necsema
New England Convenience Store & Energy Marketers Association

# Somerville — Document Notes

14 DOCUMENTS · PUBLIC RECORDS PRODUCTION · REAL TRUTH MA · RETRIEVED SEPTEMBER 22, 2026

These notes walk through the substantive documents in Somerville's production, in the order the events occurred. Each entry says what the document is, quotes the relevant passage, and links to the file. The complete production — every file, including the routine and duplicative ones not listed here — is in the document library on the main Somerville page.

Nothing is characterized or interpreted below. Where a document is ambiguous, it is quoted and left ambiguous.

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### 1 Six Brothers, Inc. v. Town of Brookline

Supreme Judicial Court slip opinion · argued November 6, 2023, decided March 8, 2024

The Supreme Judicial Court decision upholding Brookline's by-law against a challenge by retailers. The full opinion is in Somerville's file. It is the legal basis on which the policy was presented to Massachusetts boards of health, and it is cited in advocacy material that appears in several other productions on this site.

### 2 Nicotine-Free Generation — Six City Tobacco Initiative

Prepared remarks · dated September 19, 2024

> "Local boards led the campaign for a smoke-free workplace law two decades ago, against extreme pushback, especially from restaurants and bars. They had the conviction and the courage to adopt this progressive policy."

A speech text headed "Six City Tobacco Initiative," setting out the case for the policy and the argument that local boards of health, rather than the Legislature, are the effective route. A second prepared speech in the same production ("A Maureen speech") uses the same text, headed for Malden and dated April 24, 2025.

### 3 Nicotine-Free Generation Overview

Advocacy one-pager · undated

> "The Massachusetts Supreme Court unanimously upheld the policy in Brookline. Like asbestos or lead paint, selling tobacco is not a constitutional right."

A summary sheet describing the policy and answering objections to it, including arguments about personal freedom and the effect on retailers. It is one of several prepared explanatory documents in the file; a 2024 guide of the same kind runs to more than a hundred pages.

## 4 Tobacco Prevention funding clarification

Email · December 23, 2024 · Maureen Buzby (City of Melrose) to Karin Carroll, Director of Health and Human Services, with Bonny Carroll copied

> "As you know, the work that Bonny and I do is funded through a grant from DPH… Currently the MTCP program receives only a portion of those funds — anywhere from 5 to 10%… This will be pointed out by the opposition if Somerville decides to hold a public hearing."

Sent five days after a meeting with the Board, this email traces the funding for the sender's position and her colleague's to a Department of Public Health grant drawn from the 1998 tobacco Master Settlement Agreement. It sets out the American Lung Association's grading of Massachusetts — an "A" for policy and an "F" for funding — and notes that the opposition will raise it at a hearing. It closes: "Please feel free to share this email with Somerville Board of Health members if you feel it will be helpful."

## 5 My NFG brain dump

Email · February 10, 2025 · Maureen Buzby to health officials in Salem, Somerville, Hanover, Framingham, Brookline and Burlington

> ">14 communities have NFG — one by-law, one city ordinance, one resolution (a town with no stores so they don't have tobacco regulations but if one tries to come to town…), and the rest BOH regulation. >State bill filed in early January."

A status summary circulated to tobacco control staff in six municipalities. It enumerates the adoptions by the legal mechanism used, notes a state bill filed in January 2025, and is introduced by the sender as something written "for someone who is having a meeting with community partners."

## 6 Board of Health minutes, January 23, 2025

Minutes · January 23, 2025

The Board's regular January meeting. Present were Chair Brian Green, members Margaret Coit and Alyssa Dubois, Health and Human Services Director Karin Carroll and Tobacco Control Coordinator Bonny Carroll.

## 7 Reconciling the draft regulations

Working notes · addressed to Bonny Carroll, Tobacco Control Coordinator

> "Section D No sales to persons born after Jan 1, 2005 — with this being the main one!"

A line-by-line comparison of the city's existing tobacco regulations against the proposed replacement, listing what the new text adds: four new "whereas" clauses, a new definition, manufacturer documentation requirements, an oral nicotine pouch definition, the birthdate provision at Section D, and the pouch provision at Section G. The writer also flags language present in the old regulations that does not appear in the new ones, and asks whether she has the current version.

## 8 Board of Health minutes, February 20, 2025

Minutes · February 20, 2025 · one month before the public hearing

> “The new proposals in this draft include the Nicotine Free Generation, restricting the nicotine content in oral pouches and restricting the sale of oral pouches to adult-only retail tobacco stores. Oral pouches were not included in the State definition of tobacco products.”

The Board worked through the outstanding questions on the draft: whether to impose local fines of $300, $600 and $1,000 per violation or adopt the higher state schedule, and the consequences of each for civil ticketing and appeals. Both pouch options were before the Board at this meeting. The city adopted the adult-only-store restriction and not the nicotine content cap.

## 9 Board of Health minutes, March 20, 2025 — the public hearing

Minutes · March 20, 2025 · meeting opened 6:00 p.m., adjourned 7:26 p.m.

> “Brian Green made a motion to adopt the proposed changes, including changes to the fine structure, inclusion of NFG and restriction of nicotine pouches to adult-only establishments… at 7:21pm.”

The hearing and the vote. The minutes name twenty-four people who testified. Eight were students — seven from Somerville schools and one identified as a Needham high school student. Also recorded as testifying: pediatrician Jonathan Winickoff; Peter Brennan of the New England Convenience Store and Energy Marketers Association; Stephen Helfer of Cambridge Citizens for Smokers’ Rights; Katharine Silbaugh, identified as a Brookline resident; Anthony Ishak, pharmacist; Ginny Chadwick; Mark Gottlieb of the Public Health Advocacy Institute; Zachary Rich of Boston Medical Center; and Maureen Busby [sic], identified as Mystic Valley Tobacco Prevention Program Manager. The minutes state that “most of the testimonies were in support of the NFG initiative and the restrictions on nicotine pouches.” A second motion set the effective date at May 1, 2025.

## 10 Letter of support for the March 20 hearing

Email · March 20, 2025, 1:07 p.m. · Julie Smith-Galvin to Karin Carroll, with Maureen Buzby copied

> “I work in Somerville and live in Wakefield. Wakefield has passed NFG and it has been a welcome policy.”

A letter of support sent on the day of the hearing by a writer who states that she works in Somerville and lives in Wakefield, and who identifies herself as a mother of young adults and a business owner. The file is redacted.

## 11 State grant reporting, FY24 and FY25

Grant reporting forms · fiscal years 2024 and 2025

> “Number of presentations of model regulation and tobacco industry tactics given to municipal decision-makers to build support for local policy change during the reporting period. Please note municipallity.”

The reporting forms the regional tobacco program files with the state. The metrics include presentations to municipal decision-makers, the number of municipalities for which model policy has been created or changed, retail density policies passed, cigar pricing policies passed, and board of health collaborative meetings held. Under progress narrative, the FY25 form records: “Somerville is interested in NFG and will have a presentation in November.”

## 12 FDA enforcement guidance and draft letter to retailers

Draft letter and presentation · January 2026

> “Only products with Marketing Granted Orders can be sold in the United States… Currently, only a limited number of electronic cigarettes and an even smaller number of oral nicotine pouches have Marketing Granted Orders.”

A model notice to retailers explaining federal marketing authorization. It is a template rather than a Somerville document: the sender, addressee and jurisdiction are left as “[City/Town]” placeholders throughout, on “health department letterhead.” It concerns existing federal law rather than the city’s own regulation. A companion presentation dated January 6, 2026 covers the same ground.

## 13 The tobacco sales regulations in force before the amendment

Regulations · final text dated March 1, 2024, and a draft dated January 29, 2024

Two versions of Somerville’s tobacco sales regulation, both predating the 2025 amendment: neither contains a birth-date sales restriction. The text as amended in March 2025 is not in this production; readers wanting it should consult the Board of Health’s own published regulations. The working notes above compare the model regulation against these documents.

## 14 The records requests

Public records requests · December 29, 2025 and February 4, 2026

The original request and the amended one. The amendment narrows the search to four categories of custodian — the Public Health Director, Board of Health members and staff, the Mayor and City Council members — and to correspondence with a named list of outside parties. Narrowing of this kind is common in these productions and affects what a reader should expect to find.