



Board of Health Meeting Minutes

Date: November 22, 2024

Location: Public Service Administration Building & via Zoom

Members: Tejal K. Gandhi, MD, MPH Chair (remote); Stephen Epstein, MD, MPP, Member; Robert A. Partridge, MD, MPH, Member; Edward Cosgrove, PhD, Member; Aarti Sawant-Basak, PhD, Member

Staff Present: Timothy Muir McDonald, Director of Health, and Human Services; Tara Gurge, Assistant Director of Public Health; Rebecca Hall; Carol Read; Kerry Dunnell; Ginnie Chacon-Lopez; Karen Shannon; Lydia Cunningham; Sai Palani; Jen Gangadharan; Lynn Schoeff

Welcome & Public Comment Period

Dr. Epstein called the meeting to order at 8:00AM.

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. Currently, that additional flexibility will expire on March 31, 2025, unless additional legislative action occurs. As part of today's hybrid meeting, all votes will occur via a roll call.

Review of Minutes: October 8, 2024

Upon motion duly made by Dr. Cosgrove, and seconded by Dr. Partridge, it was voted to approve the meeting minutes October 8, 2024, as presented. Motion passed unanimously.

Staff Reports

- Substance Use Prevention: Regional – Carol Read & Lydia Cunningham

Ms. Cunningham gave the report.

- Substance Use Prevention: Needham – Karen Shannon, Karen Mullen, Monica DeWinter, Angi MacDonnell, Vanessa Wronski

Ms. Shannon explained that the focus this month included planning for the SPAN fall meeting, SPAN community engagement events, the Needham Board of Health public hearing for Nicotine Free Generation, STOP Act grant deliverables responsible beverage, server training and compliance checks and documentation for the NPHD Accreditation Application. An Alcohol Compliance check was conducted by Needham Police Department on October 30th. Of the 28

Needham licensed businesses, 25 were checked and two businesses had a sales to minor violation.

- Shared Public Health Services – Kerry Dunnell & Samantha Menard

Ms. Dunnell stated that Shared Services has been working on deliverables for the program. There has been a self-assessment for each of the four towns as a midpoint review of what progress has been made. Those results will help guide the priorities and decisions. An inventory system for all of the supplies is being created as one deliverable. There will be a visit with the Project Coordinator from the State on December 6th, and anyone is welcome to attend.

- Public Health Preparedness –Taleb Abdelrahim

As listed in the written report.

- Epidemiology – Tiffany Benoit

As listed in the written report.

- Nursing – Ginnie Chacon-Lopez, Hanna Burnett & Tiffany Benoit

Ms. Chacon-Lopez stated that a CPR PSA was run by Needham Channel and shared through social/town media. Several flu and vaccine clinics have been held.

- Environmental Health – Sai Palani & Tara Gurge

Mr. Palani stated that there were three in-person Needham Food Establishment Educational Food Safety Forum Trainings held in November. The training was a success overall.

Ms. Gurge reviewed the enforcement actions for Mandarin Cuisine and New Garden.

- Accreditation – Lynn Schoeff & Alison Bodenheimer

As listed in the written report.

- Traveling Meals – Rebecca Hall

Ms. Hall stated that 884 Meals were delivered in October 2024 to 49 clients.

MetroWest Adolescent Health Survey Data Presentation

Karen Shannon, Substance Use Program Coordinator, presented the MetroWest Adolescent Health Survey data.

The Board discussed receiving certain breakouts of the data points for Needham High School.

Mr. McDonald introduced Jen Gangadharan as a Regional Public Health Nurse. He noted that Dover and Sherborn made an offer for a shared Public Health Nurse.

Green Needham

Kathy Raiz made a presentation on Green Needham. She reviewed the plastic crisis and noted that, from a health standpoint, microplastics and the chemicals used to create plastics are harming human health. She explained that Green Needham is proposed a series of five bylaws to reduce single use plastics including a ban on plastic nips bottles, a ban on black plastic, a ban on plastic single-use water bottles, a ban on all plastic beverage bottles under one liter, and a Skip the Stuff campaign.

The Board thanked Ms. Raiz for the presentation.

PUBLIC HEARING – Article 1 - Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham

Dr. Epstein opened the public hearing at 9:23am.

Mr. McDonald explained that the Board of Health will continue its hearing, begun at the September 5, 2024, Board meeting, of proposed amendments to Article 1: Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham. The proposed amendments to Article 1 include a number of updates and housekeeping, as well as the incorporation of the Nicotine Free Generation (NFG) policy which would restrict the sale of tobacco products to all persons born after January 1, 2004.

Mr. McDonald stated that the Select Board sent a letter expressing concerns and questions regarding the proposed policy. Ms. Gurge noted that the data from the MetroWest survey should certainly give concern over this topic.

Stephen Helfer, Cambridge Citizens for Smokers' Rights, stated that, this September, the Center for Disease Control reported that teen cigarette smoking is at its lowest on record, teen vaping is at a ten year low, and teen use of nicotine pouches is under 2%. The continued decline in cigarette use among youth is a monumental public health win. The CDC notes on its website that, for every three persons in the US who have ever started smoking, two have quit. When youth and adult tobacco and nicotine consumption is in such decline, burdening store owners with new restrictions seems uncalled for. Many of these owners are immigrants of color who put in long hours and depend on small profit margins. This proposed regulation would hurt and devalue their businesses. Store owners already face \$1,000 fines for selling these products to persons under 21. This proposal is very similar to prohibition because it would mean in several years that a 30 year old combat veteran could not buy a cigar, while 20 year olds would be free to buy alcohol, marijuana, and scratch tickets, as well as vote or serve in the military. To most Americans, he believes this would sound unreasonable. For years, tobacco researchers have warned that it is not the nicotine that is harmful but the tars and other materials in tobacco that cause disease. Nicotine itself is a mild stimulant that does not interfere with driving, create

impaired judgment, or create social problems. This proposed ban needlessly abridges adult liberty and serves no critical public health need. He asked the Board not to pass this policy.

Lynn Schoeff explained that various aspects of public health that she has worked in for almost 45 years. She noted that Nicotine Free Generation feels like overreach. Banning tobacco use for future adults under the guise of protecting youth is de facto prohibition. Considering prohibition at the same time that society is also considering decriminalizing the use of other substances that have previously been prohibited is rather ironic. She asked what the goal of this proposed regulation is. Many people have spoken in favor of Nicotine Free Generation as a means to reducing youth nicotine and tobacco use, but this proposed regulation goes well beyond the goal of preventing underage use of tobacco. This is already addressed in regulations restricting sales to people over 21. Nicotine Free Generation is not about preventing youth from using tobacco, it is about controlling the decisions people will make as adults. The prospect of limiting the choices of a 26 year old or 45 year old in the future does not sit well. Nicotine Free Generation is paternalistic and may be an example of some of the larger criticisms heard about public health in general. In this time of laws and legal decisions based on certain moralities, it is particularly worrisome. There has always been tension within the field of public health, between balancing community benefit and disease prevention, with respecting individual rights. This tension has always been played out in the theater of tobacco control. Whatever decision the Board of Health makes regarding Nicotine Free Generation, she is confident that it will take that balance into consideration.

Dr. Jonathan Winickoff and Dr. Lester Hartman addressed the Board. Dr. Winickoff stated that personal choice and freedom is about someone who is not yet addicted to a substance having the freedom to choose. 95% of tobacco addiction begins before age 21. Once someone is addicted, there is no choice. The adult tobacco industry knows this and thus keeps coming up with new products. This ordinance is about making sure people have the freedom to choose a life of not smoking and not using tobacco products. He and Dr. Hartman has over 100,000 patient visits as pediatricians at Mass General and Boston Children's Hospital. They want to emphasize the effects on mental health that nicotine itself brings. Nicotine itself leads to lasting brain changes and is associated with worsening depression in youth, anxiety, ADHD, and suicidal ideation. When Needham raised the sales age year by year to 21, it saw a 50% reduction in youth tobacco use. The surrounding towns of Newton, Wellesley, Dover, Westwood, Dedham, and Boston will be thrilled that Needham takes this action. These products have brought quite a bit of harm. Tobacco has caused the greatest health detriment of any consumer product in history, causing more annual deaths than AIDS, alcohol, car accidents, illegal drugs, and suicides combined. Tobacco causes more deaths each year in the US than the number of US soldiers who died in all of World War II. Nicotine Free Generation does not take away personal rights or freedoms; it phases out the sale of a dangerous and addictive product over years, just like asbestos, trans fats, etc. Nicotine Free Generation is about protecting the next generation and future generations from the known harms caused by the impact of nicotine dependence on the mental, physical, and financial health of the population and community. The value of this freedom from tobacco dependence will be immeasurable.

Ginny Chadwick, from Columbia MO, stated that Needham helped to bring Tobacco 21 to communities, and she thanked the Board for its efforts and encouraged them to continue. She has

researched tobacco and is the co-author of the *Criminalization of Tobacco Products* document, cosponsored by 45 national and statewide health organizations. This is not about criminalizing the purchaser of tobacco products. This is a phase out by putting the onus on the seller of tobacco products. She noted that plastic cigarette butts are the leading cause of plastic litter.

Kate Silbaugh, co-sponsor of the Brookline bylaw, noted that all of the retailers in Brookline are still open after passage of the bylaw. It did not change anyone's ability to run their business. This bylaw is designed to be very gradual, primarily to be compassionate to people who feel they need to buy nicotine because they already have a dependence on it.

Anthony Chui, Health Director for Melrose, Wakefield, and Stoneham, stated that these towns have already passed this policy. The tobacco industry targets youth, and their goal is to create new customers. The tobacco industry relentlessly creates new products that appeal to younger people. Most people start nicotine addiction and tobacco addiction before 21. This policy is far from prohibition. This policy is a slow phase out to create a gap which will prevent people from getting these products from their social circles. Regarding personal freedoms, addiction is not a choice, it's a compulsion.

Karen Shannon, Substance Use Prevention Coordinator for the Public Health Division, stated that as a public health professional she has been entrusted with the responsibility to support and protect the health and safety of the youth in this community. As a preventionist, she knows that upstream prevention works and limiting access to substances is an effective strategy, in combination with other prevention practices like education about the risk for harm. More than 480,000 people in the United States die each year from tobacco use and exposure to secondhand smoke. As of 2024, 760,000 middle and high school students smoke combustible tobacco products. While data was mentioned that those rates have been on a decline, there is still an extremely high number of young people using these products. The country has a precedent for banning products that are determined harmful to the public, such as lead paint and asbestos. Yet tobacco remains accessible, despite being the leading cause of preventable death in the United States. Needham has been a pioneer with Tobacco 21 and the Nicotine Free Generation policy for Needham would position the community one step closer to the end game of preventing future generations of young people from legal purchase of nicotine products. This is not a prohibition on individual consumer possession or use, nor is it a prohibition of sales for current users. It is a sales driven restriction of 13 products to future customers and future generations. Most people want to protect the health and safety of children. Regarding the impact on personal choice, the first puff for many is known to take away that choice. Science states that nicotine is one of the most addictive substances, comparable to the addictive mechanism of heroin and cocaine. The phased in approach of Nicotine Free Generation as a policy would reduce initiation rates especially among the young whose growing brains are susceptible to addiction. The Board should consider pairing this policy with a commitment to help people quit.

Carol Read stated that research shows that, not only did Tobacco 21 in Needham create a lower youth smoking rates, it reduced smoking among Needham adults. She asked the Board to make the choice to protect youth and adults in Needham by implementing the policy.

Upon motion duly made by Dr. Cosgrove, and seconded by Dr. Partridge, it was voted to pass the Tobacco Free Generation policy.

Discussion:

There was discussion regarding the fine structure that would be used if this policy was approved.

A motion was made by Dr. Cosgrove to adopt the Nicotine Free Generation (NFG) policy, and was seconded by Dr. Partridge. They both noted that there needs to be a cleanup of some language, especially about fines for violations.

Discussion:

Dr. Epstein continued discussion of the motion and noted that there is not yet much data regarding negative health impacts and harm over the age of 25. The Board could decide to approve this, while noting that there will be a mandatory review in five years. Dr. Sawant-Basak stated that she would like to know what type of data Dr. Epstein would be seeking. Dr. Winickoff stated that there is no language within the policy that would disallow the Board's review at any point in the future. The Board can review the regulations at any point in the future and will always have data available to it.

Dr. Gandhi and Dr. Cosgrove exited the meeting at 10:15am.

Mr. Palani stated that part of the regulation speaks to oral nicotine products and how they can only be sold in adult-only retail stores. At the moment, there are no adult retail stores in Town, so this would be a pure prohibition to these products. Dr. Epstein stated that he does not believe this was the intent.

The Board decided to table the motion at this time.

There was discussion that the proposed policy should be cleaned up before being voted on. Also, it was noted that it would be nice for all Board members to be present to vote on the motion. The Board agreed to close this hearing and then deliberate and potentially vote at its next meeting.

Dr. Epstein closed the hearing at 10:23AM.

PUBLIC HEARING – Article 22 “Regulation for Prohibiting the Manufacturing, Sale, and Distribution of Synthetically Derived Cannabinoids”

The Board continued this public hearing to its next meeting.

PUBLIC HEARING – Article 8 – Proposed Dumpster Regulations

The Board continued this public hearing to its next meeting.

Board Deliberations

This agenda item was addressed within other agenda topics.

Other Items

None at this time.

Adjournment

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

The meeting was adjourned at 10:28AM.

Attachment:

November 22, 2024, meeting packet