that time and make sure all our FAQs are updated in preparation for Somerville etc?

On Thursday, January 16, 2025 at 01:15:03 PM EST, Buzby, Maureen <mbuzby@cityofmelrose.org> wrote:

I can certainly send Emily the FAQ we have now but I am wondering if we might want to beef it up first.

I just watched the ASH webinar. It struck me that we may want to weave more environmental impact stats into our testimony and our fact sheet. The impact cigarette product has on the environment is appalling. Trees, water, pollution. Today's webinar will be available online later this afternoon for anyone who wants to watch it but missed the live show. Massachusetts was mentioned in the very beginning.

From: Mark Gottlieb <mark@phaionline.org>

Sent: Thursday, January 16, 2025 11:19 AM

To: Reynolds, Emily (SEN) <Emily.Reynolds@masenate.gov>

Cc: Buzby, Maureen <mbuzby@cityofmelrose.org>; anthony ishak <aishakpharmd@yahoo.com>; Chui, Anthony <achui@cityofmelrose.org>; Kate Silbaugh <kbsilbaugh@gmail.com>; Winickoff, Jonathan P.,MD, MPH <JWINICKOFF@mgh.harvard.edu>; Wilson, Timothy (HOU) <timothy.wilson@mahouse.gov>

Subject: Re: NFG bill draft

Fantastic news!! Thanks, Emily!

--Mark Gottlieb, PHAI Please excuse mobile text errors

On Thu, Jan 16, 2025 at 11:07 AM Reynolds, Emily (SEN) <Emily.Reynolds@masenate.gov> wrote:

Good morning,

Senator Lewis has filed the legislation and it is [SD1317 An Act to create a nicotine free generation](#).

It will likely be mid to late March before the bill is given a permanent bill number and assigned to committee. I know a few concerns were flagged on some of the language. Once it is assigned to the committee, we will have the opportunity to speak with the staff about some of the concerns and advocate for any changes to the bill.

There is no rush, but it would be helpful to have a fact sheet or FAQ for the bill by the time it gets to committee. You all know the policy and data, so your help would be invaluable on creating that.

Please reach out at any time and let us know if there is any way that our office can be helpful.

Best,
Emily

Emily L. Reynolds
(she/her/hers)
Senior Policy Counsel

Office of Senator Jason Lewis, 5th Middlesex
Statehouse, Room 511-B
(617) 722-1206 Ext. 1298
Emily.Reynolds@masenate.gov

From: Buzby, Maureen <mbuzby@CityofMelrose.org>
Sent: Tuesday, January 7, 2025 4:44 PM
To: Reynolds, Emily (SEN) <Emily.Reynolds@masenate.gov>; Anthony Ishak <aishakpharmd@yahoo.com>; Chui, Anthony <achui@CityofMelrose.org>; Kate Silbaugh <kbsilbaugh@gmail.com>; Mark Gottlieb <mark@phaionline.org>; Winickoff, Jonathan P.,MD, MPH <JWINICKOFF@mgm.harvard.edu>
Cc: Wilson, Timothy (HOU) <timothy.wilson@mahouse.gov>
Subject: RE: NFG bill draft

Great update. Thanks, Emily.

From: Reynolds, Emily (SEN) <Emily.Reynolds@masenate.gov>
Sent: Tuesday, January 7, 2025 4:34 PM
To: Anthony Ishak <aishakpharmd@yahoo.com>; Buzby, Maureen <mbuzby@CityofMelrose.org>; Chui, Anthony <achui@cityofmelrose.org>; Kate Silbaugh <kbsilbaugh@gmail.com>; Mark Gottlieb <mark@phaionline.org>; Winickoff, Jonathan P.,MD, MPH <JWINICKOFF@mgm.harvard.edu>
Cc: Wilson, Timothy (HOU) <timothy.wilson@mahouse.gov>
Subject: Re: NFG bill draft

Good afternoon,

Thank you all for your thoughts and feedback on the language. We really appreciate it.

The "tobacco product" definition in the flavored tobacco section (c270 section 28) is the most recent definition that was passed and signed into law. Since there seems to be some disagreement around that, we are defaulting to the last in time definition and keeping the updated definition in the bill. Tim flagged for House Counsel that the definition was already used in another section, which alleviated their concerns. We also felt that, should we need a bargaining chip somewhere down the line, we would rather have the new definition included to be taken out instead of preemptively taking it out.

To Anthony's questions:

1. Section 4 of the bill states that nothing shall preempt further restriction by any political subdivision. Political subdivisions include cities and towns, so this explicitly states that municipalities will be able to further restrict this section of the MGL.
2. Since we are mirroring the "tobacco product" definition from section 28, we are going to keep the wording as is around "the approved purpose."

Please keep in mind that filing the bill is just the first step of the legislative process. If there are further policy or language concerns, I encourage you to include those in any written or oral testimony for the committee when this bill comes up for a hearing. Additionally, testimony is not limited to the time of the hearing. Most committees will have meetings with advocates and accept feedback throughout the session so long as the bill is still in the committee.

We will be able to give you docket numbers once the bill is filed in both chambers, but bills will not be assigned to committee or given bill numbers until closer to the end of March. We will update you with that information when we have it.

Please reach out at any time with any questions, comments, or concerns.

Thank you,

Emily

Emily L. Reynolds

(she/her/hers)

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(617) 722-1206 Ext. 1298

Emily.Reynolds@masenate.gov

From: Anthony Ishak <aishakpharmd@yahoo.com>

Sent: Saturday, January 4, 2025 11:34 PM

To: Reynolds, Emily (SEN) <emily.reynolds@masenate.gov>; Buzby, Maureen <mbuzby@cityofmelrose.org>; achui@cityofmelrose.org <achui@cityofmelrose.org>; Kate Silbaugh <kbsilbaugh@gmail.com>; Mark Gottlieb <mark@phaionline.org>; Winickoff, Jonathan P., MD, MPH <jwinickoff@mg.harvard.edu>

Cc: Wilson, Timothy (HOU) <timothy.wilson@mahouse.gov>

Subject: Re: NFG bill draft

Happy New Year, Emily,

Thanks for including me in this discussion. I'm not a lawyer so will only weigh-in based on the last lawsuit challenging Brookline and my role as a pharmacist:

1. Will this still allow communities to take more restrictive measures such as an outright ban? I just want to make sure this would not provide an opportunity for challenging a community that wanted to be more aggressive about addressing nicotine addiction.

2. For section 2, should the last sentence include "this" instead of "the" which is bolded and italicized (by me for identification)

"...not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for ***the*** approved purpose."

I raise this point because the FDA is currently *authorizing* vaping options though they are not *approved* for medical use. Or should there be a separate statement making this distinction? The incoming administration has expressed support for vaping devices and I worry that they may undermine the more generally accepted science.

Thanks for your work on this,

Anthony

Anthony Ishak Pharm.D. BCPS

he/his/him

On Saturday, January 4, 2025 at 04:50:22 PM EST, Winickoff, Jonathan P.,MD, MPH
<jwinickoff@mg.harvard.edu> wrote:

Hi Emily,

Happy new year! I think that the existing definition of tobacco product covers the foreseeable very low nicotine tobacco products. In the current definition, tobacco product includes any product containing, made, or derived from tobacco or nicotine—therefore even a low or zero nicotine tobacco product is still a tobacco product based on this current definition. In addition, tobacco product includes any component, part, or accessory of a tobacco product. My gut instinct is to not change the existing definition of tobacco product as it may invite scrutiny. I therefore would recommend not including the paragraph that attempts to set forth a new definition of tobacco product. The change to law here is the birth date sales restriction, plain and simple.

Take care,

Jonathan

From: Reynolds, Emily (SEN) <Emily.Reynolds@masenate.gov>

Sent: Friday, January 3, 2025 9:22 AM

To: Buzby, Maureen <mbuzby@CityofMelrose.org>; achui@cityofmelrose.org; anthony ishak <aishakpharmd@yahoo.com>; Kate Silbaugh <kbsilbaugh@gmail.com>; Mark Gottlieb <mark@phaionline.org>; Winickoff, Jonathan P.,MD, MPH <JWINICKOFF@mg.harvard.edu>

Cc: Wilson, Timothy (HOU) <Timothy.Wilson@mahouse.gov>
Subject: NFG bill draft

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Good afternoon,

Representative Vitolo and Senator Lewis have been working on bill language around the tobacco free generation policy. Rep. Vitolo had reached out to House Counsel about drafting something and Haley Tobin from Representative Lipper-Garabedian's office shared the draft language that was sent from Anthony Chui.

We combined the 2 drafts, changing the existing statute rather than creating something new. We did add the new definition for "tobacco product" and the preemption language. The birthdate and implementation date are set assuming that the bill passes by the end of the new session.

There is some concern in the "tobacco product" definition around the phrase "regardless of nicotine content in the product." This was added in the draft that Haley received from Anthony Chui. The concern is that nicotine is a naturally occurring substance and could be in some other common products, resulting in unintended consequences. House Counsel wanted to ask the intent of the clause, and if there is a different way we can write the language to specify the intent. Any insight that you can provide is appreciated.

Please let us know if there is any feedback that you have on the language or title, or intent that you can share around the nicotine content language.

Also, I am sure that there are other advocates that you have been working with who I do not have contact information for. Please feel free to forward this so that other advocates may share their thoughts.

Thank you,

Emily

Emily L. Reynolds

(she/her/hers)

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