



AGENDA

Board of Health Meeting

May 20, 2025

7:00 – 9:00 pm
Zoom Only

Webinar ID: 858 0487 9924

Passcode: 157226

<https://needham-k12-ma-us.zoom.us/j/85804879924?pwd=2f73MKJU0oX3h8dYdtVOh3X5QlY1ol.1>

To listen/view this meeting, download the “Zoom Cloud Meeting” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting”.

Webinar ID: 858 0487 9924

Passcode: 157226

Or click the link below to register:

<https://needham-k12-ma-us.zoom.us/j/85804879924?pwd=2f73MKJU0oX3h8dYdtVOh3X5QlY1ol.1>

	7:00	Welcome & Public Comment Period Attendees are encouraged to inform the Needham Public Health Division of their intent to participate in the public comment period in advance via email (healthdepartment@needhamma.gov), telephone (781) 455-7940, or in person by the end of the business day prior to the meeting. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes.
--	-------------	--

		If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes.
1.	7:05	Board Reorganization • Timothy McDonald, Director of Health & Human Services
2.	7:10	Review of Minutes – April 18, 2025
3.	7:15	April Staff Reports • Environmental Health – Sai Palani & Tara Gurge • Accreditation – Lynn Schoeff & Alison Bodenheimer • Traveling Meals – Rebecca Hall • Substance Use Prevention: Regional – Carol Read & Lydia Cunningham • Substance Use Prevention: Needham – Karen Shannon, Karen Mullen, Monica DeWinter, Angi MacDonnell, Vanessa Wronski • Public Health Preparedness –Taleb Abdelrahim • Epidemiology – Julie McCarthy • Nursing – Ginnie Chacon-Lopez & Hanna Burnett • Shared Public Health Services – Kerry Dunnell & Samantha Menard
4.	7:50	Designation of Agents • Timothy McDonald, Director of Health & Human Services
5.	8:00	Public Health Division Charge • Timothy McDonald, Director of Health & Human Services
6.	8:20	Nicotine Pouches • Karen Shannon, Substance Use Program Coordinator • Tara Gurge, Assistant Director of Public Health • Sai Palani, Environmental Health Agent
7.	8:40	Proposed New Fee Schedule , Permit Fee Calculator, & Risk-Based Fee • Tara Gurge, Assistant Director of Public Health • Sai Palani, Environmental Health Agent
8.	8:55	Other Items • Discussion of July or August Meeting Date, Location & Time • Next Meeting Date, Location & Time

(Please note that all times are approximate)

Next Meeting – June 20, 2025 – Charles River room – Public Safety Administration Building

www.needhamma.gov/health



Board of Health Town of Needham AGENDA FACT SHEET

MEETING DATE: May 20, 2025

Agenda Item	Board of Health Re-Organization
Presenter(s)	Timothy McDonald, Director of Health and Human Services

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Mr. McDonald will discuss the re-organization of the Board of Health for the next year and the Board's upcoming meeting schedule.	
2.	VOTE REQUIRED BY BOARD OF HEALTH
Yes. Suggested motion: "I nominate _____ for the position of Chair of the Needham Board of Health, _____ for the position of Vice Chair, and _____ for the position of Secretary/Clerk."	
3.	BACK UP INFORMATION:
None.	



Board of Health Meeting Minutes DRAFT

Date: April 18, 2025

Location: via Zoom

Members: Stephen Epstein, MD, MPP, Member; Robert A. Partridge, MD, MPH, Member, Edward Cosgrove, PhD

Staff Present: Timothy Muir McDonald, Director of Health and Human Services; Tara Gurge, Assistant Director of Public Health; Kerry Dunnell; Sai Palani; Julie McCarthy; Taleb Abdelrahim, Ginnie Chacon-Lopez; Karen Shannon; Lynn Schoeff; Sam Menard

Welcome & Public Comment Period

Dr. Epstein called the meeting to order at 9:00AM.

According to Chapter 107 of the Acts of 2022, as an act relative to extending certain states of emergency accommodations, as passed by the General Court, and signed into law by Acting Governor Karyn Polito, on July 16, 2022, revised Section 20 of Chapter 20, the Acts of 2021. In so doing, provided modifications to the Massachusetts Open Meeting Law, which allow for flexibility to hold remote only, and hybrid meetings, while preserving public access and, where appropriate, public participation.

There was discussion with Green Needham regarding a proposed black plastic ban.

Nicotine Pouches

Mr. McDonald explained that the Board adopted a revised regulation in December and there had been some discussion regarding removing Section G in its entirety, partly because there was not enough information. Staff has done additional research to allow the Board to again consider this topic.

Karen Shannon, SPAN Coordinator, explained that the research focused on the health impacts of nicotine pouches, including if they can be considered a cessation tool. The information uncovered does not point to them being a tool. Among the impacts to youth include the tobacco industry's marketing tactics and the targeting of youth. Limiting access is part of the work for primary prevention.

Sai Palani stated that there are at least nine Massachusetts communities that have included the Section G language, stating that nicotine pouches are only allowed in adult-only retail stores, most notably, Somerville. There is a movement growing around this topic. A couple of communities have also restricted the pouches to a six milligram dosage.

Dr. Partridge stated that enforcement of a dosage amount would be fairly simple, but there would be a difficulty in characterizing flavor of these pouches. Ms. Shannon suggested eliminating nicotine pouches in Needham altogether. Dr. Epstein stated that this would require public hearings.

The Board agreed to review a redlined version of the document, including restricting the pouches to six milligram doses and banning natural and artificial sweeteners and flavors. After review of this redlined document, the Board would then consider when to set public hearings.

Mr. Palani stated that staff looked at statewide compliance data for youth access and found that there was an 8% failure rate for nicotine patches. In Needham, the last few checks have also seen failures on these kinds of products.

February and March Staff Reports

Environmental Health – Sai Palani & Tara Gurge

- Ms. Gurge introduced the part-time Environmental Health student intern, Alexandra Diener. She will be assisting with ongoing Environmental Health projects for the next six months.
- An administrative meeting was held with The Farmhouse to discuss whether they have made sufficient progress over the past four months in order to release their food safety consultant mandate. An inspection was conducted, and sufficient improvements were observed. As a condition of the release of their food consultant, The Farmhouse agreed to several conditions.
- Ms. Gurge also reported that artificial turf field testing was carried out on April 7th and results will be presented at a future meeting.
- Mr. Palani said that the Environmental Health unit will be permitting the establishments that sell soft serve ice cream (“frozen dessert manufacturers”) separately from food service establishments as per state law.
- Environmental Health will also be issuing permits for funeral home directors going forward, also per state law.

Accreditation - Lynn Schoeff

- Ms. Schoeff stated that staff have been working on documents they had identified as weak during the accreditation submission process. A response is expected from the Accreditation Board within the next few weeks. This will include identification of documents that did not meet expectations and need to be modified and resubmitted. NPHD will then have 45 days to submit the new documentation.

Traveling Meals – Tara Gurge for Rebecca Hall

- Ms. Gurge stated that many applications have been received for the driver position and hiring is expected at the end of April.

Substance Use Prevention: Regional – Timothy McDonald for Carol Read & Lydia Cunningham

- Mr. McDonald noted that, in the past three years, Mass Call 3 regional grants increased from \$125,000 to \$250,000 but this may be reduced again due to the situation at the federal level.

Substance Use Prevention: Needham - Karen Shannon

- Ms. Shannon explained that staff held the second and third sessions of a three-part series for middle school parents focusing on how to talk with their children about substance use. Each was attended by about ten parents. The series was a productive approach, and staff are pleased with the outcomes.
- In February, staff took Narcan training to the high school for 38 SALSA students and 10 staff members. Boxes of Narcan were available at the Public Health Division for anyone who wanted them.
- In March, the last alcohol compliance check under the STOP Act grant was completed. Of the 24 businesses checked, there were four sales to minors.

Public Health Preparedness – Taleb Abdelrahim

- Mr. Abdelrahim stated that staff have begun rolling out the new CORI policy update to ensure volunteers remain eligible for employment.

Epidemiology – Julie McCarthy

- Ms. McCarthy stated that confirmed influenza cases were much higher this year.
- Ms. McCarthy noted that staff have been working on a rat reporting survey and will be releasing this to residents in the next couple of weeks. The intention is to identify areas where residents are seeing.
- Staff are also working on a Heart Safe website to capture how much work went into Needham becoming a Heart Safe community, and to act as a resource for residents.
- Ms. McCarthy noted that there have been comments on Facebook regarding urban heat islands and Board of Health involvement. She met with the Sustainability Manager to discuss the challenges around high heat areas in Town, including collecting air quality and temperature data and potentially applying for climate resilience grant money.

Dr. Epstein stated that, regarding the increase in influenza cases, it also appears that vaccination rates were lower this year. He suggested increasing public awareness on this matter.

Nursing – Ginnie Chacon-Lopez

- Ms. Chacon-Lopez stated that the Matter of Balance class finished with ten graduates. Feedback from participants was very positive for both the program and the instructors.
- There have been weekly blood pressure clinics at CATH with good resident attendance and weekly walk-in clinics for CPR/AED instruction offered this month.
- Camp applications and required documents were sent out to listserv from last year's season and one camp will not be returning this season.
- Ms. Chacon-Lopez gave an update on the Legionnaires' Disease case.

Shared Public Health Services – Kerry Dunnell

- Ms. Dunnell stated that Amy McInerney has left NPHD and her position will be posted shortly.
- All the communities have been scheduled for the Foundational Public Health Service Assessment. The results will be available in May.
- The Environmental Health Working Group continues to review self-assessment answers for accuracy.
- Hands Only CPR classes are being offered among the communities.

Review of Minutes: February 21, 2025

Upon motion duly made by Dr. Partridge, and seconded by Dr. Cosgrove, it was voted to approve the meeting minutes from February 21, 2025, as presented. Motion passed unanimously.

Designation of Agents

The Board agreed to table discussion on this item until a future meeting when more members are present.

Public Health Division Charge

The Board agreed to table discussion on this item until a future meeting.

Positions on Annual & Special Town Meeting

The Board discussed certain articles, including the citizen's petition under the Special Town Meeting Warrant – Skip the Stuff and Ban Black Plastic. Skip the Stuff was supported by the Select Board and Finance Committee. Ban Black Plastic was put on the Warrant by the Select Board, but it voted 2-3 to not support it. There was agreement to craft a statement from the Board of Health that explains the hazards related to nanoplastics.

Other Items

- Board Reorganization

The Board agreed to table discussion on this item until a future meeting.

- Next Meeting Date, Location & Time

Next Meeting – Friday May16, 2025 at 9:00 a.m. – Public Services Administration Building (PSAB) – Charles River room, 500 Dedham Avenue

Adjournment

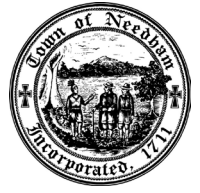
Upon motion duly made by Dr. Cosgrove, and seconded by Dr. Partridge, it was voted to adjourn the meeting. Motion passed unanimously.

The meeting was adjourned at 10:34 AM.

Attachment:

April 18, 2025, meeting packet

DRAFT



Board of Health

AGENDA FACT SHEET

May 20, 2025

Agenda Item	February & March Staff Reports
Presenter(s)	Public Health Division staff members

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Each program area within the Public Health Division will give a brief update on current topics, projects, events, accomplishments, and more.	
2.	VOTE REQUIRED BY BOARD OF HEALTH
Discussion only.	
3.	BACK UP INFORMATION:
a) Environmental Health – Sai Palani & Tara Gurge b) Accreditation – Lynn Schoeff & Alison Bodenheimer c) Traveling Meals – Rebecca Hall d) Substance Use Prevention: Regional – Carol Read & Lydia Cunningham e) Substance Use Prevention: Needham – Karen Shannon, Karen Mullen, Monica DeWinter, Angi MacDonnell, Vanessa Wronski f) Public Health Preparedness –Taleb Abdelrahim g) Epidemiology – Julie McCarthy h) Nursing – Ginnie Chacon-Lopez & Hanna Burnett i) Shared Public Health Services – Kerry Dunnell	



Needham Public Health Division

Prevent. Promote. Protect.



April 2025

Assist. Health Director - Tara Gurge

Full-time Health Agent – Sainath Palani

Part-time Health Agent/Food Inspector – Monica Pancare and Pamela Ross-Kung

Part-time Intern – Alexandra Diener

Unit: Environmental Health

Date: May 20, 2025

Staff members: Tara Gurge, Sainath Palani, Monica Pancare, Pamela Ross-Kung and Alexandra Diener

Activities and Accomplishments

Activity	Notes
Intern Projects – FDA Retail Standards Update	Alexandra has helped complete our self-assessment for the nine FDA standards and is now helping us meet these standards. We have submitted our self-assessment information to the FDA who has approved it and said the next self-assessment for all 9 standards (SA9) will be due again in April 2030. If our office is still involved with the FDA standards environmental health staff should apply for grant funding to perform the SA9 in 2029 to ensure we can continue to participate and qualify to get grant funding. She is helping us complete a risk factor analysis using our food inspectional data so we can determine the most common risk factor violations and has been working with our pre-existing violation list data from 2021 through 2024 for Standard 9. We will compare these results to our survey that was performed in 2019-2020 using FDA grant funding. The data collection method is being done differently, and we are also testing whether we can continue to get clean data with this new method or whether we need to collect new data like what was done in 2020. She has also been tagging along on various inspections and learning about the different inspections we perform and has been assisting with side projects such as drafting re-opening checklists after restaurant closures and other emergency situations.
Spring Annual Food Advisory Board meeting	Our staff hosted our annual food advisory board meeting on May 1st. This meeting is held annually to meet the requirements of FDA Standard 7, which relates to community and stakeholder engagement. The meeting is supposed to be an opportunity to discuss with restaurants and consumers ways our department can intervene in risk factors violations that contribute

	to poor food safety and incidence of food borne illnesses. We have expanded the meeting to encompass food and food safety topics generally to attract more participation. We had over 20 people attend the meeting, including from the Town, businesses and the community. The two topics discussed this year was about food waste reduction and what it would mean for Needham to adopt the newest version of the FDA Food Code. It was a constructive conversation, and we will use some of what was discussed in planning for future projects.
Follow-up on Enforcement of Zyn Nicotine Pouches/Other Vape Products	The Zyn-chill product has been removed from the retail stores selling this product. This will be doubled checked on future retail inspections for tobacco and these retailers will be reminded that they are required to maintain their manufacturer's letters verifying tobacco products abide by the MA state flavor ban on tobacco products and these letters must be made available the agent of the board upon request. In addition to this, staff purchased and performed smell tests on newer vape products that were suspected to be flavored and were determined to be flavored by other towns in the state. The vapes were labeled as having a "clear" flavor. After leaving the products in zip lock bags for a few days, the vapes noticeably had a flavor that was not of tobacco. All retailers were notified that we have determined these products are flavored and they should not be sold. These products will be brought to the May Board of Health meeting so the Board can confirm this prior to any formal enforcement is performed.
Tobacco Compliance Check	An underaged compliance check was performed on April 16, 2025. All six tobacco retailers passed. Results with more information are attached with this report.

Other Public Health Division activities this month: (See report below.)

Activities

<i>Activity</i>	<i>Notes</i>
Body Art	0 – Permits Issued
Demo Reviews/ Approvals	3 - Demolition signoffs: -#447 Hillside Ave. -# 98 Hunnewell St. -# 27 Winfield St.

Disposal of Sharps Permits	0 – Disposal of Sharps Permits issued.
Septage/Grease/Medical Waste Hauler Permits Issued	0 – Septage/Grease & Medical Waste Hauler Permits Issued.
Trash/Recycling Waste Hauler Permit issued	7 - Trash and Recycling Waste Hauler Permits issued to: - Dalton Disposal - Recycle Works - Zacarria Trucking - Casella Waste - Gastaldo Waste & Recycling - Waste Management - Northeast Recycling
Food - Plan reviews/Follow-ups/Pre-operation inspections	0 – Plan Review Meetings/Initial Pre-operation inspections conducted.
Food – Temporary Food Event Permits issued	5 – Temporary Food event online permit application reviews and permits issued to: - Knights of Columbus Fundraising Events (2X) (early April & May) - Indian Community of Needham (ICON) at Hillside Elementary (Holi event, early May) - Hotdogs for Needham Baseball and Softball opening day (early May) - Sweet Tomatoes Pizza for Baseball and Softball opening day (early May)
Food Complaints/ Follow-ups	4 – Food Complaints/Foodborne illness cases received. - Campylobacter case where case had liver mousse and chicken wings from The James. Health agents investigated. - Mice observed by customers at McDonalds in the dining room. Inspection performed and activity was observed under the soda machines. Area was ordered to be cleaned and openings in this area are to be sealed. - Employee at Café Fresh diagnosed with Yersiniosis. Employee has been excluded from working at the establishment until cleared. - Customer at Restaurant Depot accidentally purchased marked down raw meat that was being sold past it's "best-by" date. The customer was contacted and informed that since raw meat is not a ready-to-eat product the date noted on there is a day to indicate the quality and freshness of the product and is not a food safety concern.
Housing - Complaints/Follow-ups, etc.	(4/7) - New Housing Complaints/Follow-ups conducted at: – Greendale Ave. (0/0): Report and order letters were received and health agent attempted to reach out to the occupant to schedule a follow up inspection. Planned site visit was not performed in April and occupant requested an extension. Follow up inspection rescheduled for May 9th.

	– <u>Saint. Mary's St. (0/1)</u>: Health agent checked in with occupants and conditions in yard has continued to improve. Health agent will be dropping the case as property owner are planning on continuing to clean the yard of buckets, tools and the wood. Health agent will informally check in on property and with property owner to ensure they are continuing to keep property in good condition over the next three months. There is no really a plan to address the back wall which appears to continue to be poor condition. – <u>Chambers St. (Needham Housing Authority/NHA) (0/0)</u> - <u>Update</u>: No change per NHA, and case will need to be reheard by housing court once again, delaying the eviction orders. – <u>Seabed's Way (0/1)</u> – Reinspection performed and compliance letter sent. Posting was put up in each of the Seabed's way apartment building with contact information for the NHA. No further action is needed. – <u>Seabed's Way (0/1)</u> – Complaint received about fine dust forming on floors in unit creating unsafe air quality in their unit and causing health issues. <u>Update</u>: Reinspection performed and other minor violations were corrected. Dust was still appearing on the floor. After a meeting with the NHA facilities manager and the occupant, they agreed to re-wax the flooring and then to try make accommodations to try to prevent salt from entering the home. Occupant has an outdoor wheelchair and indoor and will try to keep the indoor one inside or to clean it before entering unit so that salt and sand on the wheels does not damage the flooring. – <u>Captain Cook Dr. (0/1)</u> – Complaint received about mold in occupants bathroom and signs of mouse activity in unit. Orders to correct were sent to the NHA. <u>Update</u>: Reinspection performed. Only the stairs outside are left to be fixed which will only be done once there is consistent warm weather. – <u>Seabed's Way (2/2)</u> – Fruit fly infestation in at least two units in building. Fruit flies were also observed in the hallway and were reportedly in other rooms as well. After a week of informal trapping by the NHA, they were ordered to use a professional pest control company to address issue. – <u>Yurick Rd. (1/1)</u> – Unnatural smell was observed by individual on this road. After several months of individual complaints, health agent responded. Upon investigating bags of trash and improper wiring was observed at the neighboring property. Health agent requested the tenants to remove trash bags, couches and other items piled in the backyard and to remove wiring was exiting from the window to their shed. Check-in inspection performed and these conditions were removed. No orders to correct were sent. No further action needed. – <u>Linden St. (1/0)</u> – Complaint about water in unit being unsafe. Reportedly water was oily and had a foul smell. Black residue was appearing on plumbing fixtures. Water department personnel were called in and had water tested and found no issues with the water quality. Tenant still has issues with water the water and requested an inspection. Inspection to take place in early May.
Housing Pre-occupancy inspections	0 – Housing pre-occupancy inspections conducted.

Nuisance complaints/Follow-ups	(2/2) – New Nuisance Complaints/Follow-ups: - <u>Webster St. (1/1)</u> – Complaint received about unregistered cars and junk at neighbors' house. Upon inspection, there was not much junk and the complainant was told to refer the unregistered car to another Town department. No further action is needed. - <u>Charles River Landing. (1/1)</u> – Anonymous complaint about smoking in the garage and hallways in building but there was no additional specifics provided. Health agent followed up with property manager however due to lack of specificity of the complaint further investigation was not performed. No further action is needed.
Indoor/Outdoor Pool plan reviews/spot checks and annual permit renewal inspections	0 – Indoor/Outdoor plan reviews and pool spot checks conducted.
Planning Board Special Permit reviews	0 - Planning Board reviews conducted.
Septic Certificate of Compliance (COC)	0 – Septic Certificate of Compliance final signoffs issued.
Septic – Construction Repair permit issued	0 – Septic Construction Repair Permits issued.
Septic Failure Letters	0 – Septic system failure letters sent.
Septic Installation inspections	0 – Septic installation inspections conducted.
Septic Deed Restrictions	0 – Septic Deed Restrictions received.
Septic Installer Exam/Permit Issued	1 - Septic System Installer exam and permits issued. - Daniel Faria (DJ Morris); Exam proctored and permit issued
Septic Addition/Reno. to a Home on a Septic reviews	0 – Addition/Reno. to a Home on a Septic reviews conducted.
Septic Plan Reviews/Approvals issued	1– Septic Plan reviews conducted/approvals issued for: - <u>243 Hunting Rd.: Update-</u> After reviewing the existing house plans it was determined that the house has 4-bedrooms per Title 5 and the original proposed design flow was only for 3-bedrooms. After discussing with new owners, they are choosing to change the size of

	the proposed septic system to account for the 4-bedrooms in the house versus removing one of the bedrooms in the house. Originally submitted plans have been reject and amended plans will be sent to our office.
Septic – Soil/Perc Tests	1– Septic Soil/Perc Tests conducted. - 106 Windsor Rd.
Septic Trench permit issued	0 – Septic Trench permits issued.
Septic – Abandonment Forms	0 – Septic abandonment/connection to sewer forms received.
Tobacco Compliance Checks/Hearing Scheduled	0 – Tobacco retail routine compliance checks conducted at all permitted establishments.
Well Permit online plan reviews/ inspections	1 – Well permit online application plan review conducted for: - #1407 Central Ave. (Needham DPW) - For proposed test well that may become an irrigation well or geothermal well
Zoning Board of Appeals plan reviews	1 – Zoning Board of Appeals plan reviews conducted for: - #339 Chestnut St. (comments sent)

FY 25 Priority FBI Risk Violations of Interest

Establishment	Date	Violation(s)	Corrective Action/Follow-up
Abbott's Frozen Custard	April 5, 2025	-The sanitizer in the 3-bay was in excess of 200ppm and being used to sanitized food contact surfaces.	- Health agent had staff readjust concentration of sanitize to correct range.
A New Leaf	April 7, 2025	-Employees did not wash their hands at the time of inspection and inspector witness staff wash dishes and then prepare food directly without washing their hands. -Raw shell eggs were stored above ready to eat product in one of the fridges. - When asked to take some temperatures of food, the PIC failed to sanitizer thermometer prior to use.	-Staff were retrained by PIC and handwashing was observed at time of reinspection. -Raw eggs were moved to correct location. - PIC purchased alcohol swabs and demonstrated proper use of the probe thermometer at time of reinspection. -Watermelon will be pre-chilled prior to cutting it and will be cooled after cutting in uncovered bins. PIC verified that in

		- Cut watermelon and chicken salad which were both over 41f. Chicken salad was made a few days prior and the same batch in multiple fridges were too warm.	the process to make the chicken salad, the chicken was not properly cooling prior to the chicken salad being made and packaged. This correction was made and chicken salad at time of reinspection was at right temperatures. Chicken salad and watermelon were voluntarily discarded at time of original inspection.
Cookie Monstah	April 8, 2025	-Glass cleaner was stored above a food preparation area.	-Glass cleaner was moved to a safe storage location.
The James	April 10, 2025	-In-use wiping cloth buckets were depleted. - During food borne illness case investigation it was discovered that there was no verification process to check that chicken wings and chicken livers were being fully cooked and both products on the menus did not have consumer advisories.	- Wiping cloth buckets were remade. - Consumer advisory was added immediately. Process verification was performed and it was determined that the chicken livers for the mousse was not hitting right cook temperatures and chef found out that it consistently did if they cooked the livers for an additional 90 seconds. Cooking process will change so that livers are consistently fully cooked.
Sheraton	April 10, 2025	-Wiping cloth buckets on cookline that were in use were depleted.	-These were remade and corrected on-site.
Knowledge Beginnings	April 15, 2025	-One of the fridges in the infant rooms was not working and at 55F. The milk, yogurt and cheese in this fridge were all out of temperature.	- All out of temperature dairy products were voluntarily discarded and this fridge was not in use at time of reinspection.

Gianni's	April 17, 2025	-PIC failed to wash there hands after going outside to take out the trash and return to prepare food. - Raw chicken and eggs were stored above ready to eat products in two separate fridges. - PIC failed to sanitize probe thermometer prior to using it. - All deli meat and cheeses in the front deli case were hotter than 45f.	- PIC was informed that they must wash their hands after changing tasks such as this. This was reinforced during a reinspection. - Raw items were reorganized and confirmed at time of reinspection. - PIC purchase alcohol wipes and new digital probe thermometers. - All bulk meats and cheeses in this front case were moved into freezers to cool them down quickly. Display case was not used until serviced by HVAC specialist. PIC agreed to monitor temperature of case and if it continues to be warm after busy lunch rushes they would invest in a new case.
Comella's	April 26, 2025	-Employee was observed touching their face with their bare hands before wearing gloves without washing their hands.	-Inspector directed employee to stop and wash their hands and then informed the PIC about this.
Sweet Tomatoes	April 28, 2025	-Food handler didn't scrub their hands for a minimum of 10 seconds when they were asked to rewash their hands. - Chicken breasts in the sandwich unit were at temperatures above 41f. -	-Person in charge was informed and there were told to retrain all staff about when and how to wash their hands. -PIC was requested to perform a process verification to confirm why the chicken was warm. It was not known whether this was a cooling issue or something else.
Ray's New Garden	April 29, 2025	- Sanitizer in wiping cloth buckets were over 200ppm	-Health agent retrained staff on how to make the sanitizer solution properly.
French Press	April 29, 2025	- Shelled eggs were left out at 49f that were in black non-mechanical coolers. Process for how these eggs are cold held must change to ensure they are kept at 45f or below. - A carton of heavy cream and bin of chicken salad were both held past their safe use-by dates.	-Resinspection will be performed to confirm that new process has been developed for the eggs. - Out of date items were discarded at time of inspection.

Category	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY'25	FY'24	FY'23	FY'22	FY'21	FY '20	FY' 19	FY' 18
Biotech registrations/Plan rev./Insp.	0	0	0	0	0	0	0	0	0	2			2	15	3	3	0	1	1	1
Body Art Permits	0	0	0	0	0	0	1	0	0	0										
Bodywork Estab. Insp.	0	0	0	0	0	6	0	0	0	0			6	8	5	5	6	7	14	11
Bodywork Estab. Permits	0	0	0	0	0	5	0	1	0	0			6	5	6	5	13	9	9	6
Bodywork Pract. Permits	0	0	0	0	0	7	0	0	0	0			7	10	5	8	12	23	21	22
Demo reviews	6	4	6	7	3	8	5	7	5	3			54	96	53	89	76	73	104	105
Domestic Animal permits	0	0	0	0	0	0	0	0	0	0			0	17	17	15	29	1	21	19
Domestic Animal Inspections	0	0	0	0	0	0	0	0	0	0			0	2	1	10	8	3	22	3
Dumpster Permits	-	-	-	-	-	-	-	0	14	23			37	-	-	-	-	-	-	-
Food Service Routine insp.	17	24	17	10	26	27	20	15	19	17			192	224	214	194	134	149	200	225
Food Service Pre-oper. Insp.	0	2	5	0	1	2	3	2	0	1			16	23	22	22	16	48	12	32
Retail Food Routine insp. Or 6 month check in	0	0	0	0	0	0	0	0	0	0			0	4	13	11	12	33	46	60
Residential Kitchen Routine insp.	1	2	0	3	1	2	1	0	0	0			10	5	8	5	5	3	6	8
Mobile Routine insp.	0	0	0	0	0	0	1	0	0	0			1	5	10	10	10	4	17	13
Food Service Re-insp.	17	19	19	7	2	9	22	11	7	7			120	114	37	27	7	21	28	53
Food Establishment Annual/Seasonal Permits	0	1	1	0	44	71	5	1	1	0			124	128	130	138	134	155	140	171
Frozen Dessert Permits	-	-	-	-	-	-	-	0	4	0			4	-	-	-	-	-	-	-
Temp. food permits	2	4	6	2	5	1	4	1	2	4			31	51	33	37	9	67	134	163
Temp. food inspections	7	2	0	1	1	0	0	0	2	0			13	24	16	9	3	10	37	29
Farmers Market permits	1	1	1	0	0	0	0	0	0	1			4	15	11	16	15	14	14	14
Farmers Market insp.	10	0	3	0	0	0	0	0	0	0			13	65	73	149	124	158	229	127
Food Complaints	3	3	1	0	1	3	3	1	3	4			22	25	11	13	7	49	18	20
Follow-up food complaints	3	2	1	0	1	3	1	0	3	3			17	18	12	15	8	48	21	21
Food Service Plan Reviews	1	1	2	0	1	1	4	0	0	0			10	21	75	13	12	14	20	42
Food Service Admin. Hearings	0	0	0	0	0	0	0	0	0	0			0	0	0	2	1	3	0	0
Funeral Home Director	-	-	-	-	-	-	-	0	0	3			3	-	-	-	-	-	-	-
Grease/ Septage Hauler Permits	0	0	0	3	9	16	0	0	0	0			28	25	29	22	13	20	21	24

Category	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY'25	FY'24	FY'23	FY'22	FY'21	FY '20	FY' 19	FY' 18
Housing (Chap II Housing)																				
Annual routine inspection	0	0	0	0	7	0	0	0	0	0			7	13	9	10	7	7	0	14
Housing Follow-up insp.	0	1	1	2	1	2	3	5	3	7			25	26	13	3	2	0	0	5
Housing New Complaint	2	2	2	0	0	2	2	2	2	4			18	38	26	41	40	41	22	22
Housing Follow-ups	5	3	5	3	2	4	4	3	3	2			34	81	69	65	63	56	28	24
Hotel Annual inspection	0	0	0	0	2	1	0	0	0	0			3	3	3	3	3	3	3	3
Hotel Follow-ups	0	0	0	0	0	1	0	0	0	0			1	2	2	0	1	15	0	0
Nuisance Complaints	5	3	4	8	2	2	4	2	1	2			33	53	36	35	45	34	55	42
Nuisance Follow-ups	7	4	9	11	8	2	3	4	2	2			52	89	58	41	60	55	69	42
Pool inspections	1	6	0	1	5	1	0	0	1	0			15	30	14	15	15	13	20	12
Pool Follow up inspections	0	4	0	0	1	5	0	0	0	0			10	6	5	4	5	3	12	7
Pool permits	0	0	0	0	0	6	0	0	1	0			7	14	14	15	17	11	19	12
Pool plan reviews	0	0	0	0	0	0	0	0	0	0			0	0	5	0	5	0	3	44
Pool variances	0	0	0	0	0	5	0	0	1	0			6	5	7	6	5	6	5	7
Septic Abandonment	0	0	0	0	0	0	0	0	0	0			0	4	4	9	17	21	9	5
Addition to a home on a septic plan rev/approval	0	0	0	0	1	0	0	0	3	0			4	1	2	15	5	5	2	2
Septic Install. Insp.	0	4	0	3	0	6	2	1	0	0			16	26	22	19	11	13	21	28
Septic COC for Component	0	0	0	0	0	2	2	0	0	0			4	1	2	3	2	5	3	1
Septic COC for complete septic system	0	0	1	1	0	0	1	0	0	0			3	6	3	4	1	3	4	3
Septic Info. requests	3	4	3	6	5	7	3	5	3	2			41	60	62	64	86	61	62	51
Septic Soil/Perc Test.	1	1	0	0	0	0	0	0	0	1			3	6	6	5	8	1	1	2
Septic Const. permits	0	0	1	0	0	3	0	0	0	0			4	4	5	6	6	6	6	5
Septic Installer permits	1	0	1	0	0	6	0	0	0	1			9	7	16	11	8	6	8	9
Septic Installer Tests	1	0	0	0	0	0	0	0	0	1			2	5	9	4	3	2	5	3
Septic Deed Restrict.	0	0	0	1	1	0	0	0	0	0			2	3	0	0	4	1	1	3
Septic Plan reviews	0	0	0	1	2	0	1	0	1	0			5	13	29	21	14	8	9	23
Septic Trench permits	1	1	0	0	0	3	1	1	0	0			7	9	11	12	-	-	-	-
Disposal of Sharps permits	0	0	0	1	0	8	0	1	0	0			10	10	10	7	8	7	7	9
Disposal of Sharps Inspections	0	0	0	1	1	4	0	0	0	2			8	8	12	8	8	7	7	7
Rat Nuisance Complaints	1	2	3	10	1	1	0	1	0	0			19	20	5	6	2	2	1	-
RMD	0	0	0	0	0	0	0	0	0	0			0	3	2	-	-	-	-	-
Planning Board Subdivision Sp Permit Plan reviews/Insp. of lots	0	2	2	0	6	3	1	0	0	0			14	10	19	21	20	4	1	1

Category	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY'25	FY'24	FY'23	FY'22	FY'21	FY '20	FY' 19	FY' 18
Subdivision Bond Releases	0	0	0	0	5	0	0	0	0	0			5	2	1	0	1	0	1	0
Special Permit/Zoning	2	1	1	3	4	2	2	0	2	1			18	16	19	21	18	17	34	15
Tobacco permits	0	0	0	0	1	5	0	0	0	0			6	6	7	6	7	10	10	11
Tobacco Routine insp	0	0	0	0	3	3	0	0	0	0			6	12	7	12	7	8	14	18
Tobacco Follow-up insp.	0	0	0	0	0	6	0	0	3	0			9	3	0	0	1	8	3	3
Tobacco Compliance checks	6	0	0	0	6	0	0	0	0	6			18	12	6	6	6	30	30	41
Tobacco complaints	0	0	0	0	0	0	0	0	0	0			0	0	6	0	0	2	3	4
Tobacco Compl. follow-ups	1	0	2	0	0	0	0	0	0	0			3	0	6	0	0	1	3	4
Trash Hauler permits	0	0	0	0	0	0	0	4	10	7			21	16	20	23	16	15	17	14
Medical Waste Hauler permits	0	0	0	2	2	3	0	2	0	0			9	6	6	2	2	2	2	1
Well - Plan Reviews, Permission to drill letters, Insp.	0	1	0	0	0	2	0	0	3	1			7	11	14	10	11	2	6	2
Well Permits	0	0	0	0	0	0	0	0	2	0			2	0	1	4	1	1	1	0
Monthly Totals	105	104	97	87	161	256	99	70	101	107			1186	1540	1357	1355	1195	1405	1642	1668



April 16, 2025

Tobacco Compliance Checks

The Needham Public Health Division, in conjunction with the Needham Police Department conducts quarterly tobacco compliance checks in the Town to enforce the Needham Board of Health Tobacco Regulation (Article 1). Under Article 1, no tobacco permit holder in the Town may sell to persons less than 21 years of age. Article 1 § D.3 reads, "Each person selling or distributing tobacco products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth that the purchaser is twenty-one (21) years or older. Verification is required for any person under the age of 27." There are currently six (6) permitted tobacco vendors in the Town. During the compliance checks, the Environmental Health Agent and a Needham Police Officer work with a local student under 21 years of age. The student attempts to buy tobacco products from each tobacco permit holder without an ID. If sales are made to the student, the tobacco permit holder is subject to the following penalties under Article 1 § S.:

- a) In the case of a first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
- b) In the case of a second violation within 36 months of the date of the first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
- c) In the case of a third violation within 36 months of the date of the first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
- d) In the case of a fourth violation within 36 months of the date of the first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for ninety (90) consecutive business days.
- e) In the case of a fifth violation or repeated, egregious violations of this regulation within a 36 month period, the Board of Health shall hold a hearing in accordance with subsection 4 of this section and shall permanently revoke a Tobacco Product Sales Permit.

For the April 16, 2025 compliance checks, one underage male volunteer assisted. No sales were made to an underaged buyer. Attached is a complete summary detailing each compliance check.



Needham Public Health Division

Prevent. Promote. Protect.



Participant – age 18



Establishment:	Speedway #2472
Type of Establishment:	Chain
Style of Establishment:	Gas Mini-Mart
Time:	2:15 pm
Purchaser asked for ID?:	Yes
Purchaser asked for age?:	Yes
Sex of Clerk:	Male
Age of Clerk:	Adult
Type of tobacco asked for:	Zyn Nicotine Pouch
Outcome:	No sale made



Needham Public Health Division

Prevent. Promote. Protect.



Notes:	
Establishment:	7-Eleven #32485B
Type of Establishment:	Chain
Style of Establishment:	Convenience Store
Time:	2:18 pm
Purchaser asked for ID?:	Yes
Purchaser asked for age?:	Yes
Sex of Clerk:	Male
Age of Clerk:	Adult
Type of tobacco asked for:	Zyn Nicotine Pouch
Outcome:	No Sale Made
Notes:	
Establishment:	Needham Heights Auto. Shell
Type of Establishment:	Chain
Style of Establishment:	Gas Mini-Mart
Time:	2:23 pm
Purchaser asked for ID?:	Yes
Purchaser asked for age?:	Yes
Sex of Clerk:	Male
Age of Clerk:	Adult
Type of tobacco asked for:	Newport Cigarettes
Outcome:	No Sale Made
Notes:	
Establishment:	Needham Center Fine Wine
Type of Establishment:	Independent
Style of Establishment:	Liquor Store
Time:	2:32 pm
Purchaser asked for ID?:	Yes
Purchaser asked for age?:	Yes
Sex of Clerk:	Male
Age of Clerk:	Adult
Type of tobacco asked for:	Marlboro Cigarettes
Outcome:	No Sale Made
Notes:	
Establishment:	Great Plain Ave Gas (Exxon Mobil)
Type of Establishment:	Chain
Style of Establishment:	Gas Mini-Mart



Needham Public Health Division

Prevent. Promote. Protect.



Time: 2:35 pm
Purchaser asked for ID?: Yes
Purchaser asked for age?: Yes
Sex of Clerk: Male
Age of Clerk: Older Adult
Type of tobacco asked for: Zyn Nicotine Pouch
Outcome: No Sale Made
Notes:

Establishment: Needham Service Center
Type of Establishment: Independent
Style of Establishment: Gas Mini-Mart
Time: 2:27 pm
Purchaser asked for ID?: Yes
Purchaser asked for age?: Yes
Sex of Clerk: Male
Age of Clerk: Adult
Type of tobacco asked for: Marlboro Cigarettes
Outcome: No Sale Made
Notes:



Needham Public Health Division

Prevent. Promote. Protect.



Unit: Accreditation

Date: April 2025

Staff: Alison Bodenheimer and Lynn Schoeff

Activities and Accomplishments

Activity	Notes
Accreditation	PHAB has informed us that they will finish the document review in mid-May. We will receive the information and the documents to be re-opened the week of May 19.
Quality improvement	Working with staff to finalize selection of next two QI projects Applying QI principles to ensuring smooth processes for food permit and farmers market permit applications
Program evaluation guidance	Compiling resources, writing policy and guidance, looking for staff training opportunities
Policies	Residential Kitchen Permits Monitoring Synthetic Turf Bed Bugs in Congregate Living Facilities Off-street Drainage Bonds Asbestos Removal in Demolition Rodent Control Financial Assistance in Emergencies After Action Report Temporary Food Permit Annual Mobile Food Vendor Permit Food Permit Processing Farmers Market Customer Satisfaction and Feedback Social Media Crisis Communication Plan Program Evaluation



Needham Public Health Division

Prevent. Promote. Protect.



Unit: Traveling Meals Program

Date: April 2025

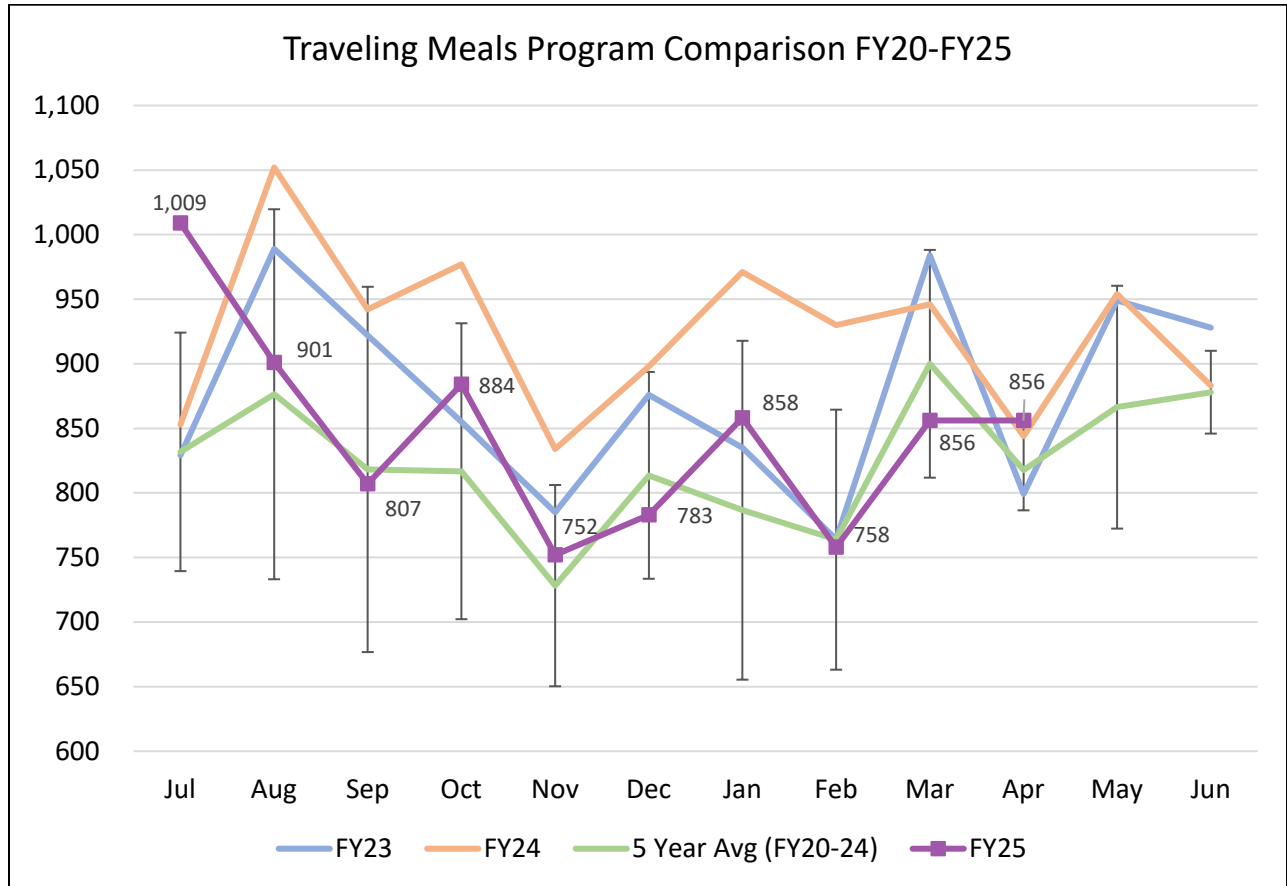
Staff: Rebecca Hall

Activities and Accomplishments

Activity	Notes
<i>Volunteers and Seasonal Drivers delivered meals to homebound Needham residents in need of food.</i>	<i>Meal delivery for month by 29 Volunteer Drivers and Community Partners</i>
<i>856 Meals delivered in April 2025</i> <i>48 Clients at end of April:</i> <i>40 Springwell Consumers</i> <i>8 Private Pay Consumers</i> <i>1 New Client (1 Springwell)</i> <i>1 Cancelled Program (1 Springwell)</i>	<i>No 911 calls initiated</i>
<i>Included flyers about Property Tax Assistance Fund in meal bags</i>	<i>Distributed flyer and application form to 18 Clients</i>
<i>Continued hiring process for 4 Seasonal Drivers and 2 Substitute Drivers for summer</i>	<i>Job posting went live 3/14 and closed 4/17; interviews held week of 4/28</i>

Other Public Health Division activities this month:

Summary overview for the month: Graph of Meal Deliveries for the month April 2025





Needham Public Health Division

Prevent. Promote. Protect.



Unit: Substance Use Prevention MassCALL3 grant: Dedham, Needham, Walpole, Westwood Date: April 2025

Staff members: Carol Read, M.Ed., CAGS, CPS & Lydia Cunningham, MPH, CHES® + CPS

Activity	Notes
MassCALL3 Connections Monthly Meeting- 4/1 Regional prevention staff, public health nurses, public health directors and assistant directors, human services staff.	-Alcohol Awareness Month-focused meeting: review of alcohol-specific data, education and policy resources, local news, and upcoming events. -Data: review of 2023 MetroWest Adolescent Health Survey (MWAHS) alcohol use and access data; 2025 Alcohol and Cancer Risk U.S. Surgeon General's Advisory, NIAAA's 2025 Alcohol Abuse and Alcoholism Report. -Education and Policy Resources: "Alcohol Health, Safety, and Prevention in MA" presentation from April 2023, NIAAA Alcohol Awareness Month resources, MA alcohol policy guide and toolkit.
Kelsey Ober, MPH, Drug-Free Communities Program Director, Town of Walpole- 4/1, 4/10	-Review of MassCALL3 and Walpole Prevention Coalition shared goals and activities: accessing 2023 full MWAHS reports, scheduling meeting with Walpole Public Schools Director of Wellness. -Preparation for 2025 MWAHS administration: funding through Public Health Department, scope of work and pricing, involvement with schools. -Social Norms: the Montana Institute resource sharing and discussion of regional positive community norms strategy.
Foundational Public Health Service (FPHS)- 4/2 Kerry Dunnell, Shared Services & Training Hub Manager	Completion of FPHS tool reporting for Town of Needham staff. Review of foundational areas: access to and linkage with clinical care, chronic disease and injury prevention, communicable disease control, environmental public health, & maternal, child, and family health.
Tae Averett, Program Coordinator & Mae Mears, Program Director, Dedham Organization for Substance Awareness- 4/2, 4/11, 4/30	-Introduction to new Program Director, Mae Mears. -Overview of Town of Dedham and MassCALL3 grant background and history. -Prevention resource sharing, training opportunities, and regional meetings.
Michelle Vaillancourt, Town Accountant & Lisa McDonough, Administrative Analyst, Town of Needham- 4/3, 4/24	-MassCALL3 grant March expense reimbursement submission. -Submission of FY25 line-item amendment, completion of journal entry to move funds for grant staff salaries, discussion of FY25 and FY26 fringe expenses and cost increase for health insurance coverage.



Needham Public Health Division

Prevent. Promote. Protect.



Jessica Goldberg, MPH, MSW, Prevention Solutions @EDC- 4/3, 4/9	-Review of 2023 MetroWest Adolescent Health Survey (MWAHS) data, including substance use and mental health crosstabs. Preparation to create graphs with the data to be shared at annual meeting. -Review of logic model and documentation of strategic planning progress.
Norfolk County District Attorney Morrissey Youth Leadership Conference- 4/4	-Drug Story Theater: presentation by young adults with lived experience on the possible harms of substance use, including panel discussion and promotion of Narcan use. -Breakout sessions: Minding Your Mind, In Control, Dover Youth to Youth (Y2Y), the 84 Movement. -Awards and closing remarks presented by Kristy MacDougall, Community Outreach Coordinator.
Anna Marie Trester- 4/7	-Overview of MassCALL3 grant strategy: adult social marketing campaign to address parental norms favorable toward use. -Review of campaign goals, timeline, deliverables.
Needham Public Health Division Staff Meeting- 4/8 Timothy McDonald, Director of Health and Human Services, Tara Gurge, Assistant Public Health Director	-Staff changes: Assistant Public Health Director position, front desk coverage. -Review of federal and state grant funding updates. -Mental Health First Aid for Older Adults training upcoming May 2025. -Discussion: training interests and needs: Excel training, upcoming Shared Services trainings, PTTC trainings.
Social Host: What Parents Need to Know to Keep Youth Safe- 4/8 Karen Shannon, CPS, Substance Prevention Alliance of Needham; Chris Baker, Deputy Chief, Needham Police Dept.; John Sofis Scheft, Esq., Bellotti Law	-Overview of Massachusetts Social Host Law and rights/responsibilities as a parent/grandparent of children under 21; consequences of violating law. -Overview of Needham Police Dept. policies and protocol for alcohol violations for minors and violations of social host law. -MWAHS data sharing and sharing of local resources.
BSAS The Montana Institute Session 5: Pilot Testing and Refining Positive Community Norms Messages- 4/9 Ben Tanzer & Becky Franks, Montana Institute	-Review of Positive Community Norms (PCN) messaging and opportunities to pilot test and refine messages. -Strategies for ensuring messages are positive, data-based, source-specific, reflective, normative, inclusive, clear, and neutral.
Boston University: Building Pipelines for Women's Leadership in Public Health- 4/9 Dr. Mayowa Alade, Special Adviser, Nigeria's Coordinating Minister of Health and Social	-Systematic and sociocultural barriers that limit women from attaining leadership roles: norms, education access, empowerment/agency, lack of mentorship/sponsorship, patriarchal norms. -Creating opportunities across the lifespan to build pipeline for women leaders.

www.needhamma.gov/health

178 Rosemary Street, Needham, MA 02494

P: (781) 455-7940

E: healthdivision@needhamma.gov



Needham Public Health Division

Prevent. Promote. Protect.



Welfare; Emelia Benjamin, Associate Provost for Faculty Development, BU School of Medicine; Rosemary Morgan, Johns Hopkins Bloomberg School.	-Lessons learned through personal leadership journeys: advocating for what you want, allies and mentorship. -Research project on women's leadership: THRIVE tool, need for diverse representation of women leaders.
Community Health Equity Survey (CHES) Data to Action Webinar- 4/15 Isabella Fuentes, Community Engagement Specialist, MA DPH	-Community Health Equity Initiative 2023 survey topics and community of focus review. -How to use CHES/CHEI data to obtain grant funding. -Equity data and use with youth strategies and funding opportunities.
Middlesex County District Attorney Marian Ryan Anti-Hate Anti-Bias Taskforce- 4/24 Elizabeth Stone, Middlesex Community College, Gabriel Camacho, LUCE Immigration Justice Network.	-Recognition of 12 th anniversary of Boston Marathon bombing. -Preventative Oral Hygiene Program through Middlesex Community College: partnership with Lowell Public Schools grades pre-K through 8 th . Education and screening available in English, Spanish, and Portuguese. -LUCE Immigration Justice Network: hotline, six principles for welcoming dignified and just immigration.
Drug-Free Communities Grant Application- 4/28 Danielle Sutton, Director of Human Services & Jared Orsini, Director of Public Health, Town of Westwood; Amanda Decker, Bright Solutions, LLC	-Review of Drug-Free Communities grant application: action plan review and identification of opportunities for partnership. -Preparation for submission of grant application: review of action plan, narrative, budget, etc.
MetroWest Substance Awareness and Prevention Alliance- 4/29 Amy Turncliff, PhD, Rockfern Scientific, Chair	-Cannabis policy updates: public-health related cannabis bills filed January 2025 now have house and senate bill numbers. Hearing not yet scheduled. -Alcohol policy updates: Senator Lewis filed bill to increase alcohol excise tax, youth training April 12 th . -Nicotine Free Generation: passed by 15 MA towns, Wayland, Natick, and Hopkinton discussing. -Federal grant funding (STOP, PFS, DFC) heading to court litigation in May.
Massachusetts Alcohol Policy Coalition- 4/30 Liz Parsons, Chair & David Jernigan, PhD, Boston University	-Review of local guide for municipal leaders on alcohol policy: presentation that shares why alcohol policy is important and toolkit on how to become involved and implement policy, examples from MA towns/cities. -Next steps of capacity building for engaging youth in policy efforts. -Alcohol Tax Coalition updates: Alcohol Tax Resolutions form, looking for groups in the communities that the



Needham Public Health Division

Prevent. Promote. Protect.



	joint committees on Revenue, Ways and Means, and Public Health represent.
Bay State Community Services Adult Coordinator Session- 4/30 Mary Cole, Margaret Carels, Briana Keating, & Hannah Martuscello, Baystate Community Services	-Listening session with adult coordinators of prevention programs in Massachusetts to determine needs for new youth program: MA Youth Leaders in Prevention Program. -Review of gaps/needs, resources used, effective methods of communication with youth, goals for the new program.
Dedham Organization for Substance Awareness (DOSA)- 4/30 Mae Mears, Director & Tae Averett, Program Coordinator, DOSA, Town of Dedham	-Remembering Mark Carney and his legacy with DOSA. -2025 Capacity Report created by Epiphany: areas of strength, areas for improvement, next steps. Strengths: teamwork, relationships with key leaders and government, marketing strategies, purpose. Areas for improvement: competing priorities for time, diversity, sustainability. -Opioid abatement funds update: "mini grants" available to local non-profits by application.

*NPHD March Report- monthly activities

*BSAS Quarterly Report- January, February, March

*Time off: Lydia Cunningham, Substance Use Prevention Coordinator, April 16-23.

*Time dedicated to in-person collaboration and capacity building in cluster communities

This report is part of a larger quarterly report to BSAS and is not considered finalized for purposes of the BSAS report. A later version will be available.

Page 4 of 4

END



Needham Public Health Division

Prevent. Promote. Protect.



Unit: Substance Use Prevention

Date: April 2025

Staff: Karen Shannon, Karen Mullen, Monica De Winter, Angi MacDonnell, Vanessa Wronski

Activities and Accomplishments

Activity	Notes
SPAN Projects & Events	SPAN in the community: On April 8, SPAN hosted “Social Host: What Parents Need to Know to Keep Youth Safe,” at Needham High School. 15 community members attended, joined by 7 Needham Health and Human Services staff. NHS Principal Aaron Sicotte co-moderated the event, and speakers included John Sofis Scheft of Law Enforcement Dimensions, Needham Deputy Chief Chris Baker, Angi MacDonnell and Karen Shannon. The event was recorded by Natalie Guthrie of The Needham Channel. Drug Take Back Day, April 26. SPAN and the Needham Police Department worked together to host the semi-annual Take Back Day. Three SALSA students volunteered and Karen Mullen staffed the event with Sgt. Rich Forbes. 54 lbs were collected that day, combined for a total of 447 lbs over the previous 6 months. SPAN social media: https://www.facebook.com/SPANNeedham/ SPAN Action Teams: Education Action Team met on April 18 to debrief the Social Host event and begin prevention planning for the upcoming coalition year. Mental Health Action Team met on April 23 to continue prevention planning for addressing youth mental health under the guidance of the SPAN Strategic Plan. The team will continue writing posts for the Rethinking Success newsletter. See the latest article, <i>Youth Sports</i>, here: https://www.spanneedham.org/rethinking-success.
Needham Public Health Peer Recovery Coach	During April, Angi MacDonnell, Peer Recovery Coach engaged in the following: Received 1 new referral, worked with 10 people (phone, in person, and text contacts) Average Age of those receiving services: 53 years Angi and Karen Shannon joined the MetroWest Opioid Abatement Working Group, a newly formed group of MA communities who will meet to share information and strategies for using the MA Opioid Abatement Funds. Angi conducted Narcan training at the Elliot Clubhouse in Needham, 25 attended Other meetings: Metrowest Action for Recovery – Multiple Pathways meeting Needham Community Crisis Intervention Team Quarterly and Core meeting

STOP Act grant	SAMHSA grant: STOPing Underage Access and Use of Alcohol: Codifying Youth, Parent and Retailer Education and Compliance in Needham, MA: Alcohol compliance – The four- year STOP Act grant ended on April 29. Grant staff will complete final programmatic and financial reports required by SAMHSA. A responsible beverage service training is scheduled for Monday, June 2, at the Rosemary Recreation Complex for the Needham alcohol licensees. Two Needham HHS staff, Kerry Dunnell and Kristina Kozak, will facilitate the ServSafe Alcohol course.
SALSA	During the month of April, 42 SALSA members contributed 254 hours of service in Needham. April highlights include: - 9 NHS SALSA members participated in ENUFF (Ending Nicotine Use For the Future) Day at the MA Statehouse on 4/3/25. The students met with Rep /Josh Tarsky and Senator Becca Rausch’s office to share their thoughts on the root causes of youth substance use. - 1 SALSA Leader, Suriya Keshava, won the MA Statewide Leadership Award for her prevention work in Needham. Suriya leads SALSA’s social media action team and interned with the SPAN coalition last summer. She designed SALSA’s new logo and wrote SALSA’s first mission statement. Suriya accepted the award at the State House as part of ENUFF Youth Day of Action. - 1 SALSA Leader, Kalina Mihova, received the Norfolk County Community Commitment Award for creating positive change in the Needham community. Kalina leads the SALSA Peer Leadership action team that participated in the DA’s monthly webinars focused on substance use prevention, distracted/impaired driving and health relationships. - 10 SALSA members participated in the Norfolk County DA’s Peer Leadership Conference at Gillette Stadium on 4/4/25. Over 300 students from across MA attended sessions presented by Mindful Minds, Dover Youth to Youth, Drug Story Theater , In Control Driving and The 84 Movement. - 20 SALSA members taught refusal skills to Pollard Middle School 8th graders on 4/9 and 4/10 during Pollard Health classes. and debunked myths about alcohol and other drug use among NHS students. - 3 SALSA members volunteered at the Women’s Lunch Place in Boston as part of their Peer Leadership program with the Norfolk County DA’s office.

Summary for April 2025: Focus this month included hosting the SPAN Social Host event and co-hosting the Drug Take Back Day. Peer Recovery Services continued community outreach and chaperoning SALSA students to four events, two of which were youth advocacy-focused.

Nicotine Pouches

At the April 18 Board of Health meeting, during the discussion of nicotine pouches, Board members inquired about the disparities in electronic vapor product (EVP) and cigarette use among Needham High School students.

Following is a comparison of cigarette smoking and EVP use reported by Needham High School students in the MWAHS 2023 survey. The table shows comparison of use by race, learning and physical disability, and by those who identify as LGBTQ+. There is statistical significance in the disparities of EVP use by race, LGBTQ+ status, and students who identify as having a learning disability and a physical and/or learning disability.

Measure	Asian	Black	Hispanic /Latino	White	Other/ mixed	p-value
Current cigarette smoking (past 30 days)	0.8%	3.0%	6.4%	1.5%	2.2%	N/A
Current electronic vapor use (past 30 days)	4.5%	24.2%	14.5%	7.4%	11.8%	<0.001*
Measure	White	Non-white/mixed	p-value			
Current cigarette smoking (past 30 days)	1.5%	3.0%	0.088			
Current electronic vapor use (past 30 days)	7.4%	11.1%	0.032*			
Measure	LGBTQ	Not LGBTQ	p-value			
Current cigarette smoking (past 30 days)	4.5%	1.3%	N/A			
Current electronic vapor use (past 30 days)	12.7%	7.6%	0.014*			
Measure	Learning disability	No learning disability/not sure	p-value			
Current cigarette smoking (past 30 days)	3.4%	1.0%	N/A			
Current electronic vapor use (past 30 days)	14.8%	6.2%	<0.001*			
Measure	Physical disability	No physical disability/not sure	p-value			
Current cigarette smoking (past 30 days)	3.0%	1.2%	N/A			
Current electronic vapor use (past 30 days)	11.1%	7.1%	0.15			
Measure	Physical and/or learning disability	No physical and/or learning disability	p-value			
Current cigarette smoking (past 30 days)	3.3%	0.8%	N/A			
Current electronic vapor use (past 30 days)	13.0%	6.1%	<0.001*			
<i>*indicates statistical significance</i>						



Unit: Emergency Preparedness

Date: April 2025

Staff: Taleb Abdelrahim

Activities and Accomplishments

Activity	Notes
Medical Reserve Corps (MRC)	- Started planning with the Norfolk County-8 (NC-8) MRC team to host the September Volunteer Training Day in Needham. - Continued supporting Needham MRC volunteers in updating their CORI background checks to maintain eligibility for deployment.
Emergency Preparedness	Participated in an Emergency Operations Center (EOC) Team workshop to prepare for the May Functional Exercise.
Accreditation	- Reviewed the After-Action Report (AAR) Policy and provided updates. - Updated and delivered the FY24–25 MRC Training Schedule. - Continued reviewing the Crisis Communication Plan.



Unit: Epidemiology

Date: April 2025

Staff: Julie McCarthy

Respiratory virus season updates

Confirmed influenza cases- FY2024 vs FY2025		
Month	FY2025	FY2024
July	0	1
August	0	2
September	2	1
October	1	0
November	7	8
December	26	30
January	110	46
February	127	34
March	54	27
April	20	8

Source: MAVEN

Activities and Accomplishments

Activity	Notes
Rat reporting survey	Advertised for survey for residents to report rat sightings on our website, social media, and in the News You Need(ham). Shortened the survey with BOH feedback. We have already received several responses and will continue to make link available on our website and in Instagram bio. Continuing to work on a website for education about rats and pest management, aiming to be live in May. We will include rat sighting survey data on site once we have collected enough data to de-identify/cluster.
Needham Biosafety Committee	All Biosafety Permit renewals have been submitted. 2 annual lab inspections have been complete; 2 more happening at the beginning of May. Biosafety Committee will be meeting on 5/15 to discuss prior to 5/30 renewal deadline.
Ticks, mosquitoes, and arbovirus education	Working on social media posts and StoryMap website on ticks and tickborne diseases, alpha gal syndrome , mosquitoes and mosquito borne diseases. Mass Department of Public Health Arbovirus updates begin in June.



Unit: Public Health Nursing

Date: April 2025

Staff: Hanna Burnett and Ginnie Chacon-Lopez

Activities and Accomplishments

Activity	Notes
Community Outreach	Walk-in CPR/AED clinics continue and are popular with residents. 2 formal CPR classes offered.
Education	Ginnie: various webinars; attended “Together for Hope 2025: Shaping the Future of Addiction Care,” in Worcester, MA; attended the 24th Annual Massachusetts Suicide Prevention Conference in Norwood, MA.
DVAC	- Mother’s Day drive started and ongoing. - Cable episode #4 was recorded. One more to go, recording date set for May.
HEARTSafe	The application writing process has started. We believe we have accomplished most of the 13 criteria, however, criteria #9, which calls for the integration of AEDs into the 911 system, is giving us some trouble. Without this, we have been told that we will not be able to be approved. We are exploring our options.
Additional Notes	- Hanna’s role has officially been changed to “Special Assignment Support” with temporary status and limited hours. Special assignments include: - o DVAC - o HEARTSafe - o CPR Classes - o MOB

Potential Foodborne Illnesses	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2025	2024	2023
Calicivirus/Norovirus						<5	6	<5	<5				9	5	5
Campylobacteriosis Confirmed/Probable	<5	<5	<5				<5			<5			6	10	9
Cryptosporidiosis													0	<5	0
Cyclosporiasis													0	<5	<5
Enterovirus	<5				<5								<5	0	0
Giardiasis													0	0	<5
Salmonellosis		<5						<5					<5	<5	5
Shiga Toxin Producing Organism	<5							<5					<5	<5	<5
Shigellosis		<5											<5	0	0
Vibrio spp													0	<5	<5
Arbovirus	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2025	2024	2023
Babesiosis								<5					<5	<5	<5
HGA/Anaplasmosis			<5	<5									<5	<5	<5
Lyme Disease Suspect	6			<5	<5								9	45	58
Lyme Disease Probable		<5	<5	<5		<5	<5						7	35	19
Other Communicable Illnesses	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2025	2024	2023
Group A streptococcus						<5				<5			<5	0	0
Group B streptococcus													0	<5	<5
Haemophilus influenzae		<5											<5	<5	0
Hepatitis B Confirmed/Probable				<5		<5	<5						<5	5	<5
Hepatitis C Confirmed/Probable	<5	<5							<5				<5	<5	0
Influenza Confirmed			<5	<5	7	25	106	126	53	19			338	155	193
Malaria													0	<5	-
Legionellosis													0	<5	<5
Novel Coronavirus Confirmed	24	34	27	13	<5	14	32	13	16	9			185	308	980
Novel Coronavirus Probable	14	7	8	7	<5	8	10	<5	<5	<5			64	54	188
Pertussis (Bordetella spp.)		<5	<5										<5	0	<5
Streptococcus pneumoniae							<5						<5	0	<5
TB Infection Confirmed	<5	5	<5		<5								12	45	44
TB Infection Contact	<5												<5	<5	-
Varicella					<5								<5	6	<5
Totals	55	55	45	26	19	53	158	146	73	31	0	0	661	690	1520

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2024	2024	2023
Immunizations/Injections															
B12	2	1	1	1	2	2	1	1	2	1			14	8	3
Influenza			332	115	76	8	2						533	771	719
Tdap						1			1				2	0	1
Covid-19				30	31	15							76	208	461
VFC						3			3	4			10	0	0
Other						5			4	4			13	3	0
Total	2	1	333	146	109	34	3	1	10	9	0	0	2	990	1184

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2024	2024	2023
Animal-to-Human Bites															
Dog													0	3	3
Cat													0	1	0
Bat					1			3					4	0	0
Total Bites	0	0	0	0	1	0	0	3	0	0	0	0	4	4	3

www.needhamma.gov/health

Assistance Programs	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2024	2024	2023
Food Pantry													0	0	4
Friends	1												1	0	0
Gift of Warmth	0	2	1	5	4	0	2	2	0	0			16	29	51
GoW Amount	0	1400	300	2394	1877	0	1404	500	0	0			7875	16843	25921
Parks & Rec													0	0	0
Self Help													0	2	6

Education	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	2024	2024	2023
CPR Education			88	17	11	14	22	0	44	39			235	243	197
Matter of Balance Graduates					5				11				16	15	34
Narcan	3	69	13	8	9	0	5	8	20	13			148	174	25

Donations:	\$0
Gift Cards Distributed:	0

April 2025 Report

Unit: Public Health Excellence - Shared Services, Contact Tracing & Local Public Health Training Hub

Date: 5/5/2025

Staff members: Kerry Dunnell, Samantha Menard, Jennifer Casey, Jennifer Gangadharan & Padraig Martin

Activities and Accomplishments

Activity	Notes
Shared Services- Charles River Public Health District (Towns of Dover, Medfield, Needham, and Sherborn)	Staff members: Kerry Dunnell, Samantha Menard, Jennifer Casey, Jennifer Gangadharan Staff Updates - Sam Menard, Assistant Manager of Shared Services, has resigned her position to become the Health Director in the Town of Dedham. Her last day will be May 16th. Sam will work closely with the team to ensure a smooth transition out of her role. - Kerry will work with the Advisory Board and Needham Human Resources to have the Regional Environmental Health Agent and Assistant Manager for Shared Services positions posted quickly. Community Support & Engagement Regional Public Health Nursing -- Disease Control & Prevention including MA Virtual Epidemiological Network (MAVEN) Accomplishments in March include: - Continuing work to create a MAVEN resource hub of information for all public health nurses (PHN) in Charles River Public Health District. This project is one of the infectious disease management deliverables for FY 25. - Continuing to provide MAVEN coverage of infectious disease activity for Medfield (effective December 3, 2024) while the Medfield public health nurse position is vacant. - Consulted with the Dover-Sherborn public health nurse on MAVEN cases. - Continuing in role of interim back-up vaccine coordinator for Town of Needham while that position is vacant. - Conducted Hands Only CPR training with Dover-Sherborn Public Health Nurse at Dover Sherborn Employee Benefits Fair April 8. - Provided material about Hands Only CPR to Medfield to share with community.

- Participated in training on operation of a Cepheid Xpress machine acquired by Needham which can test for flu/covid/RSV. This may be a resource that can be accessed by all Charles River communities.
- Met with UMASS Public Health Nurse Consultant, Tamara Bedard to discuss local public health nursing programs. Tamara also attended the April Charles River Public Health District Advisory Board meeting to speak about the Nurse Consultant Program.

Environmental Health -- Regional environmental health agents support environmental health activities and conduct inspections in all member communities as requested

Accomplishments include:

- Sam Menard assisted with one soil evaluation in Sherborn.
- The Environmental Health Working Group (EHWG) continues to review self-assessment answers for accuracy.

Projects

Strategic Planning

- Work continues on strategic plan development, including individual and group interviews with staff and Board of Health members in each community as well as CRPHD staff.

Foundational Public Health Services Assessment

- All communities completed their work on the Cost Tool and Service Tool portions of the Assessment process
- Results will guide OLRH work plan development for the next two years.
- Charles River Public Health District results will be presented at the May 27, 2025 Advisory Board meeting.

Staff Continuing Education & Training updates

- Regional Public Health Nurse Jenn Gangadharan attended
 - 1) the MA Health Officers' Spring Seminar on pools, beaches, and camps,
 - 2) sessions two and three of a series "Dismantling Racism in Nursing" put on by American Nurses Association, and
 - 3) a webinar on Alcohol Use Disorder presented by Grayken Addiction.
 Jenn also completed a skills session for American Heart Association CPR and is now fully CPR certified.

- | | |
|--|---|
| | <ul style="list-style-type: none">• Sam and Kerry attended the Spring 2025 Needham U management course which offers training in practical leadership and management skills. Graduation will be at the beginning of May. |
|--|---|

Training Hub- North Central & MetroWest Local Public Health Training Hub Serving the 40 communities in the Charles River Health District, Greater Boroughts, MetroWest Public Health Coalition, Nashoba Associated Boards of Health, Norfolk County-8 Public Health shared services arrangements, and the communities of Bellingham, Holliston and Marlborough.	Staff members: Kerry Dunnell, Samantha Menard, Jennifer Casey, Jennifer Gangadharan, Padraig (Pat) Martin Training Delivery Updates <i>Local Public Health Intensive Training (LPHIT) Food Inspection Training Tier 3</i> - Pat and Sam continue to work with four Tier 3 Food Inspection trainees to complete Tier 3. Each trainee must complete at least five different kinds of inspections with trainers before being ‘certified.’ <i>Local Public Health Intensive Training (LPHIT) Food Inspection Training Tier 2</i> - Sam provided instruction and breakout group facilitator at the LPHIT Food Tier 2 course held in April. - Pat attended the virtual days of Tier 2 Food as an observer to experience the course for the first time. Moving forward he will participate as a facilitator. <i>Documentation Review</i> - Pat and Sam have scheduled a meeting in May, organized by the Office of Local and Regional Health, to discuss assistance with developing SOPs for food establishments for one community. <i>LPHIT Housing Tier 3</i> - We have opened registration is for a June session of the Tier 3 Step 1 Housing training course for eligible inspectors in our Hub communities. This course provides in-depth training on the documentation aspects of housing code enforcement over four half-day in-person sessions. Any inspectors who have completed LPHI Housing Tiers 1 and 2 are eligible to attend. <i>LPHIT Pools (developing)</i> - No activity this month. <i>LPHIT Wastewater/Title V (developing)</i> - A position for a subject matter expert has been posted by the MA Department of Environmental Protection (MA DEP). When filled, this position will support training curriculum development with BU SPH and OLRH.
--	--

Training Hub outreach, communication & support activities

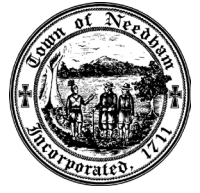
- Based on survey results from the region, we purchased a class 1 sound level meter for the Hub equipment library. Any health department from the training hub communities is eligible to borrow equipment from the library.
- Over 30 members from local public health departments in the North Central MetroWest Training Hub communities attended the first meeting for environmental health agents and inspectors held virtually on April 15. The meeting included an overview of the training hub program and upcoming events. Future quarterly meetings will include presentations on various environmental health topics and updates about the training hub. The meetings will provide a space for environmental health professionals to discuss common concerns and best practices.

Funder Communication & Collaboration

- Kerry, Sam, Pat, Jenn Gangadharan and Jen Casey participated in focus groups hosted by the Office of Local and Regional Health (OLRH), to provide feedback about the implementation of the training hub program.
- Kerry represented the NCMW Hub at a meeting organized by OLRH to discuss future collaboration among the ten training hubs and Childhood Lead Poisoning Prevention Program (CLPPP) to deliver the field component of the lead determinator course.

Staff Continuing Education & Training updates

- Pat and Jenn G. attended 4 sessions of Tier 3 Step 1 Housing Training for Hub trainers hosted by the Central Trainers at the Office of Local and Regional Health. Once Pat and Jenn G. complete the entire six-day course, they will be eligible to facilitate the course.
- Pat and Sam attended a sound level meter training hosted by the Middlesex Essex shared services group to prepare for deployment of a new sound level meter in the Hub Equipment Library



Board of Health

AGENDA FACT SHEET

May 20, 2025

Agenda Item	Designation of Agents
Presenter(s)	Timothy Muir McDonald, Director of Health & Human Services

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board of Health, as part of its annual activities, will discuss and vote to confer its designation of Public Health Division staff members to act as the Board's agents.	
2.	VOTE REQUIRED BY BOARD OF HEALTH
Yes. "I move that the Board of Health designate Mr. McDonald as the Board's agent, and empower him to act in its stead, including designating additional deputy agents. I further move that the Board of Health designate Ms. Gurge and Ms. Dunnell as deputy agents to act in its stead when Mr. McDonald is unavailable."	
3.	BACK UP INFORMATION:
Draft Letter from BOH addressed to the Town Clerk Designating Mr. McDonald, Ms. Gurge, and Ms. Dunnell to act as the Board of Health's agents.	



Needham Public Health Division

Prevent. Promote. Protect.



May 20, 2025

Ms. Louise L. Miller, Needham Town Clerk
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

Dear Ms. Miller,

The Needham Board of Health (the Board) is charged by the General Court of Massachusetts to protect the public's health and to safeguard the health and wellness of its community. In order to effectively discharge those responsibilities, the Board is empowered by the Massachusetts General Laws and imbued with the authority to make reasonable health regulations¹ and to "examine all nuisances, sources of filth and causes of sickness"² and to act for the destruction, removal, or prevention of the same.

To provide the most appropriate and timely response to all of the nuisances, sources of filth, and causes of sickness which may arise in Needham and to effectively enforce adopted Board of Health regulations, the Board designates, under the provisions of Mass. General Law Chapter 111, Section 30³ Director of Health & Human Services Timothy Muir McDonald as its agent and empowers him to act in its stead, including the designation of additional deputy agents. Further, the Needham Board of Health designates Assistant Public Health Director Tara Gurge and Shared Services Program Manager Kerry Dunnell as its deputy agents and empowers them to act in its stead when Mr. McDonald is unavailable.

The designations occurred via the unanimous vote of the Board of Health at its public meeting on this day.

Sincerely,
The Needham Board of Health

Edward Cosgrove, PhD

Stephen Epstein, MD, MPP

Tejal Gandhi, MD, MPH

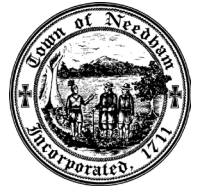
Robert Partridge, MD, MPH

Aarti Sawant-Basak, PhD

¹ M.G.L. ch. 111, s. 31, available at: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section31>

² M.G.L. ch. 111, s. 122, available at: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section122>

³ M.G.L. ch. 111, s. 122, available at: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section30>



Board of Health

AGENDA FACT SHEET

May 20, 2025

Agenda Item	Public Health Division Charge
Presenter(s)	Timothy Muir McDonald, Director of Health & Human Services

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board of Health, as part of its annual activities, will discuss and vote to send a letter to the Director of Health & Human Services, with a CC to the Town Clerk, outlining the Board's charge to the professional staff of the Public Health Division.	
2.	VOTE REQUIRED BY BOARD OF HEALTH (with Suggested Motion)
Yes. "I move that the Board of Health approve sending the drafted letter to Mr. McDonald outlining the Board's charge that all the professional staff of the Public Health Division research best practices, review best available data, and educate and inform the community, elected officials, and Town Departments about sound public health practices and the potential impacts of actions, initiatives, and policy choices on the public's health. I also move that a copy of said letter should be sent to the Town Clerk, Ms. Miller, to keep on file."	
3.	BACK UP INFORMATION:
Draft Letter from BOH addressed to Mr. McDonald, and CCed to the Town Clerk Ms. Louise Miller, recording the Board of Health's charge to the Public Health Division.	



Needham Public Health Division

Prevent. Promote. Protect.



May 20, 2025

Mr. Timothy Muir McDonald, Director of Health & Human Services
Rosemary Recreation Complex
178 Rosemary Street
Needham, MA 02494

Dear Mr. McDonald,

The Needham Board of Health (the Board) takes seriously its responsibility to protect the public's health and its charge to safeguard the health and wellness of its community. In order to effectively discharge those responsibilities, the Board is empowered by the Massachusetts General Laws and imbued with the authority to make reasonable health regulations¹ and to "examine all nuisances, sources of filth and causes of sickness".²

To inform its actions in defense of the public's health, the Needham Board of Health requires that its Public Health Division research best practices, and review the best available data about all issues which might affect the health of Needham and its residents. The Board further charges that you along with Ms. Tara Gurge and Ms. Kerry Dunnell, acting as our agents, and the Public Health Division as a whole, endeavor to educate, inform, and empower the community, elected officials, Town Departments, and community partners about sound public health practices and the potential impact of actions, initiatives, and policy choices on the public's health.

Thank you for your attention.

Sincerely,
The Needham Board of Health

Aarti Sawant, PhD

Edward Cosgrove, PhD

Stephen Epstein, MD, MPP

Tejal Gandhi, MD, MPH

Robert Partridge, MD, MPH

CC: Ms. Louise L. Miller, Needham Town Clerk

www.needhamma.gov/health



Needham Public Health Division

Prevent. Promote. Protect.



Board of Health Town of Needham AGENDA FACT SHEET

MEETING DATE: May 20, 2025

Agenda Item	Review of Article 1 and nicotine pouches
Presenter(s)	Tara Gurge, Assistant Director of Public Health Sai Palani, Environmental Health Karen Shannon, Substance Use Prevention Coordinator

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Review of Board of Health Article 1, Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham , and language that pertains to the sale of nicotine pouches.
2.	VOTE REQUIRED BY BOARD OF HEALTH
	None, discussion only.
3.	BACK UP INFORMATION:
	Draft changes to Article 1: Version 1: ARTICLE 1_DRAFT_NicPouchLimit_05 2025 Version 2: ARTICLE 1_DRAFT_Adult only retailers _05 2025



**Needham Public
Health Division**
Prevent. Promote. Protect.

Board of Health

Edward Cosgrove, PhD Stephen Epstein, MD, MPP Tejal K. Gandhi, MD, MPH

Robert Partridge, MD, MPH Aarti Sawant-Basak, PhD

ARTICLE 1

Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham

A. Statement of Purpose:

Whereas, there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat;¹

Whereas, the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin² and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,³ and that it is addiction to nicotine that keeps youth smoking past adolescence;⁴

Whereas, a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers “spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive” and that these companies were likely to continue targeting underage smokers;⁵

¹ U.S. Center for Disease Control and Prevention (CDC), *Health Effects of Cigarette Smoking Fact Sheet* (2021), https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

² CDC, *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*, (2010), http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

³ U.S. Dep’t of Health and Hum. Servs., *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General* at 122 (2014), <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

⁴ *Id.* at 13 (Executive Summary).

⁵ *United States v. Phillip Morris*, 449 F.Supp.2d 1, 1605-07 (D.D.C. 2006).

Whereas, the majority (90%) of smokers begin smoking before the age of 25, and over 5 million youth and young adults (ages 25 and under) smoke;⁶

Whereas, cigars and cigarillos, can be sold in a single “dose;” and enjoy a relatively low tax as compared to cigarettes;⁷

Whereas, spitless tobacco sales have increased from 100,000 units a year in 2018 to over 700,000 units a year by 2023;⁸

Whereas, nicotine use in any form during adolescence can cause addiction and can harm parts of the brain that control attention, learning, memory, mood, and impulse control. Nicotine use may also increase adolescents' risk of future addiction to other drugs;⁹

Whereas more than 90 percent of all adult smokers begin smoking before the age of 18. In 2023, 22.2% of U.S. middle and high school students reported ever using any tobacco product, corresponding to 6.21 million persons, and 10% or 2.8 million middle and high school students reported current tobacco use;¹⁰

According to the 2021 National Youth Tobacco Survey (NYTS), 17.1% of current youth smokers reported directly purchasing cigarettes from a gas station or convenience store and 7.0% reported directly purchasing cigarettes from a vape shop or tobacco shop;¹¹

Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products to 21 will likely reduce tobacco initiation, particularly among adolescents 15 – 17, which would improve health across the lifespan and save lives;¹²

Whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 2% of Needham high school students used cigarettes on at least one day of the 30 days before the survey, compared with 3% of students in 2021. And whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 10% of Needham high school students used cigarettes in their lifetime, compared with 9% of students in 2021;

⁶ Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, *Key substance use and mental health indicators in the United States: Results from the 2020 National Survey on Drug Use and Health* (HHS Publication No. PEP21-07-01-003, NSDUH Series H-56) (2021) (Retrieved from <https://www.samhsa.gov/data/>).

⁷ CDC, *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5) (2009) (Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>).

⁸ Massachusetts Dept. of Public Health, *Updated Presentation: Monitoring the Impacts of MA Flavored Tobacco Law* (2024).

⁹ Campaign for Tobacco Free Kids, *The Rise of Products Using Synthetic Nicotine* (2021) (<https://assets.tobaccofreekids.org/factsheets/0420.pdf>)

¹⁰ Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, CDC; ²Center for Tobacco Products, Food and Drug Administration, Silver Spring, Maryland.

¹¹ 2021 National Youth Survey, <https://www.cdc.gov/mmwr/volumes/71/ss/ss7105a1.htm>

¹² IOM (Institute of Medicine) 2015. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. Washington DC: The National Academies Press, 2015.

Whereas, data from the 2023 MetroWest Adolescent Health Survey shows 9.6% of Needham High School students and 11.1% of high school students from 24 communities in the Metro West Region used any nicotine products in the past 30 days (cigarettes, smokeless tobacco, cigars, pouches, gum or electronic vapor products);

Whereas use of e-cigarettes among students in Massachusetts is 16%, representing a decrease of 1.5% for highschoolers between 2021 and 2023. Middle school 30-day use remained the same at 4.9 between 2021 and 2023;¹³

Whereas 16% of Massachusetts youth currently use e-cigarettes and 30.4% have tried them¹⁴ and in Needham 8.6% of Needham high school students currently use e-cigarettes and 17% of those students have tried e-cigarettes once in their lifetime, according to the 2023 MetroWest Adolescent Health Survey (MWAHS);¹⁵

Whereas, spitless tobacco, in particular nicotine salt packages, provides a discrete, cheap nicotine delivery system;¹⁶

Whereas, the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking;¹⁷

Whereas, the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are “starter” products that help establish smoking habits that can lead to long-term addiction;¹⁸

Whereas, the U.S. Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco-related death and disease is for local governments to ban categories of products from retail sale;¹⁹

Whereas, the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an “acutely hazardous waste;”²⁰

Whereas, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including number of cigarettes smoked per day, reduced smoking abstinence during a quit attempt, and increased smoking prevalence among youth;²¹

¹³ Massachusetts Department of Public Health, Massachusetts Youth Health Survey (MYHS) 2023

¹⁴ Massachusetts Department of Public Health, 2023 Massachusetts Youth Health Survey (MYHS)

¹⁵ MetroWest Adolescent Health Survey: Needham High School Reports 2023

¹⁶ Ibid.

¹⁷ U.S. Dep’t of Health and Human Servs., *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General* 508, 530 (2012) (www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

¹⁸ Food and Drug Administration, *Fact Sheet: Flavored Tobacco Products* (2011), www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Dep’t of Health and Human Services, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 508, 539 (2012) (www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

¹⁹ See fn. 3 at p. 85.

²⁰ 310 CMR 30.136

²¹ Ying-Chih Chuang et al., *Effects of neighbourhood socioeconomic status and convenience store concentration on individual level smoking*, 59(7) J. Epidemiol Cmtty Health 568 (2005) (doi: 10.1136/jech.2004.029041); Shelley D. Golden et al., *County-level associations between tobacco retailer density and smoking prevalence in the USA, 2012*, 17 (101005) Prev. Med. Rep. (Mar. 2020)

Whereas, the density of tobacco retailers near adolescents' homes has been associated with increased youth smoking rates and initiation of non-cigarette tobacco product use;²²

Whereas, tobacco retailers are more prevalent in underserved communities, especially in neighborhoods with a higher proportion of African American or Hispanic residents;²³

Whereas, policies to reduce tobacco retailer density have been shown to be effective and can reduce or eliminate social and racial inequities in the location and distribution of tobacco retailers;²⁴

Whereas, the Massachusetts Supreme Judicial Court has held that “. . . [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means.”²⁵

Now, therefore it is the intention of the Needham Board of Health to regulate the sale of tobacco products.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Needham Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states that "Boards of health may make reasonable health regulations".

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

(doi: 10.1016/j.pmedr.2019.101005); Eric C. Leas et al., *Place-Based Inequity in Smoking Prevalence in the Largest Cities in the United States*, 179(3) JAMA Intern Med., 442 (2019) (doi: 10.1001/jamainternmed.2018.5990); JG Lee et al., *Associations of tobacco retailer density and proximity with adult tobacco use behaviors and health outcomes: a meta-analysis*. Tobacco Control. Published Online First: 03 September 2021; LR Reitzel et al., *The effect of tobacco outlet density and proximity on smoking cessation*. American Journal of Public Health. 2011, 101(2):315-320; L Henriksen et al., *Is adolescent smoking related to the density and proximity of tobacco retailers and retail cigarette advertising near schools?* Preventive Medicine. 2008, 47(2): 210-4.

²² LJ Finan et al., *Tobacco Outlet Density and Adolescents' Cigarette Smoking: A Meta-Analysis*, 28(1) Tob Control. 27 (2019) (doi: 10.1136/tobaccocontrol-2017-054065); Abdel Magid HS et al., *Tobacco Retail Density and Initiation of Alternative Tobacco Product Use Among Teens*, 66(4) J. Adolescent Health 423 (2020) (doi: 10.1016/j.jadohealth.2019.09.004).

²³ Siahpush M. et al., *Association of availability of tobacco products with socio-economic and racial/ethnic characteristics of neighbourhoods*, 124(9) Pub. Health 525 (2010) (doi: 10.1016/j.puhe.2010.04.010); Lee JG, et al., *Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPIRE Study*, 71(5) J. Epidemiol Cmty Health 487 (2017) (doi: 10.1136/jech-2016-208475); D.O. Fakunle et al., *Black, White, or Green? The Effects of Racial Composition and Socioeconomic Status on Neighborhood-Level Tobacco Outlet Density*, Ethn Health. 1 (2019) (doi: 10.1080/13557858.2019.1620178).

²⁴ Ribisl KM, et al., *Reducing Disparities in Tobacco Retailer Density by Banning Tobacco Product Sales Near Schools*, 19(2) Nicotine Tobacco Res. 239 (2017) (doi: 10.1093/ntr/ntw185); HG, Henry et al., *Tobacco Retail Licensing and Density 3 Years After License Regulations in Philadelphia, Pennsylvania (2012-2019)*, 110 (4) Am J. Pub. Health 547 (2020) (doi: 10.2105/AJPH.2019.305512); A.E. Myers et al., *A comparison of three policy approaches for tobacco retailer reduction*, 74 Prev. Med. 67(2015) (doi: 10.1016/j.ypmed.2015.01.025).

²⁵ *Druzik et al v. Board of Health of Haverhill*, 324 Mass. 129 (1949).

Adult-Only Retail Tobacco Store (also known as “Retail Tobacco Store” in G.L. c. 270): An establishment that is not adjoined, that has a separate entrance not used by any other retailer, that does not sell food, beverages or alcohol, that does not have a lottery license, whose only purpose is to sell or offer for retail sale tobacco products and/or tobacco product paraphernalia, in which the entry of persons under the age of 21 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products from the Needham Board of Health and applicable state licenses. The entrance to the establishment must be secure so that access to the establishment is restricted to employees and to those 21 years or older. The establishment shall not allow anyone under the age of 21 to work at the establishment. As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of a retailer with a tobacco product sales permit.

Blunt Wrap: Any product made wholly or in part from a tobacco product, manufactured or packaged with loose and removable leaves or section of a leaf, or as a hollow tube, that may be used by the consumer to wrap or contain loose tobacco or other fillers.

Bona Fide Purchaser for Value: A bona fide purchaser is someone who exchanges value for property without any reason to expect irregularities in the transaction.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Characterizing flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 C.F.R. 1700 *et seq.*, pursuant to 15 U.S.C. 1471 through 1476.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package and is not otherwise defined as a cigarette under G.L. c. 64C, §1, Paragraph 1. Tobacco leaf in kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product.

Coupon: Any card, paper, note, form, statement, ticket or other communication distributed for commercial or promotional purposes to be surrendered to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Electronic Nicotine Delivery System: An electronic device, whether for one-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that “electronic nicotine delivery system” shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that “electronic nicotine delivery system” shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; provided further, that “electronic nicotine delivery system” shall 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 that approved purpose.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a Flavored Tobacco Product.

Health Care Institution: An individual, partnership, association, corporation or trust or a person or group of persons who provides health care services and employs health care providers subject to licensing under this chapter; or a retail establishment that sells pharmaceutical goods and services and is subject to regulation by the board of registration in pharmacy. Health care institutions include but are not limited to hospitals, clinics, health centers, pharmacies, drug stores, doctors' offices, and dental offices.

Liquid Nicotine Container: A package:

- (i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and
- (ii) that is used to hold a soluble nicotine in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

Listed or non-discounted price: The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Manufacturer Documentation: A written document from a manufacturer that certifies which of each of its products is not flavored, as defined under Massachusetts law and these regulations. Manufacturer Documentation shall also mean a written document from a manufacturer that certifies the nicotine content expressed as milligrams per milliliter for each of its Electronic Nicotine Delivery System products. A manufacturer documentation must:

1. Be written by the manufacturer of the product(s).
2. Certify that the product(s) listed in the documentation are neither flavored nor have a characterizing flavor as defined by 105 CMR 665.005.
3. Include an attestation clause indicating that the "letter is true and accurate."
4. State that the "manufacturer will immediately provide an updated letter to correct any inaccuracy."
5. State that the person signing the letter "is authorized on behalf of the manufacturer to sign the letter."

6. Contain a signature of the manufacturer's corporate officer or an owner; and
7. For any Electronic Nicotine Delivery System product, certify that it does not have a nicotine content greater than 35 milligrams per milliliter. The content amount must be in "milligrams per milliliter." If the nicotine content is documented in a separate letter, the above-listed requirements must be included in that separate letter.

Note that a Manufacturer's Documentation IS NOT conclusive evidence that a product is unflavored. A board of health may conduct a smell/taste test to determine if a manufacturer's documentation misrepresents whether a product is flavored.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Oral Nicotine Pouches: Pre-portioned pouches containing nicotine and other ingredients, intended to be used between the cheek and gum to deliver nicotine.

Permit Holder: Any retailer engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or their business agent.

Retailer: Any person, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retail Establishment: A physical place of business or a section of a physical place of business in which a tobacco product is offered for sale to consumers.

Rolling Papers: Sheets, rolls, tubes, cones or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine.

Self-Service Display: Any display including an unlocked humidor regardless of size from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

Smoking Bar: An establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Town of Needham; and (v) maintains a valid license issued by the department of revenue to operate as a smoking bar. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars", "hookah-bars" and "vape bars."

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product. A rolling paper with a characterizing flavor shall be considered a Tobacco Product Flavor Enhancer.

Tobacco Product: A product containing or made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall 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.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

Workplace: Any enclosed area of a structure, indoor area, facility or a portion thereof at which one (1) or more employees perform services for their employer (including the personal residence of the employer during those hours when used as a place of employment); other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space. It also includes motor vehicles, employee lounges, restrooms, conference rooms, hallways, stairways and entrance ways, as well as exterior, unenclosed spaces at stairs, ramps, landings, patios, porches, decks, adjacent yards, loading docks and other areas within

twenty (20) feet of the entrance doors or other areas where smoke would migrate into the enclosed area of a structure.

D. No Tobacco Sales to Persons Born on or after January 1, 2004

1. No person shall sell or provide a tobacco product to a person born on or after January 1, 2004.

2. Required Signage:

All retail establishments, including adult-only retail tobacco stores, shall conspicuously post signage, made available from the Needham Board of Health. Such signage shall include: (i) referral information for smoking cessation resources; (ii) a statement that sale of tobacco products, including e-cigarettes, to a person born on or after January 1, 2004 is prohibited; (iii) health warnings associated with using electronic nicotine delivery systems; and (iv) except in the case of smoking bars, notice to consumers that the sale of flavored tobacco products are prohibited at all times. Such signage shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. The signage may be in a form developed and made available by the Massachusetts Department of Public Health.

3. Identification:

Each person selling or distributing tobacco products shall first verify the age of **every** purchaser of tobacco products by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is born before January 1, 2004.

E. Tobacco Product Sales Permit:

1. No person shall sell or otherwise distribute tobacco products, as defined herein, within the town of Needham without first obtaining a Tobacco Product Sales Permit issued annually by the Needham Board of Health. Only owners of establishments with a permanent, indoor, non-mobile location in Needham are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Needham.

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Needham regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. Each applicant who sells tobacco products is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued. Applicant may be asked to provide evidence that a legitimate business transfer or business purchase has taken place.

4. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee for which shall be determined by the Needham Board of Health annually. All required Massachusetts Department of Revenue licenses related to the sale of tobacco products, as defined herein, must also be displayed conspicuously at the retail establishment.

5. As a condition for obtaining and/or renewing a Tobacco Sales Permit, the Needham Board of Health may require tobacco retailers and any employee involved in the sale of tobacco products to participate in training programs provided by, or approved by, the Board regarding compliance with the laws and regulations prohibiting the sale of tobacco products to persons born on or after January 1, 2004.

6. No Tobacco Sales Permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation and state laws regarding the sale of tobacco products and signs a statement, a copy of which will be placed on file in the office of the employer, that the employee has read and understands the regulation and applicable state laws.

7. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation. Neither the permit holder nor their employees shall interfere with or obstruct an inspection.

8. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.

9. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person born on or after January 1, 2004, three times within the permit year or 4 times within the 36-month period of performance and the time period to appeal has expired. The violator may request a hearing in accordance with the Violations section.

10. Retail Density.

- a. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school as measured by a straight line from

- the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises
- b. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of an existing retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the nearest point of the property line of the retailer with a valid Tobacco Product Sales Permit to the nearest point of the property line of the site of the applicant's business premises.
 - c. If the purchaser of a business with a valid tobacco sales permit pursuant to Section E.9 or the current holder of tobacco sales permit changes the location of the business, the new location shall be subject to the retail density requirements of Section E.11.
11. Sale of Business.
- a. Notwithstanding a cap on the total number of permit holders, the seller of a business holding a valid tobacco sales permit may transfer said permit to a bona fide purchaser for value of the business, subject to approval by the Board of Health, as required herein.
 - b. The purchaser shall apply for the transfer of the permit no later than (30) calendar days after said purchase. The purchaser shall not sell tobacco product until the **transfer of the permit is approved by the Board of Health**; and
 - c. All fines and suspensions of the previous owner must be satisfied prior to the sale.
12. Maximum Number of Tobacco Product Sales Permits—Retiring Cap

As of the effective date of this regulation, any permit surrendered, revoked or not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Needham Board of Health and shall be permanently retired by the Board of Health.

F. Prohibition of Smoking Bars:

Smoking Bars are prohibited in the Town of Needham.

G. Oral Nicotine Pouches:

No retailer or person shall sell or distribute or cause to be sold or distributed oral nicotine pouches with a nicotine content greater than six (6) mg per individual pouch.

H.G. Cigar Sales Regulated:

1. No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and ninety cents (\$2.90) or more.

2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars and eighty cents (\$5.80) or more.

3. This Section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Needham.

4. The Needham Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

I.H. Sale of Flavored Tobacco Products Prohibited:

No person, as defined herein, shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, as defined herein, or any flavored tobacco product enhancer, as defined herein.

Retailers must obtain manufacturer documentation certifying that all products possessed, held, kept, sold or distributed by the retailer do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer (105 CMR 665.010(E)).

J.I. Nicotine Content in Electronic Nicotine Delivery Systems:

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars.

Retailers must obtain manufacturer documentation verifying that all electronic nicotine delivery products possessed, held, kept, sold or distributed by the retailer indicating the nicotine content expressed as milligrams per milliliter for each electronic nicotine delivery system to be sold in the retail establishment (105 CMR 665.010(C)).

K.J. Prohibition of the Sale of Blunt Wraps:

No retailer or person shall sell or distribute blunt wraps in Needham.

L.K. Free Distribution and Coupon Redemption: No retailer or person shall:

1. Distribute or cause to be distributed, any free samples of tobacco products, as defined herein.
2. Accept or redeem, offer to accept, or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; and

3. Sell a tobacco product, as defined herein, through any discount (e.g., "buy-two-get-one-free") if the sale reduces the price of a pack to less than the listed or non-discounted price.

M.L. Out-of-Package Sales:

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging, or dispensing of any tobacco product, as defined herein, for retail sale. No retailer or person, as defined herein, shall possess, hold, keep, sell, or distribute or cause to be possessed, held, kept, sold, or distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. Permit holders who sell Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, Massachusetts Hazardous Waste Regulations.
3. All permit holders must comply with 940 CMR 21.05 which reads: "It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S.C. §§1471 through 1476 and 16 CFR §1700 *et seq.*"
4. No permit holder shall refill a cartridge that is prefilled with nicotine in a liquid or gel substance and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

N.M. Self-Service Displays:

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

O.N. Vending Machines:

All vending machines containing tobacco products, as defined herein, are prohibited.

P.Θ. Non-Residential Roll-Your-Own Machines:

All Non-Residential Roll-Your-Own machines are prohibited.

Q.P. Prohibition of the Sale of Tobacco Products by Health Care Institutions:

No health care institution located in Needham shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist, or drug store, shall sell or cause to be sold tobacco products, as defined herein.

R.Q. Prohibition of the Sale of Tobacco Products by Educational Institutions:

No educational institution located in Needham shall sell or cause to be sold tobacco products, as defined herein, including by any person or retailer on the property of an educational institution.

S.R. Incorporation of State Laws and State Regulations:

1. The sale or distribution of tobacco products, as defined herein, must comply with state statutes including but not limited to those provisions found at G.L. c. 270, §§6, 6A, 7, 28, 29 and G.L. c. 112, §61A.
2. The sale or distribution of tobacco products, as defined herein, must comply with state regulations including but not limited to those provisions found at 940 CMR 21.00, Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts, 940 CMR 22.00 Sale and Distribution of Cigars in Massachusetts; and 105 CMR 665.00, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems.

T.S. PROHIBITION ON SMOKING IN PUBLIC PLACES AND WORKPLACES:

1. No person shall smoke or use an e-cigarette nor shall any person having control of the premises upon which smoking is prohibited by this regulation or by M.G.L. c. 270, §22, or the business agent or designee of such person, permit a person to smoke or use an e-cigarette in any of the following places in addition to those prohibited by G.L. c. 270, §22: all outdoor areas of restaurants, bars, taverns, and any other outdoor place where food and/or beverages, and/or non-alcoholic beverages are sold, served, or otherwise consumed or carried, health care facilities, municipal and school buildings, municipal vehicles, public places, public transportation, retail stores, town-owned parks and playgrounds, town-owned athletic fields, town-owned property, conservation land, nursing homes, hotels, motels, inns, bed and breakfast, lodging homes, and adult-only retail tobacco stores.
2. Notwithstanding any other provision of these regulations, smoking may be permitted in the following places and/or under the following circumstances consistent with all applicable state laws:
 - a. Private residences except those portions used as a public place, food service establishment, childcare, adult care, or health care office during the hours when operating as such.

U.T. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate G.L. c. 270, §§6, 28, 29 and 105 CMR 665.000, the following penalties apply:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
2. For violations of all other sections specific to the Town of Needham, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00), and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three violations within a thirty-six (36)-month period, a fine of three hundred dollars (\$300.00), and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
3. List of state laws and local policies:

Policies Subject to State Law Fines

- Tobacco and Vape Sales to persons under the age of 21 (G.L. Ch. 270, §6)
- Flavored Tobacco Product Sales Restrictions (G.L. Ch. 270, §28)
- Penalties for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.045)

Policies Subject to Local Regulation

- Nicotine Free Generation / Sales to persons born on or after January 1, 2004
- Prohibition of the Sale of Blunt Wraps
- Ban on Smoking Bars
- Cigar Sales Regulated, including minimum sales price regulations.

- Local Tobacco Sales Permit suspension for a first violation for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.040(d))
 - Required Retailer Signage (105 CMR 665.015)
 - Ban on Free Distribution (105 CMR 665.025)
 - Ban on Self-Service Displays (105 CMR 665.010(B))
 - Ban on Out-Of-Package Sales (105 CMR 665.030)
 - Sales Without a Local Tobacco Product Sales Permit for Smoking Bars and Retail Tobacco Stores only (105 CMR 665.013(A))
 - Failure to Check Identification of Purchaser (105 CMR 665.020)
 - Nicotine Content in Electronic Nicotine Delivery Systems (G.L. Ch. 270, §29)
 - Coupon Redemption (105 CMR 665.025)
 - Child-Proofed Liquid Nicotine Containers Required (105 CMR 665.035)
 - Failure to obtain manufacturer's non-flavored certification (105 CMR 665.010(E))
 - Failure to obtain manufacturer's nicotine content certification (105 CMR 665.010(C))
 - Admitting a person under the age of 21 into an Adult-Only Retail Tobacco Store (105 CMR 665.020(B))
 - Other state policies
 - Tobacco Product Sales in Health Care Institutions as more broadly defined than in state law.
 - Tobacco Product Sales in Educational Institutions
 - Non-Residential Roll-Your-Own Machines Ban
 - Display of MA Department of Revenue license(s)
 - No Local Tobacco Sales Permit
 - Retailer Density Minimums
 - Transfer of Permit in Sale of Business
 - Restricting Oral Nicotine Pouches to adult-only retail tobacco stores
 - Other local policies
5. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a thirty-six (36) month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing shall permanently revoke a Tobacco Product Sales Permit.
 6. Failure to cooperate or interference with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

7. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while their permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days. Multiple suspensions of a Tobacco Product Sales Permit shall not be served concurrently.
8. A permit issued pursuant to this regulation may be suspended, revoked, or not renewed for any of the following reasons:
 - a. Violation of the permit holder of any provision of state or local laws and/or regulations.
 - b. Fraud, misrepresentation, false material statement, concealment, or suppression of facts by the permit holder in connection with an application for a permit or for renewal thereof.
9. The Needham Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such a hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Needham Board of Health shall impose fines and/or suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.
10. For purposes of such fines, the Board of Health shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense.

V.U. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in G.L. c. 40, §21D where the penalty calls for a monetary fine not exceeding three hundred (\$300) dollars.

W.V. Separate Violations:

Each day any violation exists shall be deemed to be a separate offense.

X.W. Enforcement:

Enforcement of this regulation shall be by the Needham Board of Health, its Director of Health & Human Services, and its designated agents.

The Board of Health may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Needham Board of Health or its designated agent(s) and the Board shall investigate.

Y.X. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Z.Y. Effective Date: (Need to update this section with new dates.)

Board of Health discussion about the Nicotine Free Generation (NFG) policy occurred at public meetings on May 10, June 14, and July 12, 2024. A public hearing about the Nicotine Free Generation policy occurred on September 5, 2024, and was continued over until October 8, 2024 and then again until November 22, 2024, where the NFG policy and a draft version of this regulation incorporating NFG were discussed and debated. This regulation was approved by a unanimous vote of the Needham Board of Health on December 13, 2024 and shall take effect on January 1, 2025.

A notice and summary of the regulation was posted by the Needham Town Clerk, was posted on the Needham Public Health Division's website, and was published in a newspaper in circulation in the Town of Needham. Copies of this regulation have also been filed with the Needham Town Clerk and the Massachusetts Department of Environmental Protection.

The original Needham Board of Health smoking and tobacco regulation was enacted in September 1991. It has been amended extensively over the years, most notably in 2005 with the enactment of the Tobacco 21 policy, which was phased-in over a three-year period. This regulation was amended again in 2009 with the implementation of a prohibition on the sale of tobacco products in pharmacies. A ban on flavored tobacco was incorporated in 2015, the tolling period for violations was revised in 2017, and restrictions on electronic nicotine delivery systems were incorporated in 2018 and 2019. Updates on the number of permits and also the adoption of updated state regulation requirements, along with the adoption of the state fine schedule, took place in 2020 and 2021. An update to the regulation, unanimously approved by the Board of Health on September 23, 2021, included a modification to the definition of "person" on page six and shall go into effect on October 15, 2021. The Nicotine Free Generation policy was incorporated into the regulation by vote of the Board of Health on December 13, 2024.



**Needham Public
Health Division**
Prevent. Promote. Protect.

Board of Health

Edward Cosgrove, PhD Stephen Epstein, MD, MPP Tejal K. Gandhi, MD, MPH

Robert Partridge, MD, MPH Aarti Sawant-Basak, PhD

ARTICLE 1

Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham

A. Statement of Purpose:

Whereas, there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat;¹

Whereas, the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin² and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,³ and that it is addiction to nicotine that keeps youth smoking past adolescence;⁴

Whereas, a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers “spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive” and that these companies were likely to continue targeting underage smokers;⁵

¹ U.S. Center for Disease Control and Prevention (CDC), *Health Effects of Cigarette Smoking Fact Sheet* (2021), https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

² CDC, *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*, (2010), http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

³ U.S. Dep’t of Health and Hum. Servs., *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General* at 122 (2014), <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

⁴ *Id.* at 13 (Executive Summary).

⁵ *United States v. Phillip Morris*, 449 F.Supp.2d 1, 1605-07 (D.D.C. 2006).

Whereas, the majority (90%) of smokers begin smoking before the age of 25, and over 5 million youth and young adults (ages 25 and under) smoke;⁶

Whereas, cigars and cigarillos, can be sold in a single “dose;” and enjoy a relatively low tax as compared to cigarettes;⁷

Whereas, spitless tobacco sales have increased from 100,000 units a year in 2018 to over 700,000 units a year by 2023;⁸

Whereas, nicotine use in any form during adolescence can cause addiction and can harm parts of the brain that control attention, learning, memory, mood, and impulse control. Nicotine use may also increase adolescents' risk of future addiction to other drugs;⁹

Whereas more than 90 percent of all adult smokers begin smoking before the age of 18. In 2023, 22.2% of U.S. middle and high school students reported ever using any tobacco product, corresponding to 6.21 million persons, and 10% or 2.8 million middle and high school students reported current tobacco use;¹⁰

According to the 2021 National Youth Tobacco Survey (NYTS), 17.1% of current youth smokers reported directly purchasing cigarettes from a gas station or convenience store and 7.0% reported directly purchasing cigarettes from a vape shop or tobacco shop;¹¹

Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products to 21 will likely reduce tobacco initiation, particularly among adolescents 15 – 17, which would improve health across the lifespan and save lives;¹²

Whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 2% of Needham high school students used cigarettes on at least one day of the 30 days before the survey, compared with 3% of students in 2021. And whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 10% of Needham high school students used cigarettes in their lifetime, compared with 9% of students in 2021;

⁶ Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, *Key substance use and mental health indicators in the United States: Results from the 2020 National Survey on Drug Use and Health* (HHS Publication No. PEP21-07-01-003, NSDUH Series H-56) (2021) (Retrieved from <https://www.samhsa.gov/data/>).

⁷ CDC, *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5) (2009) (Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>).

⁸ Massachusetts Dept. of Public Health, *Updated Presentation: Monitoring the Impacts of MA Flavored Tobacco Law* (2024).

⁹ Campaign for Tobacco Free Kids, *The Rise of Products Using Synthetic Nicotine* (2021) (<https://assets.tobaccofreekids.org/factsheets/0420.pdf>)

¹⁰ Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, CDC; ²Center for Tobacco Products, Food and Drug Administration, Silver Spring, Maryland.

¹¹ 2021 National Youth Survey, <https://www.cdc.gov/mmwr/volumes/71/ss/ss7105a1.htm>

¹² IOM (Institute of Medicine) 2015. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. Washington DC: The National Academies Press, 2015.

Whereas, data from the 2023 MetroWest Adolescent Health Survey shows 9.6% of Needham High School students and 11.1% of high school students from 24 communities in the Metro West Region used any nicotine products in the past 30 days (cigarettes, smokeless tobacco, cigars, pouches, gum or electronic vapor products);

Whereas use of e-cigarettes among students in Massachusetts is 16%, representing a decrease of 1.5% for highschoolers between 2021 and 2023. Middle school 30-day use remained the same at 4.9 between 2021 and 2023;¹³

Whereas 16% of Massachusetts youth currently use e-cigarettes and 30.4% have tried them¹⁴ and in Needham 8.6% of Needham high school students currently use e-cigarettes and 17% of those students have tried e-cigarettes once in their lifetime, according to the 2023 MetroWest Adolescent Health Survey (MWAHS);¹⁵

Whereas, spitless tobacco, in particular nicotine salt packages, provides a discrete, cheap nicotine delivery system;¹⁶

Whereas, the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking;¹⁷

Whereas, the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are “starter” products that help establish smoking habits that can lead to long-term addiction;¹⁸

Whereas, the U.S. Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco-related death and disease is for local governments to ban categories of products from retail sale;¹⁹

Whereas, the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an “acutely hazardous waste;”²⁰

Whereas, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including number of cigarettes smoked per day, reduced smoking abstinence during a quit attempt, and increased smoking prevalence among youth;²¹

¹³ Massachusetts Department of Public Health, Massachusetts Youth Health Survey (MYHS) 2023

¹⁴ Massachusetts Department of Public Health, 2023 Massachusetts Youth Health Survey (MYHS)

¹⁵ MetroWest Adolescent Health Survey: Needham High School Reports 2023

¹⁶ Ibid.

¹⁷ U.S. Dep’t of Health and Human Servs., *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General* 508, 530 (2012) (www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

¹⁸ Food and Drug Administration, *Fact Sheet: Flavored Tobacco Products* (2011), www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Dep’t of Health and Human Services, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 508, 539 (2012) (www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).

¹⁹ See fn. 3 at p. 85.

²⁰ 310 CMR 30.136

²¹ Ying-Chih Chuang et al., *Effects of neighbourhood socioeconomic status and convenience store concentration on individual level smoking*, 59(7) J. Epidemiol Cmtty Health 568 (2005) (doi: 10.1136/jech.2004.029041); Shelley D. Golden et al., *County-level associations between tobacco retailer density and smoking prevalence in the USA, 2012*, 17 (101005) Prev. Med. Rep. (Mar. 2020)

Whereas, the density of tobacco retailers near adolescents' homes has been associated with increased youth smoking rates and initiation of non-cigarette tobacco product use;²²

Whereas, tobacco retailers are more prevalent in underserved communities, especially in neighborhoods with a higher proportion of African American or Hispanic residents;²³

Whereas, policies to reduce tobacco retailer density have been shown to be effective and can reduce or eliminate social and racial inequities in the location and distribution of tobacco retailers;²⁴

Whereas, the Massachusetts Supreme Judicial Court has held that “. . . [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means.”²⁵

Now, therefore it is the intention of the Needham Board of Health to regulate the sale of tobacco products.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the Needham Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states that "Boards of health may make reasonable health regulations".

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

(doi: 10.1016/j.pmedr.2019.101005); Eric C. Leas et al., *Place-Based Inequity in Smoking Prevalence in the Largest Cities in the United States*, 179(3) JAMA Intern Med., 442 (2019) (doi: 10.1001/jamainternmed.2018.5990); JG Lee et al., *Associations of tobacco retailer density and proximity with adult tobacco use behaviors and health outcomes: a meta-analysis*. Tobacco Control. Published Online First: 03 September 2021; LR Reitzel et al., *The effect of tobacco outlet density and proximity on smoking cessation*. American Journal of Public Health. 2011, 101(2):315-320; L Henriksen et al., *Is adolescent smoking related to the density and proximity of tobacco retailers and retail cigarette advertising near schools?* Preventive Medicine. 2008, 47(2): 210-4.

²² LJ Finan et al., *Tobacco Outlet Density and Adolescents' Cigarette Smoking: A Meta-Analysis*, 28(1) Tob Control. 27 (2019) (doi: 10.1136/tobaccocontrol-2017-054065); Abdel Magid HS et al., *Tobacco Retail Density and Initiation of Alternative Tobacco Product Use Among Teens*, 66(4) J. Adolescent Health 423 (2020) (doi: 10.1016/j.jadohealth.2019.09.004).

²³ Siahpush M. et al., *Association of availability of tobacco products with socio-economic and racial/ethnic characteristics of neighbourhoods*, 124(9) Pub. Health 525 (2010) (doi: 10.1016/j.puhe.2010.04.010); Lee JG, et al., *Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPIRE Study*, 71(5) J. Epidemiol Cmty Health 487 (2017) (doi: 10.1136/jech-2016-208475); D.O. Fakunle et al., *Black, White, or Green? The Effects of Racial Composition and Socioeconomic Status on Neighborhood-Level Tobacco Outlet Density*, Ethn Health. 1 (2019) (doi: 10.1080/13557858.2019.1620178).

²⁴ Ribisl KM, et al., *Reducing Disparities in Tobacco Retailer Density by Banning Tobacco Product Sales Near Schools*, 19(2) Nicotine Tobacco Res. 239 (2017) (doi: 10.1093/ntr/ntw185); HG, Henry et al., *Tobacco Retail Licensing and Density 3 Years After License Regulations in Philadelphia, Pennsylvania (2012-2019)*, 110 (4) Am J. Pub. Health 547 (2020) (doi: 10.2105/AJPH.2019.305512); A.E. Myers et al., *A comparison of three policy approaches for tobacco retailer reduction*, 74 Prev. Med. 67(2015) (doi: 10.1016/j.ypmed.2015.01.025).

²⁵ *Druzik et al v. Board of Health of Haverhill*, 324 Mass. 129 (1949).

Adult-Only Retail Tobacco Store (also known as “Retail Tobacco Store” in G.L. c. 270): An establishment that is not adjoined, that has a separate entrance not used by any other retailer, that does not sell food, beverages or alcohol, that does not have a lottery license, whose only purpose is to sell or offer for retail sale tobacco products and/or tobacco product paraphernalia, in which the entry of persons under the age of 21 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products from the Needham Board of Health and applicable state licenses. The entrance to the establishment must be secure so that access to the establishment is restricted to employees and to those 21 years or older. The establishment shall not allow anyone under the age of 21 to work at the establishment. As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of a retailer with a tobacco product sales permit.

Blunt Wrap: Any product made wholly or in part from a tobacco product, manufactured or packaged with loose and removable leaves or section of a leaf, or as a hollow tube, that may be used by the consumer to wrap or contain loose tobacco or other fillers.

Bona Fide Purchaser for Value: A bona fide purchaser is someone who exchanges value for property without any reason to expect irregularities in the transaction.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Characterizing flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 C.F.R. 1700 *et seq.*, pursuant to 15 U.S.C. 1471 through 1476.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package and is not otherwise defined as a cigarette under G.L. c. 64C, §1, Paragraph 1. Tobacco leaf in kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product.

Coupon: Any card, paper, note, form, statement, ticket or other communication distributed for commercial or promotional purposes to be surrendered to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Electronic Nicotine Delivery System: An electronic device, whether for one-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that “electronic nicotine delivery system” shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that “electronic nicotine delivery system” shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; provided further, that “electronic nicotine delivery system” shall 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 that approved purpose.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a Flavored Tobacco Product.

Health Care Institution: An individual, partnership, association, corporation or trust or a person or group of persons who provides health care services and employs health care providers subject to licensing under this chapter; or a retail establishment that sells pharmaceutical goods and services and is subject to regulation by the board of registration in pharmacy. Health care institutions include but are not limited to hospitals, clinics, health centers, pharmacies, drug stores, doctors' offices, and dental offices.

Liquid Nicotine Container: A package:

- (i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and
- (ii) that is used to hold a soluble nicotine in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

Listed or non-discounted price: The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Manufacturer Documentation: A written document from a manufacturer that certifies which of each of its products is not flavored, as defined under Massachusetts law and these regulations. Manufacturer Documentation shall also mean a written document from a manufacturer that certifies the nicotine content expressed as milligrams per milliliter for each of its Electronic Nicotine Delivery System products. A manufacturer documentation must:

1. Be written by the manufacturer of the product(s).
2. Certify that the product(s) listed in the documentation are neither flavored nor have a characterizing flavor as defined by 105 CMR 665.005.
3. Include an attestation clause indicating that the "letter is true and accurate."
4. State that the "manufacturer will immediately provide an updated letter to correct any inaccuracy."
5. State that the person signing the letter "is authorized on behalf of the manufacturer to sign the letter."

6. Contain a signature of the manufacturer's corporate officer or an owner; and
7. For any Electronic Nicotine Delivery System product, certify that it does not have a nicotine content greater than 35 milligrams per milliliter. The content amount must be in "milligrams per milliliter." If the nicotine content is documented in a separate letter, the above-listed requirements must be included in that separate letter.

Note that a Manufacturer's Documentation IS NOT conclusive evidence that a product is unflavored. A board of health may conduct a smell/taste test to determine if a manufacturer's documentation misrepresents whether a product is flavored.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Oral Nicotine Pouches: Pre-portioned pouches containing nicotine and other ingredients, intended to be used between the cheek and gum to deliver nicotine.

Permit Holder: Any retailer engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or their business agent.

Retailer: Any person, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retail Establishment: A physical place of business or a section of a physical place of business in which a tobacco product is offered for sale to consumers.

Rolling Papers: Sheets, rolls, tubes, cones or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine.

Self-Service Display: Any display including an unlocked humidor regardless of size from which customers may select a tobacco product, as defined herein, without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

Smoking Bar: An establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Town of Needham; and (v) maintains a valid license issued by the department of revenue to operate as a smoking bar. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars", "hookah-bars" and "vape bars."

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product. A rolling paper with a characterizing flavor shall be considered a Tobacco Product Flavor Enhancer.

Tobacco Product: A product containing or made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall 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.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

Workplace: Any enclosed area of a structure, indoor area, facility or a portion thereof at which one (1) or more employees perform services for their employer (including the personal residence of the employer during those hours when used as a place of employment); other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space. It also includes motor vehicles, employee lounges, restrooms, conference rooms, hallways, stairways and entrance ways, as well as exterior, unenclosed spaces at stairs, ramps, landings, patios, porches, decks, adjacent yards, loading docks and other areas within

twenty (20) feet of the entrance doors or other areas where smoke would migrate into the enclosed area of a structure.

D. No Tobacco Sales to Persons Born on or after January 1, 2004

1. No person shall sell or provide a tobacco product to a person born on or after January 1, 2004.

2. Required Signage:

All retail establishments, including adult-only retail tobacco stores, shall conspicuously post signage, made available from the Needham Board of Health. Such signage shall include: (i) referral information for smoking cessation resources; (ii) a statement that sale of tobacco products, including e-cigarettes, to a person born on or after January 1, 2004 is prohibited; (iii) health warnings associated with using electronic nicotine delivery systems; and (iv) except in the case of smoking bars, notice to consumers that the sale of flavored tobacco products are prohibited at all times. Such signage shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. The signage may be in a form developed and made available by the Massachusetts Department of Public Health.

3. Identification:

Each person selling or distributing tobacco products shall first verify the age of **every** purchaser of tobacco products by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is born before January 1, 2004.

E. Tobacco Product Sales Permit:

1. No person shall sell or otherwise distribute tobacco products, as defined herein, within the town of Needham without first obtaining a Tobacco Product Sales Permit issued annually by the Needham Board of Health. Only owners of establishments with a permanent, indoor, non-mobile location in Needham are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Needham.

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Needham regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. Each applicant who sells tobacco products is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued. Applicant may be asked to provide evidence that a legitimate business transfer or business purchase has taken place.

4. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee for which shall be determined by the Needham Board of Health annually. All required Massachusetts Department of Revenue licenses related to the sale of tobacco products, as defined herein, must also be displayed conspicuously at the retail establishment.

5. As a condition for obtaining and/or renewing a Tobacco Sales Permit, the Needham Board of Health may require tobacco retailers and any employee involved in the sale of tobacco products to participate in training programs provided by, or approved by, the Board regarding compliance with the laws and regulations prohibiting the sale of tobacco products to persons born on or after January 1, 2004.

6. No Tobacco Sales Permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation and state laws regarding the sale of tobacco products and signs a statement, a copy of which will be placed on file in the office of the employer, that the employee has read and understands the regulation and applicable state laws.

7. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation. Neither the permit holder nor their employees shall interfere with or obstruct an inspection.

8. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.

9. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person born on or after January 1, 2004, three times within the permit year or 4 times within the 36-month period of performance and the time period to appeal has expired. The violator may request a hearing in accordance with the Violations section.

10. Retail Density.

- a. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school as measured by a straight line from

- the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises
- b. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of an existing retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the nearest point of the property line of the retailer with a valid Tobacco Product Sales Permit to the nearest point of the property line of the site of the applicant's business premises.
 - c. If the purchaser of a business with a valid tobacco sales permit pursuant to Section E.9 or the current holder of tobacco sales permit changes the location of the business, the new location shall be subject to the retail density requirements of Section E.11.
11. Sale of Business.
- a. Notwithstanding a cap on the total number of permit holders, the seller of a business holding a valid tobacco sales permit may transfer said permit to a bona fide purchaser for value of the business, subject to approval by the Board of Health, as required herein.
 - b. The purchaser shall apply for the transfer of the permit no later than (30) calendar days after said purchase. The purchaser shall not sell tobacco product until the **transfer of the permit is approved by the Board of Health**; and
 - c. All fines and suspensions of the previous owner must be satisfied prior to the sale.
12. Maximum Number of Tobacco Product Sales Permits—Retiring Cap

As of the effective date of this regulation, any permit surrendered, revoked or not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Needham Board of Health and shall be permanently retired by the Board of Health.

F. Prohibition of Smoking Bars:

Smoking Bars are prohibited in the Town of Needham.

G. Oral Nicotine Pouches:

Oral nicotine products can only be sold in adult-only retail tobacco stores.

H.G. Cigar Sales Regulated:

- 1. No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and ninety cents (\$2.90) or more.

2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars and eighty cents (\$5.80) or more.

3. This Section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Needham.

4. The Needham Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

I.H. Sale of Flavored Tobacco Products Prohibited:

No person, as defined herein, shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, as defined herein, or any flavored tobacco product enhancer, as defined herein.

Retailers must obtain manufacturer documentation certifying that all products possessed, held, kept, sold or distributed by the retailer do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer (105 CMR 665.010(E)).

J.I. Nicotine Content in Electronic Nicotine Delivery Systems:

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars.

Retailers must obtain manufacturer documentation verifying that all electronic nicotine delivery products possessed, held, kept, sold or distributed by the retailer indicating the nicotine content expressed as milligrams per milliliter for each electronic nicotine delivery system to be sold in the retail establishment (105 CMR 665.010(C)).

K.J. Prohibition of the Sale of Blunt Wraps:

No retailer or person shall sell or distribute blunt wraps in Needham.

L.K. Free Distribution and Coupon Redemption: No retailer or person shall:

1. Distribute or cause to be distributed, any free samples of tobacco products, as defined herein.
2. Accept or redeem, offer to accept, or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; and

3. Sell a tobacco product, as defined herein, through any discount (e.g., "buy-two-get-one-free") if the sale reduces the price of a pack to less than the listed or non-discounted price.

M.L. Out-of-Package Sales:

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging, or dispensing of any tobacco product, as defined herein, for retail sale. No retailer or person, as defined herein, shall possess, hold, keep, sell, or distribute or cause to be possessed, held, kept, sold, or distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. Permit holders who sell Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, Massachusetts Hazardous Waste Regulations.
3. All permit holders must comply with 940 CMR 21.05 which reads: "It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S.C. §§1471 through 1476 and 16 CFR §1700 *et seq.*"
4. No permit holder shall refill a cartridge that is prefilled with nicotine in a liquid or gel substance and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

N.M. Self-Service Displays:

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked.

O.N. Vending Machines:

All vending machines containing tobacco products, as defined herein, are prohibited.

P.Ø. Non-Residential Roll-Your-Own Machines:

All Non-Residential Roll-Your-Own machines are prohibited.

Q.P. Prohibition of the Sale of Tobacco Products by Health Care Institutions:

No health care institution located in Needham shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist, or drug store, shall sell or cause to be sold tobacco products, as defined herein.

R.Q. Prohibition of the Sale of Tobacco Products by Educational Institutions:

No educational institution located in Needham shall sell or cause to be sold tobacco products, as defined herein, including by any person or retailer on the property of an educational institution.

S.R. Incorporation of State Laws and State Regulations:

1. The sale or distribution of tobacco products, as defined herein, must comply with state statutes including but not limited to those provisions found at G.L. c. 270, §§6, 6A, 7, 28, 29 and G.L. c. 112, §61A.
2. The sale or distribution of tobacco products, as defined herein, must comply with state regulations including but not limited to those provisions found at 940 CMR 21.00, Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts, 940 CMR 22.00 Sale and Distribution of Cigars in Massachusetts; and 105 CMR 665.00, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems.

T.S. PROHIBITION ON SMOKING IN PUBLIC PLACES AND WORKPLACES:

1. No person shall smoke or use an e-cigarette nor shall any person having control of the premises upon which smoking is prohibited by this regulation or by M.G.L. c. 270, §22, or the business agent or designee of such person, permit a person to smoke or use an e-cigarette in any of the following places in addition to those prohibited by G.L. c. 270, §22: all outdoor areas of restaurants, bars, taverns, and any other outdoor place where food and/or beverages, and/or non-alcoholic beverages are sold, served, or otherwise consumed or carried, health care facilities, municipal and school buildings, municipal vehicles, public places, public transportation, retail stores, town-owned parks and playgrounds, town-owned athletic fields, town-owned property, conservation land, nursing homes, hotels, motels, inns, bed and breakfast, lodging homes, and adult-only retail tobacco stores.
2. Notwithstanding any other provision of these regulations, smoking may be permitted in the following places and/or under the following circumstances consistent with all applicable state laws:
 - a. Private residences except those portions used as a public place, food service establishment, childcare, adult care, or health care office during the hours when operating as such.

U.T. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate G.L. c. 270, §§6, 28, 29 and 105 CMR 665.000, the following penalties apply:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
2. For violations of all other sections specific to the Town of Needham, the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00), and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00), and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three violations within a thirty-six (36)-month period, a fine of three hundred dollars (\$300.00), and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
3. List of state laws and local policies:

Policies Subject to State Law Fines

- Tobacco and Vape Sales to persons under the age of 21 (G.L. Ch. 270, §6)
- Flavored Tobacco Product Sales Restrictions (G.L. Ch. 270, §28)
- Penalties for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.045)

Policies Subject to Local Regulation

- Nicotine Free Generation / Sales to persons born on or after January 1, 2004
- Prohibition of the Sale of Blunt Wraps
- Ban on Smoking Bars
- Cigar Sales Regulated, including minimum sales price regulations.

- Local Tobacco Sales Permit suspension for a first violation for sales to a person under the age of 21 of Tobacco/Vape products (105 CMR 665.040(d))
 - Required Retailer Signage (105 CMR 665.015)
 - Ban on Free Distribution (105 CMR 665.025)
 - Ban on Self-Service Displays (105 CMR 665.010(B))
 - Ban on Out-Of-Package Sales (105 CMR 665.030)
 - Sales Without a Local Tobacco Product Sales Permit for Smoking Bars and Retail Tobacco Stores only (105 CMR 665.013(A))
 - Failure to Check Identification of Purchaser (105 CMR 665.020)
 - Nicotine Content in Electronic Nicotine Delivery Systems (G.L. Ch. 270, §29)
 - Coupon Redemption (105 CMR 665.025)
 - Child-Proofed Liquid Nicotine Containers Required (105 CMR 665.035)
 - Failure to obtain manufacturer's non-flavored certification (105 CMR 665.010(E))
 - Failure to obtain manufacturer's nicotine content certification (105 CMR 665.010(C))
 - Admitting a person under the age of 21 into an Adult-Only Retail Tobacco Store (105 CMR 665.020(B))
 - Other state policies
 - Tobacco Product Sales in Health Care Institutions as more broadly defined than in state law.
 - Tobacco Product Sales in Educational Institutions
 - Non-Residential Roll-Your-Own Machines Ban
 - Display of MA Department of Revenue license(s)
 - No Local Tobacco Sales Permit
 - Retailer Density Minimums
 - Transfer of Permit in Sale of Business
 - Restricting Oral Nicotine Pouches to adult-only retail tobacco stores
 - Other local policies
5. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a thirty-six (36) month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing shall permanently revoke a Tobacco Product Sales Permit.
 6. Failure to cooperate or interference with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

7. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while their permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days. Multiple suspensions of a Tobacco Product Sales Permit shall not be served concurrently.
8. A permit issued pursuant to this regulation may be suspended, revoked, or not renewed for any of the following reasons:
 - a. Violation of the permit holder of any provision of state or local laws and/or regulations.
 - b. Fraud, misrepresentation, false material statement, concealment, or suppression of facts by the permit holder in connection with an application for a permit or for renewal thereof.
9. The Needham Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such a hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Needham Board of Health shall impose fines and/or suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.
10. For purposes of such fines, the Board of Health shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense.

V.U. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in G.L. c. 40, §21D where the penalty calls for a monetary fine not exceeding three hundred (\$300) dollars.

W.V. Separate Violations:

Each day any violation exists shall be deemed to be a separate offense.

X.W. Enforcement:

Enforcement of this regulation shall be by the Needham Board of Health, its Director of Health & Human Services, and its designated agents.

The Board of Health may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Needham Board of Health or its designated agent(s) and the Board shall investigate.

Y.X. Severability:

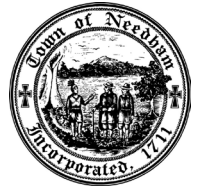
If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Z.Y. Effective Date: (Need to update this section with new dates.)

Board of Health discussion about the Nicotine Free Generation (NFG) policy occurred at public meetings on May 10, June 14, and July 12, 2024. A public hearing about the Nicotine Free Generation policy occurred on September 5, 2024, and was continued over until October 8, 2024 and then again until November 22, 2024, where the NFG policy and a draft version of this regulation incorporating NFG were discussed and debated. This regulation was approved by a unanimous vote of the Needham Board of Health on December 13, 2024 and shall take effect on January 1, 2025.

A notice and summary of the regulation was posted by the Needham Town Clerk, was posted on the Needham Public Health Division's website, and was published in a newspaper in circulation in the Town of Needham. Copies of this regulation have also been filed with the Needham Town Clerk and the Massachusetts Department of Environmental Protection.

The original Needham Board of Health smoking and tobacco regulation was enacted in September 1991. It has been amended extensively over the years, most notably in 2005 with the enactment of the Tobacco 21 policy, which was phased-in over a three-year period. This regulation was amended again in 2009 with the implementation of a prohibition on the sale of tobacco products in pharmacies. A ban on flavored tobacco was incorporated in 2015, the tolling period for violations was revised in 2017, and restrictions on electronic nicotine delivery systems were incorporated in 2018 and 2019. Updates on the number of permits and also the adoption of updated state regulation requirements, along with the adoption of the state fine schedule, took place in 2020 and 2021. An update to the regulation, unanimously approved by the Board of Health on September 23, 2021, included a modification to the definition of "person" on page six and shall go into effect on October 15, 2021. The Nicotine Free Generation policy was incorporated into the regulation by vote of the Board of Health on December 13, 2024.



Board of Health Town of Needham AGENDA FACT SHEET

MEETING DATE: May 20, 2025

Agenda Item	Proposed New Fee Schedule, Permit Fee Calculator, and Risk-Based Inspections
Presenter(s)	Timothy McDonald, Director of Health & Human Services

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Mr. McDonald will briefly preview the Customized Permit Fee Calculator that was developed with significant staff and contractor effort. The dynamic model attempts to capture the true cost to the Public Health Division to accept and process various applications and plan reviews, and to conduct the appropriate inspections and follow-ups. This was presented briefly in February. The current calculations show that the Public Health Division may overcharge for some types of permits and licenses and also undercharges (in some cases dramatically) for various food service licenses. That is especially true if the Board chooses to move to a risk-based inspection fee model. In May, the Board will debate the appropriate level at which to set permit fees for FY2026, including how to best balance the desire to have the cost charged accurately reflect the time and effort devoted to that permit versus the goal of not dramatically increasing costs to permit holders without sufficient notice (and a potential phase-in period).	
2.	VOTE REQUIRED BY BOARD OF HEALTH
Discussion Only.	
3.	BACK UP INFORMATION:
• Sample Screenshot from Customized Permit Fee Calculator • Draft Permit Fee list for FY2026 with calculated values • Draft Fee List for Food Service Establishments Risk-Based Inspections	

Permit Type	Total Number of Permits *	Current Permit Fees *	Calculated Permit Application Fees	Permit Fee Difference	Current Revenue *	Projected Revenue Based on Calculated Fees	Revenue Difference
This sheet tracks what the projected revenue is based on calculated permit fees and the total number of permits issued. The table has been customized to Needham's permit fees. Please fill in Column B with number of permits for analysis. You are also able to compare Needham's current permit fees (Column C) against the calculated permit fees (Column E).							
FOOD							
(Plan Review Fees Not Included)							
Farmers Market Seasonal Permit		\$ 50.00	\$ 80.00	\$ (30.00)	\$ -	\$ -	\$ -
Food Service – less than 50 seats		\$ 250.00	\$ 660.00	\$ (410.00)	\$ -	\$ -	\$ -
Food Service – 50 to 149 seats		\$ 450.00	\$ 660.00	\$ (210.00)	\$ -	\$ -	\$ -
Food Service – 150 to 250 seats		\$ 550.00	\$ 660.00	\$ (110.00)	\$ -	\$ -	\$ -
Food Service – more than 250 seats		\$ 650.00	\$ 660.00	\$ (10.00)	\$ -	\$ -	\$ -
Food Service – Catered Feeding Location		\$ 175.00	\$ 300.00	\$ (125.00)	\$ -	\$ -	\$ -
Food Service – Residential Kitchen		\$ 125.00	\$ 120.00	\$ 5.00	\$ -	\$ -	\$ -
Food Service - Risk Level 1			\$ 180.00	\$ (180.00)	\$ -	\$ -	\$ -
Food Service - Risk Level 2			\$ 500.00	\$ (500.00)	\$ -	\$ -	\$ -
Food Service - Risk Level 3			\$ 850.00	\$ (850.00)	\$ -	\$ -	\$ -
Food Service - Risk Level 4			\$ 1,180.00	\$ (1,180.00)	\$ -	\$ -	\$ -
Food Service - 2nd Reinspection			\$ 90.00	\$ (90.00)	\$ -	\$ -	\$ -
Mobile Food Service Vendors Non-Selectboard approved vendors		\$ 125.00	\$ 120.00	\$ 5.00	\$ -	\$ -	\$ -
Retail Food Establishment – Prepackaged foods, Refrigeration		\$ 125.00	\$ 150.00	\$ (25.00)	\$ -	\$ -	\$ -
Retail Food Establishment less than 1,500 square feet		\$ 150.00	\$ 180.00	\$ (30.00)	\$ -	\$ -	\$ -
Retail Food Establishment between 1,500 and 3,000 square feet		\$ 250.00	\$ 360.00	\$ (110.00)	\$ -	\$ -	\$ -
Retail Food Establishment between 3,000 and 6,000 square feet		\$ 450.00	\$ 120.00	\$ 330.00	\$ -	\$ -	\$ -
Retail Food Establishment between 6,000 & 10,000 square feet		\$ 550.00	\$ 300.00	\$ 250.00	\$ -	\$ -	\$ -
Retail Food Establishment more than 10,000 square feet		\$ 750.00	\$ 360.00	\$ 390.00	\$ -	\$ -	\$ -
Temporary/One Day Event Permit		\$ 50.00	\$ 120.00	\$ (70.00)	\$ -	\$ -	\$ -
TITLE V/SEPTIC							
Installer's Annual Permit (new- including exam)		\$ 250.00	\$ 150.00	\$ 100.00	\$ -	\$ -	\$ -
Installer's Renewal (no exam)		\$ 125.00	\$ 60.00	\$ 65.00	\$ -	\$ -	\$ -
Installer's Recertification Test (biennial)		\$ 50.00	\$ 90.00	\$ (40.00)	\$ -	\$ -	\$ -
Soil Application Inspection (less than 2 hours)		\$ 425.00	\$ 300.00	\$ 125.00	\$ -	\$ -	\$ -
Soil Application (each additional hour over 2 initial hours)		\$ 75.00	\$ 130.00	\$ (55.00)	\$ -	\$ -	\$ -
Septic Construction Permit (Major)		\$ 400.00	\$ 480.00	\$ (80.00)	\$ -	\$ -	\$ -
Septic Construction Permit (Minor)		\$ 125.00	\$ 120.00	\$ 5.00	\$ -	\$ -	\$ -
Septic System Excavation & Trench Permit		\$ 50.00	\$ 30.00	\$ 20.00	\$ -	\$ -	\$ -
Septic System Variance Request		\$ 150.00	\$ 60.00	\$ 90.00	\$ -	\$ -	\$ -
WELL							
Well Application – Geothermal, Irrigation		\$ 250.00	\$ 160.00	\$ 90.00	\$ -	\$ -	\$ -
SWIMMING POOLS							
Public/Semi-Public Pool – Permit (Annual)		\$ 300.00	\$ 420.00	\$ (120.00)	\$ -	\$ -	\$ -
Public/Semi-Public Pool – Permit (Seasonal)		\$ 200.00	\$ 420.00	\$ (220.00)	\$ -	\$ -	\$ -
Public/Semi-Public Pool – Re-Inspection		\$ 125.00	\$ 150.00	\$ (25.00)	\$ -	\$ -	\$ -
Public/Semi-Public Pool – Variance Initial Application		\$ 150.00	\$ 120.00	\$ 30.00	\$ -	\$ -	\$ -
Public/Semi-Public Pool – Variance Renewal		\$ 75.00	\$ 30.00	\$ 45.00	\$ -	\$ -	\$ -
CAMPS							
Camp License (For Profit Groups)		\$ 250.00	\$ -	\$ 250.00	\$ -	\$ -	\$ -
Camp License (Non-Profit Groups)		\$ 125.00	\$ -	\$ 125.00	\$ -	\$ -	\$ -
MARIJUANA							
Marijuana Treatment Center (MTC) Initial Permit Application		\$ 2,500.00	\$ 1,200.00	\$ 1,300.00	\$ -	\$ -	\$ -
Marijuana Treatment Center (MTC) Annual Permit Renewal		\$ 1,250.00	\$ 720.00	\$ 530.00	\$ -	\$ -	\$ -
Marijuana Home Cultivation Permit (Home Permit)		\$ 150.00	\$ -	\$ 150.00	\$ -	\$ -	\$ -
TANNING							
Initial Permit Application		\$ 500.00	\$ -	\$ 500.00	\$ -	\$ -	\$ -
Permit Renewal (per Tanning Bed/Booth)		\$ 125.00	\$ -	\$ 125.00	\$ -	\$ -	\$ -
MISCELLANEOUS							
Tobacco Permit		\$ 700.00	\$ 360.00	\$ 340.00	\$ -	\$ -	\$ -
Animal Permit		\$ 100.00	\$ 60.00	\$ 40.00	\$ -	\$ -	\$ -
- Additional per species for laboratory animals		\$ 50.00	\$ 50.00	\$ -	\$ -	\$ -	\$ -
Beaver Removal Permit		\$ 75.00	\$ 360.00	\$ (285.00)	\$ -	\$ -	\$ -
Biosafety Laboratory Initial Registration and Annual Renewal		\$ 500.00	\$ 1,020.00	\$ (520.00)	\$ -	\$ -	\$ -
- Plan Modification and Reinspection		\$ 250.00	\$ 180.00	\$ 70.00	\$ -	\$ -	\$ -
Body Art Establishment		\$ 700.00	\$ 180.00	\$ 520.00	\$ -	\$ -	\$ -
Body Art Practitioner Permit		\$ 575.00	\$ 80.00	\$ 495.00	\$ -	\$ -	\$ -
Bodyworks Establishment Permit		\$ 125.00	\$ 280.00	\$ (155.00)	\$ -	\$ -	\$ -
Bodyworks Practitioner Permit		\$ 25.00	\$ 80.00	\$ (55.00)	\$ -	\$ -	\$ -
Demolition Permit		\$ 100.00	\$ 40.00	\$ 60.00	\$ -	\$ -	\$ -
Hauler Company (Grease, Medical, Rubbish, Septic)		\$ 150.00	\$ 40.00	\$ 110.00	\$ -	\$ -	\$ -
Hotel/Motel		\$ 250.00	\$ 160.00	\$ 90.00	\$ -	\$ -	\$ -
Pre-Residency Housing Inspection		\$ 80.00	\$ 180.00	\$ (100.00)	\$ -	\$ -	\$ -
Sharps Permit		\$ 100.00	\$ 100.00	\$ -	\$ -	\$ -	\$ -
TOTAL	0	\$ 16,130.00	\$ 15,460.00		\$ -	\$ -	\$ -



Needham Public Health Division

Prevent. Promote. Protect.

Board of Health Permit & License Fee Schedule

Permit/License	FY25 Fee	FY26 Fee?
Animal Permit	\$100.00	\$40.00
• Additional per species for laboratory animals	\$50.00	\$50.00
Beaver Removal Permit <i>(not subject to Late Renewal Surcharges)</i>	\$75.00	\$360.00
Biosafety Laboratory Initial Registration and Annual Renewal	\$500.00	\$1,020.00
• Plan Modification and Reinspection	\$250.00	\$180.00
Body Art Establishment	\$700.00	\$180.00
Body Art Establishment – Plan Review (includes 1 free revision)	N/A	\$250.00
Body Art Establishment – Plan Revisions	N/A	\$50.00
Body Art Practitioner Permit	\$575.00	\$80.00
Body Art Practitioner Apprenticeship Permit	N/A	\$50.00
Bodyworks Establishment Plan Review	\$200.00	\$200.00
Bodyworks Establishment Permit	\$125.00	\$280.00
Bodyworks Practitioner Permit	\$25.00	\$80.00
Camp License (For Profit Groups)	\$250.00	\$250.00
Camp License (Non-Profit Groups)	\$125.00	\$125.00
Demolition Permit <i>(not subject to Late Renewal Surcharges)</i>	\$100.00	\$40.00
Food:		
• Caterer's Fee	N/A	\$150.00
• Farmers Market Seasonal Permit	\$50.00	\$80.00
• Food Service – less than 50 seats	\$250.00	\$660.00
• Food Service – 50 to 149 seats	\$450.00	\$660.00
• Food Service – 150 to 250 seats	\$550.00	\$660.00
• Food Service – more than 250 seats	\$650.00	\$660.00
• Food Service – Catered Feeding Location	\$175.00	\$300.00
• Food Service – Residential Kitchen	\$125.00	\$125.00
• Frozen Dessert Fee (per machine)	N/A	\$50.00
• Mobile Food Service Vendors (non-Selectboard approved vendors)	\$125.00	\$120.00
• Plan Reviews for New Mobile Food Trucks (Seasonal)	\$50.00	\$50.00
• Plan Reviews for All Food Service or Retail Establishments	\$225.00	\$225.00
• Retail Food Establishment – Prepackaged foods, Refrigeration	\$125.00	\$150.00
• Retail Food Establishment less than 1,500 square feet	\$150.00	\$180.00
• Retail Food Establishment between 1,500 and 3,000 square feet	\$250.00	\$360.00
• Retail Food Establishment between 3,000 and 6,000 square feet	\$450.00	\$120.00
• Retail Food Establishment between 6,000 & 10,000 square feet	\$550.00	\$300.00
• Retail Food Establishment more than 10,000 square feet	\$750.00	\$360.00
• Temporary/One Day Event Permit	\$50.00	\$120.00

Permit/License	FY25 Fee	FY26 Fee?
Funeral Director	N/A	\$50.00
Hauler Company (Grease, Medical, Rubbish, Septic)	\$150.00	\$40.00
Hauler Company (Grease, Medical, Rubbish, Septic)	\$150.00	\$40.00
Hotel/Motel	\$250.00	\$160.00
<u>Marijuana:</u>		
• Plan Review (Treatment Center or Cultivation/Processing Site)	\$1,000.00	\$1,000.00
• Plan Review (Storage/Disposal)	\$1,000.00	\$1,000.00
• Plan Review (Continuity of Business/Continuity of Operations)	NO FEE	NO FEE
• Plan Review (Security)	NO FEE	NO FEE
• Marijuana Treatment Center (MTC) Initial Permit Application	\$2,500.00	\$1,200.00
• Marijuana Treatment Center (MTC) Annual Permit Renewal	\$1,250.00	\$720.00
• Marijuana Home Cultivation Permit (Home Permit)	\$150.00	NO FEE
Pre-Residency Housing Inspection ¹ (not subject to Late Renewal Surcharges)	\$80.00	\$180.00
Sharps Permit	\$100.00	\$100.00
<u>Swimming Pool:</u>		
• Public/Semi-Public Pool – Permit (Annual)	\$300.00	\$420.00
• Public/Semi-Public Pool – Permit (Seasonal)	\$200.00	\$420.00
• Public/Semi-Public Pool – Plan Review (includes 2 free revisions)	\$250.00	\$250.00
• Public/Semi-Public Pool – Plan Revisions	\$50.00	\$50.00
• Public/Semi-Public Pool – Re-Inspection	\$125.00	\$150.00
• Public/Semi-Public Pool – Variance Initial Application	\$150.00	\$120.00
• Public/Semi-Public Pool – Variance Renewal	\$75.00	\$30.00
<u>Tanning (Indoor Tanning):</u>		
• Initial Permit Application	\$500.00	\$500.00
• Permit Renewal (per Tanning Bed/Booth)	\$125.00	\$125.00
<u>Title V/Septic:</u> (not subject to Late Renewal Surcharges)		
• Installer's Annual Permit (new- including exam)	\$250.00	\$150.00
• Installer's Renewal (no exam)	\$125.00	\$60.00
• Installer's Recertification Test (biennial)	\$50.00	\$90.00
• Soil Application Inspection (less than 2 hours)	\$425.00	\$300.00
• Soil Application (each additional hour over 2 initial hours)	\$75.00	\$130.00
• Septic Construction Permit (Major)	\$400.00	\$480.00
• Septic Construction Permit (Minor)	\$125.00	\$120.00
• Septic Plan Review (includes one free revision)	\$275.00	\$275.00
o Addition to home with Septic	\$75.00	\$75.00
o Deed Restriction	\$125.00	\$125.00
o Additional Plan Reviews for Septic Design	\$50.00	\$50.00
• Septic System Excavation & Trench Permit	\$50.00	\$30.00
• Septic System Local Upgrade Approval Request	\$150.00	\$150.00
Tobacco Permit	\$700.00	\$360.00
Well Application – Geothermal, Irrigation (not subject to Late Renewal) Surcharges)	\$250.00	\$160.00

¹ Pre-Residency Housing Inspections as required by state and federal housing assistance programs only, unless specifically approved by the Director of Health & Human Services.

Notes

- In order for a permit or license renewal to be considered by the Needham Public Health Division, it must be:
 - submitted with all required documentation and attachments;
 - complete and accurate; and
 - inclusive of payment in full.
- Permit and license renewals (which are accurate and complete and which include payment) will be reviewed and approved promptly. The processing time for applications is at least 15 business days, but every effort will be made to review applications promptly and those which are complete and accurate and inclusive of full payment may be processed in less time (potentially substantially less time).
 - **Delayed License/Permit Renewals** are those submitted within 15 business days of permit/license expiration.
 - **Late License/Permit Renewals** are those submitted within 10 business days of permit/license expiration.
 - **Last-Minute License/Permit Renewals** are those submitted within 5 business days of permit/license expiration.
- Expedited reviews of permit and license renewals may be ordered at the applicant's discretion to avoid a possible gap in licensure, but that is not required.
- Non-profit organizations may, upon request and when approved by the Director of Health & Human Services, receive a discount of up to 50% on the applicable fees.
- In extraordinary circumstances, the Director of Health & Human Services or the Board of Health's designated agent may modify or reduce the fees noted above if, in that person's opinion, it is in the best interests of the Town of Needham. The Director or the designated agent will inform the Board of any modifications and the rationale for such actions at the Board's next meeting.
- Mobile Food Vendor permits and permits for the Farmers Market are the subjects of an extended cooperative program with other Town Departments and community partners that includes a bundled or simplified fee, and thus any fees may be waived if approved by the Director of Health & Human Services.

<u>Surcharges</u>	<u>New</u>
• Delayed License/Permit Renewal	\$75.00
• Late License/Permit Renewal	\$150.00
• Last-Minute License/Permit Renewal	DOUBLE FEE
• Noncompliance Re-inspection <i>(unless otherwise specified)</i>	\$150.00
• Inspection following Noncompliance for Operating without a Permit	DOUBLE FEE

Proposed Risk Based Fee Level:	Risk 1	Risk 2	Risk 3	Risk 4	Retail Supermarket
	\$200.00	\$300.00	\$450.00	\$600.00	\$600.00

Establishment_Name	Risk Level	Permit #	Fee Paid (2025)	Proposed (in Dollars)	Difference (proposed- Fee Paid in Dollars)
7-Eleven- 32485C	2	10590	\$250.00	\$300.00	\$50.00
A New Leaf	2	10417	\$250.00	\$300.00	\$50.00
Abbott's Frozen Custard	2	10687	\$250.00	\$300.00	\$50.00
Avita of Needham	4	10443	\$450.00	\$600.00	\$150.00
Bagel's Best Inc.	2	10424	\$250.00	\$300.00	\$50.00
Ben & Jerry's Catering MA Commissary	1	10478	\$150.00	\$200.00	\$50.00
Berraquera Coffee	1	10553	\$125.00	\$200.00	\$75.00
Beth Israel Deaconess Hospital Kitchen	4	10485	\$0.00	\$0.00	\$0.00
Blue on Highland	3	10436	\$550.00	\$450.00	-\$100.00
Briarwood Nursing and Rehab Center	4	10684	\$450.00	\$600.00	\$150.00
Broadmeadow Elementary School	2		\$0.00	\$0.00	\$0.00
Buddha Superfoods	1	10676	\$125.00	\$200.00	\$75.00
Café Fresh Bagel	2	10370	\$250.00	\$300.00	\$50.00
Cappella	2	10562	\$450.00	\$300.00	-\$150.00
Center at the Heights-Council on Aging	1	10446	\$0.00	\$0.00	\$0.00
ChocAllure	1	10673	\$125.00	\$200.00	\$75.00
Comella's	2	10582	\$250.00	\$300.00	\$50.00
Congregational Church of Needham	1		\$0.00	\$0.00	\$0.00
Conrads	3	10659	\$550.00	\$450.00	-\$100.00
COOK Needham	3	10453	\$450.00	\$450.00	\$0.00
Cookie Monstah	2	10418	\$250.00	\$300.00	\$50.00

Proposed Risk Based Fee Level:	Risk 1	Risk 2	Risk 3	Risk 4	Retail Supermarket
	\$200.00	\$300.00	\$450.00	\$600.00	\$600.00

Establishment_Name	Risk Level	Permit #	Fee Paid (2025)	Proposed (in Dollars)	Difference (proposed- Fee Paid in Dollars)
Cookies By Design- MeiraMore, Inc.	2	10359	\$250.00	\$300.00	\$50.00
CVS #674	1	10408	\$550.00	\$200.00	-\$350.00
CVS#2128	1	10409	\$550.00	\$200.00	-\$350.00
Domino's Pizza	2	10369	\$250.00	\$300.00	\$50.00
Dragon Chef- Lyco Investments	3	10671	\$250.00	\$450.00	\$200.00
Dunkin Donuts Chestnut	2	10481	\$250.00	\$300.00	\$50.00
Dunkin Donuts GPA	2	10480	\$250.00	\$300.00	\$50.00
Dunkin Donuts Highland	2	10482	\$250.00	\$300.00	\$50.00
El Mariachi	2	10586	\$250.00	\$300.00	\$50.00
Eliot Elementary School	2		\$0.00	\$0.00	\$0.00
Epicurean Feast	3	10476	\$450.00	\$450.00	\$0.00
Everyday Bakeshop	1		\$125.00	\$200.00	\$75.00
Forklift Catering	2	10585	\$250.00	\$300.00	\$50.00
Founders Café @ Shark Ninja	3	10308	\$450.00	\$450.00	\$0.00
French Press Bakery	3		\$450.00	\$450.00	\$0.00
Fresco	3	10355	\$450.00	\$450.00	\$0.00
Fuji Steak House	4	10403	\$450.00	\$600.00	\$150.00
Gari Japanese Fusion Bistro	4	10552	\$450.00	\$600.00	\$150.00
Gianni's Deli & Pizza	2	10423	\$250.00	\$300.00	\$50.00
Great Plain Ave Gas	1	10372	\$150.00	\$200.00	\$50.00
Gyro and Kebab House Needham	2	10646	\$250.00	\$300.00	\$50.00

Proposed Risk Based Fee Level:	Risk 1	Risk 2	Risk 3	Risk 4	Retail Supermarket
	\$200.00	\$300.00	\$450.00	\$600.00	\$600.00

Establishment_Name	Risk Level	Permit #	Fee Paid (2025)	Proposed (in Dollars)	Difference (proposed- Fee Paid in Dollars)
Hazels Bakery	3	10406	\$250.00	\$450.00	\$200.00
Hearth Pizzeria	2	10556	\$450.00	\$300.00	-\$150.00
High Rock School	2		\$0.00	\$0.00	\$0.00
Homewood Suites Kitchen & Retail	2	10402	\$250.00	\$300.00	\$50.00
Hungry Coyote	3	10587	\$450.00	\$450.00	\$0.00
Junction Ice Cream	2	10410	\$250.00	\$300.00	\$50.00
Just Salads	2	10549	\$450.00	\$300.00	-\$150.00
Katie Eats Boston	1	10688	\$125.00	\$200.00	\$75.00
Kindercare Education	2	10407	\$250.00	\$300.00	\$50.00
Kitchen of Oz	1	10663	\$125.00	\$200.00	\$75.00
Knowledge Beginnings	1	10695	\$250.00	\$200.00	-\$50.00
Kosta's Pizza & Seafood	2	40542	\$250.00	\$300.00	\$50.00
Le Petit Four, The Little Oven	2	10672	\$150.00	\$300.00	\$150.00
Little Spoon	3	10470	\$450.00	\$450.00	\$0.00
Lt. Manson H. Carter V.F.W. Post 2498	1		\$0.00	\$0.00	\$0.00
Mandarin Cuisine	3	10373	\$450.00	\$450.00	\$0.00
Masala Art	3	10444	\$550.00	\$450.00	-\$100.00
McDonald's	2	10404	\$450.00	\$300.00	-\$150.00
Memorial Park Building	1		\$0.00	\$0.00	\$0.00
Micromarket at The Exchange (Guckenheimer)	2	10352	\$650.00	\$300.00	-\$350.00
Mimi's Mama	1	10702	\$125.00	\$200.00	\$75.00

Proposed Risk Based Fee Level:	Risk 1	Risk 2	Risk 3	Risk 4	Retail Supermarket
	\$200.00	\$300.00	\$450.00	\$600.00	\$600.00

Establishment_Name	Risk Level	Permit #	Fee Paid (2025)	Proposed (in Dollars)	Difference (proposed- Fee Paid in Dollars)
Mitchell Elementary School	2		\$0.00	\$0.00	\$0.00
Monsoon Kitchen	2	10664	\$250.00	\$300.00	\$50.00
Need Em Cookies	1	10608	\$125.00	\$200.00	\$75.00
Needham Center Fine Wine	1	10512	\$150.00	\$200.00	\$50.00
Needham Community Council-Food Pantry	1	10392	\$0.00	\$0.00	\$0.00
Needham Creamery & Bakery	1	10647	\$125.00	\$200.00	\$75.00
Needham Golf Club	2	10474	\$450.00	\$300.00	-\$150.00
Needham High School	2		\$0.00	\$0.00	\$0.00
Needham House of Pizza- International Hous	2	10427	\$250.00	\$300.00	\$50.00
Needham Nutrition	2			\$0.00	\$0.00
Needham Pool and Raquet Club, Inc.	2	10360	\$150.00	\$300.00	\$150.00
New Garden Restaurant	4	10579	\$450.00	\$600.00	\$150.00
Newman Elementary School	2		\$0.00	\$0.00	\$0.00
Nicholas' Pizzeria	2	10583	\$250.00	\$300.00	\$50.00
North Hill Bistro	4	10449	\$550.00	\$600.00	\$50.00
North Hill Central Ave Bakery & Café	4	10448	\$250.00	\$600.00	\$350.00
North Hill Central Kitchen-pine edge	4	10455	\$450.00	\$600.00	\$150.00
North Hill Main Kitchen	4	10454	\$450.00	\$600.00	\$150.00
Olin College of Engineering	2	10674	\$0.00	\$0.00	\$0.00
Panera Bread #3017	2	10374	\$450.00	\$300.00	-\$150.00
Pauline's Bakery	1	10420	\$125.00	\$200.00	\$75.00

Proposed Risk Based Fee Level:	Risk 1	Risk 2	Risk 3	Risk 4	Retail Supermarket
	\$200.00	\$300.00	\$450.00	\$600.00	\$600.00

Establishment_Name	Risk Level	Permit #	Fee Paid (2025)	Proposed (in Dollars)	Difference (proposed- Fee Paid in Dollars)
Pine Village	2	10519	\$175.00	\$300.00	\$125.00
Pollard Middle School	2		\$0.00	\$0.00	\$0.00
Rainbow ADHC of Needham Riverside	4	10681	\$450.00	\$600.00	\$150.00
Residence Inn by Marriott Kitchen & Retail St	2	10589	\$250.00	\$300.00	\$50.00
Restaurant Depot	2	10375	\$750.00	\$300.00	-\$450.00
Reveler Beverage Company	1	10563	\$150.00	\$200.00	\$50.00
Elliot House-Riverside Community Care & Kid	2	10466	\$0.00	\$0.00	\$0.00
Roche Bros. Supermarket	2	10460	\$750.00	\$600.00	-\$150.00
Sheraton Needham	2	10680	\$450.00	\$300.00	-\$150.00
Speedway #2472	1	10492	\$150.00	\$200.00	\$50.00
Spiga	3	10412	\$450.00	\$450.00	\$0.00
St. Joseph Elementary School	2	10386	\$0.00	\$0.00	\$0.00
St. Sebastian's School	2	10677	\$550.00	\$300.00	-\$250.00
Starbucks Coffee #7227	2	10661	\$250.00	\$300.00	\$50.00
Subway	2	10490	\$250.00	\$300.00	\$50.00
Sudbury Farms	2	10458	\$750.00	\$600.00	-\$150.00
Yummi Sushi @ Sudbury Farms	4	10675	\$250.00	\$600.00	\$350.00
Sunita Williams Elementary School	2		\$0.00	\$0.00	\$0.00
Sweet Basil	3	10394	\$250.00	\$450.00	\$200.00
Sweet Boba	2	10486	\$250.00	\$300.00	\$50.00
Sweet Saba's	1	10368	\$125.00	\$200.00	\$75.00

Proposed Risk Based Fee Level:	Risk 1	Risk 2	Risk 3	Risk 4	Retail Supermarket
	\$200.00	\$300.00	\$450.00	\$600.00	\$600.00

Establishment_Name	Risk Level	Permit #	Fee Paid (2025)	Proposed (in Dollars)	Difference (proposed- Fee Paid in Dollars)
Sweet Tomatoes Pizza	2	10419	\$250.00	\$300.00	\$50.00
Temple Aliyah	1	10488	\$0.00	\$0.00	\$0.00
Temple Beth Shalom/Day Care	2	10339	\$0.00	\$0.00	\$0.00
The Common Room	3	10584	\$450.00	\$450.00	\$0.00
The Congregational Church of Needham	1	10682	\$0.00	\$0.00	\$0.00
The Delicious Secret	1	10561	\$125.00	\$200.00	\$75.00
The Farmhouse	3	10580	\$450.00	\$450.00	\$0.00
The Gordon Companies (Bakers Best Catering Bakers' Best Catering)	3	10395	\$550.00	\$450.00	-\$100.00
The James	3	10399	\$450.00	\$450.00	\$0.00
The Village Club	1	10411	\$0.00	\$0.00	\$0.00
Tiffany's Brownies & Treats LLC	1	10451	\$125.00	\$200.00	\$75.00
Town House of Pizza	2	10421	\$250.00	\$300.00	\$50.00
Trader Joe's #504	2	10662	\$550.00	\$600.00	\$50.00
Treat Cupcake Bar	2	10416	\$250.00	\$300.00	\$50.00
Trip Advisor	2	10430	\$650.00	\$300.00	-\$350.00
Volante Farms	4	10415	\$750.00	\$600.00	-\$150.00
Walgreens #01852	1	10489	\$750.00	\$200.00	-\$550.00
Walker, Inc	2	10568	\$0.00	\$0.00	\$0.00
Wingate Residences	4	10570	\$450.00	\$600.00	\$150.00

Proposed Risk Based Fee Level:	Risk 1	Risk 2	Risk 3	Risk 4	Retail Supermarket
	\$200.00	\$300.00	\$450.00	\$600.00	\$600.00

Establishment_Name	Risk Level	Permit #	Fee Paid (2025)	Proposed (in Dollars)	Difference (proposed- Fee Paid in Dollars)
Zdorovie ADH	4	10334	\$450.00	\$600.00	\$150.00
Total			\$34,900.00	\$36,350.00	\$1,450.00