



Needham Board of Health



AGENDA

Friday, March 10, 2017

7:00 a.m. – 9:00 a.m.

**Charles River Room – Public Services Administration Building
500 Dedham Avenue, Needham MA 02492**

- **7:00 to 7:05 - Welcome & Review of Minutes (February 10th)**
- **7:05 to 7:30 - Director and Staff Reports (February)**
- **7:30 to 7:55 - Proposed Amendments to Bodyworks Regulation**
- **7:55 to 8:20 - Proposed Amendments to Tobacco Regulation**
- **8:20 to 8:35 - Eversource Reliability Project**
- **8:35 to 8:45 - Concussion Training Project & Website Demo**
- **8:45 to 8:55 - Public Health Office Suite**
- **Other Items**
- **Next Meeting ... Friday April 14, 2017**
- **Adjournment**

(Please note that all times are approximate)

NEEDHAM BOARD OF HEALTH

February 10, 2017

MEETING MINUTES

PRESENT: Edward V. Cosgrove, PhD, Chair, and Jane Fogg, Vice-Chair, M.D
ABSENT: Stephen Epstein, M.D.
STAFF: Timothy McDonald, Director, Donna Carmichael, Maryanne Dinell, Tara Gurge, Carol Read, Dawn Stiller

CONVENE: 7:00 a.m. - Public Services Administration Building (PSAB), 500 Dedham Avenue, Needham MA 02492

DISCUSSION:

Call To Order - 7:05 a.m. - Dr. Cosgrove, Chairman

APPROVE MINUTES:

Upon motion duly made and seconded, the minutes of the BOH meeting of January 13, 2016 was approved as submitted.

The motion carried. The vote was unanimous.

STAFF REPORTS (January)

- **Public Health Nurses Report - Donna Carmichael, RN & Alison Paquette, RN**

Ms. Carmichael provided a detailed description of communicable diseases, which included an update on increased influenza activity and a report on a case of mumps involving a high school student.

Ms. Carmichael also reported on an incident at the Needham Science Center, located at the Newman Elementary School involving a white domestic dove that was sick. Ms. Carmichael stated that a group of about 16 preschoolers were visiting the Science Center and were touching the white dove. The next day the Science Center staff noticed that the dove was sick and called Ms. Carmichael's office. Ms. Carmichael pointed out that the dove was domesticated and presented a very low risk to the children. She noted that the state's recommendations were that children should not be allowed to touch the animal. Ms. Carmichael stated that she would re-educate the Science Center on animal safety measures. Ms. Carmichael noted that the town has hired a new Animal Control person. She would ensure that this person meets with the Science Center staff frequently.

Ms. Carmichael stated that she has flu vaccine on hand and is available as needed. Ms. Carmichael reported that she has received several request for Fuel Assistance.

Ms. Carmichael spoke about a phone call she received from the Needham Fire Department who expressed their concerns about a no CPR policy at Wingate Assisted Living. She added that residents must sign off on this policy before moving in. Ms. Carmichael explained that Wingate Assisted Living is considered residential housing and that there is a nurse on staff but she only facilitates Plan of Care. Ms. Carmichael stated that the Needham Fire Department met with administration at Wingate who reiterated their policy, which is out of concern for injury to the client. Ms. Carmichael stated that she contacted the Office of Elder Affairs who explained to her that because this is a residential facility there are no required mandates on CPR. Ms. Carmichael stated that she contacted other assisted living facilities in Needham regarding their policies on CPA and summarized what she found with the Board.

- **Traveling Meals Coordinator Report - Maryanne Dinell**

Ms. Dinell's report included a description on the number of meals delivered through the Traveling Meals Program in January. There were 42 clients on the Traveling Meals Program. Ms. Dinell stated that she has a good group of volunteers in the Traveling Meals Program who delivered meal during the snowstorm. Ms. Dinell stated that she called all of the clients to make sure they received their meals.

- **Environmental Health Agents Report - Tara Gurge**

Ms. Gurge began her report with a follow-up the My SPA 2, a Bodywork establishment on 400 Hunnewell Street. Ms. Gurge conducted an inspection of the facility with the local Police and State Inspector. Ms. Gurge stated that license applications would be submitted for review/approval for the State and for Needham. Ms. Gurge stated that there are three therapists there. One does facials, the second does massages only and the third does Reiki. Ms. Gurge pointed out that the Reiki therapist would apply for a permit to practice Bodywork from the Needham Board of Health.

Ms. Gurge reported on Food Plan Reviews and new annual permits that were issued. She stated that Buddha Superfoods has submitted a permit request for a new residential kitchen and pre-operation food establishment inspections were conducted. Ms. Gurge stated that Linden/Chambers, at

the 5 Chambers Street site would be up and running again as a satellite-feeding site. This site would provide already prepared foods delivered for service. Ms. Gurge stated that a plan review was conducted and approved. A final pre-operation inspection was conducted. This site is scheduled to open March 1st.

Ms. Gurge reported on a housing complaint at Webster Green, 757 Highland Avenue. Ms. Gurge stated that there was a report of insufficient heat at the site. She stated that a site visit was conducted. There was an issue with the oil burner that needed a part and is now repaired.

Ms. Gurge reported that septic issues are ongoing. She stated that #267 Cartwright Road is pending additional perc testing, when the weather allows.

Ms. Gurge reported on two tobacco complaints. The first was from restaurants owners abutting CVS (#980 Great Plain Avenue) on a staff person smoking outside of CVS. Ms. Gurge stated that she met with the store manager who is new and informed her of the tobacco regulations and codes. Ms. Gurge stated that she gave the new owner signage to post for staff on educating them that they must be 20 feet from back of door if they are smoking. The second complaint was a report that the store manager of 7-Eleven (#845 Highland Avenue) was smoking an e-cigarette inside the store. Ms. Gurge stated that she spoke with the store manager about the concern and forwarded to him signage to be posted on site.

Ms. Gurge stated that she received the Demolition Permit Checklist from Matthew Roth, Hawthorn Builders. She stated that the news headline hurt is business. Mr. McDonald stated that he received a call from two different residents expressing concerns for their neighbors regarding this oversight. Mr. McDonald stated that he wrote to them about the Public Health Department's responsibility for the safety of the community regarding demolition projects.

Substance Abuse Prevention and Education - Carol Read

Ms. Read reported on the initiation of a New Alcohol Task Force implemented by state Treasurer Deb Goldberg. Ms. Read stated that the Task Force would examine the legal and regulatory framework governing the alcoholic beverage industry in Massachusetts.

Ms. Read reported on the SAPC Program Manager meeting she attended on January 10th. She stated that this work involves collaboration on best practice implementation for SPF-cluster town's alcohol policy to impact Excessive Alcohol Use and resource sharing on SAPC youth initiatives.

Ms. Read reported on discussions from Westwood, Norwood, Dedham and Needham on opting out of retail stores and cultivation sites for recreational marijuana. Ms. Read also reported on the regional meeting to education Norfolk County towns on public health, public safety and legal implications on the passages of the recreational marijuana referendum.

Mr. McDonald stated that draft zoning language suggest that towns that are zoned for Medical Marijuana could not prohibit a commercial establishment from opening in the same area unless a policy to opt out of selling recreational marijuana is in place. Mr. McDonald also stated that there is still time for the Needham Board of Selectmen to include an, opt out question on the April Election Ballot. A lengthy discussion followed. Mr. McDonald will draft a letter for the Board's consideration to the Needham Board of Selectmen regarding opting out of the retail of recreational marijuana. The letter would express the Board's concerns that the medical marijuana facility would be able to expand based on the nullification of the "no transition" clause and also include information on set back requirements. This letter would be sent to the Town Manager as well. Mr. McDonald stated that separately, he and Needham Police Chief, John Schlittler along with local Public Health Directors and local Police Chiefs have worked to bring this issue to each town's attention.

Ms. Read reported on a meeting she and Ms. Carmichael attended along with Needham Police and Needham Fire regarding responding to resident needs that have been on the radar in terms of a consistent need for mental health and substance use intervention. Ms. Read stated that BID Needham's Chief Nursing Officer attended this meeting. Ms. Read stated that she will be receiving data on elder calls, and substance use/admission and mental health so that the scope of what BID Needham is dealing with is better understood in an effort to be responsive to community needs.

Ms. Carmichael stated that the hospital is in the process of hiring a social worker for the emergency room that would be working with Case Managers regarding discharge services.

Needham Public Health will meet with BID Needham in a collaborative response to provide more resources for Needham residents.

Eversource Reliability Project

Mr. McDonald stated that the Board of Selectmen and the Park and Recreation Commission held a meeting on January 23, 2017 at the Broadmeadow School on the Eversource Reliability Project. Mr. McDonald recapped the issues regarding the project's installation route as well as an easement request from Eversource. Mr. McDonald stated that residents expressed health concerns and traffic concerns at this meeting. Mr. McDonald recapped additional discussion points and concerns. Mr. McDonald pointed out that if the Town works with Eversource they would have opportunity for a small amount of input. Mr. McDonald explained what would happen if the Town opposes the Eversource proposal. Mr. McDonald would send the Board the materials on Electromagnetic Fields (EMF) exposure and Eversource's response.

Bodyworks Discussion

Mr. McDonald stated that Ms. Gurge has prepared a memo about possible changes to Needham's bodywork requirement. A brief discussion then followed. Dr. Fogg suggested changing the wording of the physical exam requirement to clearance from a medical professional. A discussion followed on tweaking the registration process for Bodywork establishments and creating efficiencies for the Public Health Department as well as establishing a proactive presence.

Public Health Office Suite

Mr. McDonald presented a brief update on the potential relocation of the Health Office Suite. He stated that he is drafting a detail memo outlining when staff first reported specific challenges with their health in the office suite, when the town conducted air quality sampling, and when the town made changes to mitigate some of the air quality concerns. Mr. McDonald spoke about possible locations and expenses related to potential sites. A brief discussion followed.

Review Demolition Checklist

Ms. Gurge presented an update on this item. She stated that Matthew Roth from Hawthorn Builders met with her regarding the Demolition Checklist. She also stated that the Demolition Checklist would have to be approved and initialed by the Operations Manager for Hawthorn Builders as well as the Vice President of the Company. Ms. Gurge explained that this would be an eternal document for Hawthorn Builders and that the checklist would ensure that all documents relative to demolition are reviewed. A brief discussion followed.

BOARD OF HEALTH PUBLIC HEARING - Began at 8:44 a.m.

- **Revise Article 1: Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham**

Mr. McDonald stated that Public Hearing remained opening from last month. Mr. McDonald referred to a memo from Tara Gurge and Monica De Winter with recommendations that were discussed last month. A brief discussion followed on suggested changes that the Board would like to keep as well as length of penalties. Mr. McDonald would incorporate changes for the Board's review.

- **Consider of Article 24: Regulation to Ensure the Sanitary and Safe Operations of Commercial and Recreational Marijuana Establishments, and to Minimize Community Impacts and Collateral Consequences of Widespread Recreational Marijuana Use and Both Commercial and Personal Marijuana Cultivation**

Mr. McDonald stated that he would continue working on the recreational marijuana regulations and inspection procedures.

The Public Hearing will be kept opened.

OTHER ITEMS -**Concussion Training**

Mr. McDonald stated he continues to work on Concussion Training. He reported that the database is developed and that he is waiting for the Town to assign a sub webpage that would link into the database. Mr. McDonald stated that once this is done beta testing could begin. A brief discussion followed.

Human Resources

Mr. McDonald stated that he is moving forward with hiring an intern for the Domestic Violence Action Committee. He is also posting for a Public Health Nurse, Environmental Health Agent, and program support for the Healthy Aging Project. Mr. McDonald stated that the Health and Human Services Department would move forward with hiring a full-time social worker for the Council on Aging and purchasing a Council on Aging van.

Adjournment -

Upon motion duly made and seconded, that the February 10, 2017 BOH meeting adjourn at 9:10 a.m.

The motion carried. The vote was unanimous.

Next meeting is scheduled for, Friday, March 10, 2017

Respectfully submitted: Cheryl Gosmon, Recording Secretary

Needham Public Health Department
February 2017
Health Agents - Tara Gurge and Brian Flynn

Activities

<i>Activity</i>	<i>Notes</i>
Bodywork Practitioner Permits issued	2 – Bodywork practitioner permit renewals issued for B In Touch Massage: - Stephanie Brown - Leah Polcari
Bottling Permit Follow-up inspection	1 – Bottling Permit Follow-up inspection conducted at: - <u>Coca-Cola (#9 B Street)</u> – To check the new filling and bottling line that was recently added.
Demo reviews/approvals	8 - Demolition sign-offs: • #91 Arch St. • #146 South St. • #121 Page Rd. • #622 Webster St. • #13 Warren St. • #17 Savoy Rd. • #57 Brookline St. • #50 Lehigh Rd.
Food – Annual Permits issued	2 – Annual Food permits issued to: - <u>Linden/Chambers Meal Site (#5 Chambers St.)</u> - <u>Plates Too Café (#250 First Avenue, Lobby)</u>
Food – Complaints / Follow-ups	2 – Food Complaints/Follow-ups: - <u>Mandarin Cuisine</u> – Report of food prep being conducted outside in back of establishment. Defrosting shrimp and leaving food waste outside, attracting birds, pests, etc. Site visit conducted. Shrimp waste was observed outside, attracting birds. Spoke to manager about complaint. Follow-up site visit conducted. Issue addressed. Will continue to monitor. Got copies of on-going pest control reports, etc.
Food – Temporary Food Permits	0 – Temp. food event permits issued.
Food – Mobile Food Truck Regulations	Reviewed and made comments on proposed Board of Selectmen's Mobile Food Vendor/Food Truck Regulations.
Food – Plan Review	1 – Food Permit Plan Review: - <u>True Taste Kitchen (#301 Reservoir St.)</u> – Final plan review items to be addressed. Follow-up pre-operation inspection pending.
Food – Pre-operation inspections	3 – Pre-operation food establishment inspections conducted at: - <u>Linden/Chambers Meal Site (#5 Chambers St.)</u> - For new satellite feeding site kitchen. - <u>Plates Too Café (#250 First Avenue, Lobby)</u> – For food permit renewal. - <u>True Taste Kitchen (#301 Reservoir St.)</u> – Initial pre-operation inspection conducted for new catering site.
Housing – Complaints/ Follow-ups	0 – Housing Complaints/Follow-ups.

Nuisance – Complaint/ Follow-up	1 – Nuisance Complaint/Follow-up: - <u>Sheraton Needham Hotel</u> – Report of black mold present in whirlpool spa. Site visit conducted. Met with maintenance manager on site. Issue addressed. Will clean air exhaust vents above whirlpool on a more frequent schedule to ensure dust debris do not fall into whirlpool.
Pool Plan Reviews	1 – Pool Plan Review conducted for: - <u>Rosemary Town Pools</u> – Attended meeting to review revised pool design plans for new family pool and lap pool. Plan review in process for updated plans that were submitted. Still in process of receiving rest of pool equipment spec sheets and completed pool plan review packet for review (to be submitted shortly). Also looking forward to receiving proposed pool water feature spec sheets for review and approval.
Planning Board/Special Permit reviews	0 – Planning Board review conducted.
Septic – Plan Reviews/Approvals	0 – Septic Plan Reviews conducted.
Tobacco – Complaints	0 – Tobacco Complaints received.
Tobacco Insp.	3 – Routine Tobacco inspections conducted.
Trash Hauler Permit Renewals	Annual Trash hauler permit renewal letters sent. In process of receiving the completed applications and permit renewal fees. Will set up truck inspections in March.
Trash Hauler/Disposal of Refuse Regulations	Met with Mass DEP and Greg Smith, RTS Director, to update our existing ARTICLE 2 - REGULATIONS FOR THE DISPOSAL OF REFUSE. (Draft regulations still pending.)

Well – Plan Reviews	0 – Plan review s conducted for new wells.
Well Permit - Irrigation/Site visits	0 – Well permits issued.
Zoning Board of Appeals Project reviews	0 – Zoning Board of Appeal reviews conducted.

Yearly

<i>Category</i>	<i>Jul</i>	<i>Au</i>	<i>S</i>	<i>O</i>	<i>N</i>	<i>D</i>	<i>J</i>	<i>F</i>	<i>M</i>	<i>A</i>	<i>Ma</i>	<i>Ju</i>	<i>FY' 17</i>	<i>FY' 16</i>	<i>FY' 15</i>	<i>Notes/Follow-Up</i>
Biotech	0	0	0	0	0	2	0	0	0	0	0	0	2	2	2	Biotech registrations
Bodywork	0	1	0	0	0	4	1	0	0	0	0	0	6	11	0	Bodywork Estab. Insp.
Bodywork	0	1	0	0	0	4	0	0	0	0	0	0	4	3	0	Bodywork Estab. Permits
Bodywork	0	2	0	0	0	8	1	2	0	0	0	0	13	10	0	Bodywork Pract. Permits
Bottling	0	0	1	0	0	0	0	1	0	0	0	0	2	1	1	Bottling Permit insp.
Demo	5	12	11	21	9	9	4	8	0	0	0	0	79	110	100	Demo reviews
Domestic Animal Permits/ Insp.	1/0	0/1	0	0	0	1	0	0	0	0	0	0	2/1	16	15	Animal permits/ Inspections
Food Service	12	16	11	18	18	19	21	17	0	0	0	0	132	209	220	Routine insp.
Food Service	3	1	11	6	2	0	1	3	0	0	0	0	27	35	26	Pre-oper. Insp.
Retail	2	10	6	6	7	3	4	6	0	0	0	0	44	71	71	Routine insp.
Resid. kitchen	0	1	1	0	0	0	2	3	0	0	0	0	7	11	8	Routine insp.
Mobile	6	1	0	0	0	0	1	0	0	0	0	0	8	9	10	Routine insp.
Food Service	7	3	5	2	5	2	4	5	0	0	0	0	33	50	52	Re-insp.

Food Service/ Retail	1	0	3	2	1	126	1	2	0	0	0	0	136	176	170	Annual permits
Food Service	13/6	8/3	29/15	18/0	8/0	6/1	11/1	0/0	0	0	0	0	93/26	107/54	96/44	Temp. food permits/ Temp. food insp.
Food Service	0/0	0/0	0	0	0	0	0	0	0	0	0	0	0/0	9/16	18/45	Farmers Market permits/ Market insp.
Food Service	0/0	3/3	0/1	0	1/1	4/4	0/2	1/2	0	0	0	0	9/13	21/21	17/21	New Compl./ Follow-ups
Food Service	1	3	3	4	2	5	2	1	0	0	0	0	21	32	35	Plan Reviews
Food Service	0	0	0	0	0	0	0	0	0	0	0	0	0	3	0	Admin. Hearings
Grease/ Septage Haulers	0	0	0	1	0	22	1	0	0	0	0	0	24	29	25	Grease/ Septage Hauler permits
Housing (Chap II Housing)	0/0	0/0	7/0	0/7	0	0	0	0	0	0	0	0	7/7	7/4	7/4	Annual routine insp./ Follow-up insp.
Housing	2/4	0/2	0/2	0	0	0	1	0	0	0	0	0	3/9	18/37	8/10	New Compl./ Follow-ups
Hotel	0	0	0	0	0	2	0	0	0	0	0	0	2	3/0	2/0	Annual insp./Follow-ups
Nuisance	2/9	3/9	2/3	0/1	3/2	3/2	1/2	1/1	0	0	0	0	15/29	44/50	43/47	New Compl./ Follow-ups
Pools	0	1/3	2/2	0	0	5	0	0/1	0	0	0	0	8/6	9/3	10/7	Pool insp./follow-ups
Pools	0	0	0	0	0	5	0	0	0	0	0	0	5	9	10	Pool permits
Pools	2	1	2	2	2	1	0	1	0	0	0	0	11	8	7	Pool plan reviews
Pools	1	0	0	0	0	4	0	0	0	0	0	0	5	4	6	Pool variances
Septic	1	3	3	1	2	2	1	0	0	0	0	0	13	8	9	Septic Abandon Forms
Septic	1	2	1	1	0	0	0	0	0	0	0	0	5	9	10	Addition to a home on a septic plan rev/approval
Septic	0	8	5	1	1	11	0	0	0	0	0	0	26	23	14	Install. Insp.
Septic	0	0	0	0	0	0	0	0	0	0	0	0	0	3	2	COC for repairs
Septic	0	0	1	0	1	1	0	0	0	0	0	0	3	3	0	COC for complete septic system
Septic	6	6	7	5	4	6	5	3	0	0	0	0	42	61	61	Info. requests.

Septic	2	0	1	0	0	0	1	0	0	0	0	0	4	8	3	Soil/Perc Test.
Septic	0	1	1	1	2	0	0	0	0	0	0	0	5	6	4	Const. permits
Septic	1	0	2	0	0	5	2	0	0	0	0	0	10	9	10	Installer permits
Septic	1	0	2	1	0	2	0	0	0	0	0	0	6	6	6	Installer Tests
Septic	0	0	2	0	1	0	0	0	0	0	0	0	3	3	3	Deed Restrict.
Septic	2	1	1	1	3	2	0	0	0	0	0	0	10	14	8	Plan reviews
Sharps permits/ Insp.	0	0	0	0	0	9	0	0	0	0	0	0	9	10	10	Disposal of Sharps permits/Insp.
Subdivision	0/0	1/0	0/1	0	0	0	0	0	0	0	0	0	1/1	3/0	7/1	Plan review- Insp. of lots /Bond Releases
Special Permit/ Zoning memos	1/1	0/1	0	1	1	2/2	1	0	0	0	0	0	6/4	16	12	Special Permit/ Zoning
Tobacco	1	0	0	0	0	11	0	0	0	0	0	0	12	13	12	Tobacco permits
Tobacco	1/1	3/1	2/0	2/0	2/1	1/0	2/1	3/0	0	0	0	0	16/4	25/7	21/2	Routine insp./ Follow-up insp.
Tobacco	0	0	0	12	0	11	0	0	0	0	0	0	23	48	36	Compliance checks
Tobacco	0/0	0/0	0/0	0	0	0	2/2	0	0	0	0	0	2/2	4/4	3/3	New compl./ Compl. follow-ups
Trash Haulers/ Medical Waste Haulers	0/0	1/0	0/0	0	0	0/1	1/1	0	0	0	0	0	2/2	30/2	29/2	Trash Hauler permits/ Medical Waste Hauler permits
Wells	1	1	0	2	1/1	0	0/1	0	0	0	0	0	5/2	6/0	14/1	Permission to drill letters/ Well permits

FY 17 Critical Violations Chart (By Date)

Restaurant	Insp. Date	Critical Violation	Description
Fuji Steakhouse	7/18/16	- Cold Holding - Conformance with Approved Procedures/HACCP Plan (for Acidified Sushi Rice) - Food Contact surfaces cleaning and sanitizing	- Need to ensure that walk-in cold-holding temp. is maintained at 41 deg F or below. Had serviced. - Need to ensure that Sushi pH Log is maintained and entries are made when rice is prepared (Log was not up to date). Updated log; - Ensure that dish machine reaches a min. temperature of 180 deg F or greater for final hot water sanitizing rinse. Had serviced.
Gianni's Deli	10/4/16	- Hot Holding	- Need to ensure that calzones are hot held at min 140 deg F. (Moved to warmer.)
Dunkin Donuts (Highland Ave.)	10/25/16	- Cold Holding	- Need to ensure that prep reach-in cold-holding unit temp. is maintained at 41 deg F or below. (All items moved to walk-in unit.) Had unit serviced. New unit pending.
Rice Barn	11/1/16	- Cold Holding	- Need to ensure that prep reach-in cold-holding unit temp. is maintained at 41 deg F or below. Had unit serviced.

Needham Public Health Division – Nurses Report

Donna Carmichael RN & Alison Paquette RN

COMMUNICABLE DISEASES and Animal Bites NEEDHAM HEALTH DEPARTMENT FISCAL YEAR 2017

DISEASES:	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	Apr	MAY	JUN	T17	T16	T15
BABESIOSIS				1									1	0	3
Borrelia Miyamota													0	1	na
CAMPYLOBACTER			2	1				2					5	9	12
CRYPTOSPORIDIUM													0	0	0
Dengue						1							1	0	0
E-Coli													0	0	0
EHRlichiosis/ HGA		1											1	2	2
Enterovirus				1									1	3	2
GIARDIASIS			1	1									2	1	5
HEPATITIS B		1		1	1			1					4	5	8
HEPATITIS C	3	1	3		1	2	3						13	12	13
Influenza	2		5	9		2	18	26					62	102	77
Legionellosis													0	0	2
Listeriosis													0	1	0
LYME	5	4	7		3	6	3	2					30	58	57
MENINGITIS													0	0	0
Meningitis(Aseptic)													0	0	0
Mumps							1						1	2	0
Noro Virus													0	2	0
PERTUSSIS				1									1	1	1
SALMONELLA	1					1							2	5	1
SHIGA TOXIN	1	1											2	0	0
SHIGELLOSIS						1							1	3	2
STREP Group B													0	3	2
STREP (GAS)													0	1	2
STREP PNEUMONIAE													0	0	1
TUBERCULOSIS													0	0	1
TULAREMIA				1									1	0	0
Latent TB- High Risk				1									1	1	0
Varicella			1		2	1	1						5	9	6
Vibrio				1									3	1	1
West Nile virus													0	0	0
Zika					1								1	0	0
TOTAL DISEASES	12	8	19	17	8	14	26	31					135	222	197
Revoked Diseases Investigated	3	1	1	0	0	1	2	1					9	8	7
Contact Investigation													0	0	NA
Animal/Human Bites															
DOG		1					1	2					4	8	10
CAT													0	2	0
BAT	1	1					1						3	5	5
SKUNK													0	1	0
RACoon													0	0	0
other							1						1	0	0
TOTAL BITES	1	2	0	0			3	2					8	10	18

Immunizations	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY17	FY16	FY15
B12	2	2	2	2	2	2	2	2					16	23	22
Flu (Seasonal)	0	0	0	497	164	5	0	8					674	816	723
TDap	1	0	0	0	0	0	0	0					1	0	2
Varicella	0	1	0	0	0	0	0	0					1		
Consult	30	48	62	54	54	54	71	46					419	475	390
Fire/Police	4	6	8	2	3	12	18	6					59	40	49
Schools	8	10	15	16	12	10	15	2					96	88	59
Town Agencies	12	22	24	28	23	20	22	20					171	216	125
Community Agencies	6	10	15	8	16	12	16	18					101	139	157

ASSISTANCE PROGRAMS													FY17	FY16	FY 15
Food Pantry	0	1	3	2	2	2	0	3					13	21	35
Food Stamps	0	0	0	1	0	0	0	1					2	6	4
Friends	0	0	0	0	0	0	0	0					0	1 - \$300.00	1- YTD
Gift of Warmth	0	0	0	0	3	1	0	1					5 YTD \$1306.00	YTD 17	22 - YTD
Good Neighbor	0	0	0	0	0	0	2	3					5	YTD- 5	6- YTD
Park & Rec	0	1	0	0	0	0	0	1					1	5	3
RTS	0	0	0	0	0	0	0	0					0	0	1
Salvation Army	0	0	0	0	0	0	0	0					0	0	0
Self Help	0	0	3	5	11	3	3	4					29	27	51
Water Abatement	0	0	0	0	0	0	0	0					0	2	2

WELLNESS Programs

														FY17	FY16	FY15
Office Visits	39	41	38	35	48	28	32	39						300	447	287
Safte Visits	0	0	0	1	1	0	2	0						4	10	33
Clinics	1	0	0	0	0	0	0	0						0	31	34
Housing Visit	2	0	0	1	2	0	0	0						3	8	27
Housing Call	6	0	2	6	3	1	2	2						16	70	186
Camps-summer	6	8	8	0	0	0	0	0						22	72	63
Tanning Insp	0	0	0	0	0	0	0	0						0	0	2
Articles	0	0	1	0	0	0	1	1						3	2	8
Presentations	0	0	0	0	0	0	0	0						0	2	2
Cable	1	0	1	1	0	0	0	0						3	1	4

EMPLOYEE WELLNESS	July	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	FY17	FY16	FY15
BP/WELLNESS - DPW/RTS	18	14	14	15	15	14	13	14					117	120	137
FLU VACCINE	0	0	0	36	10	0	0	2					48	87	52
CPR/AED INSTRUCTION	0	0	0	0	0	0	0	0					0	26	29
SMOKING Education	0	2	2	1	2	0	1	2					10	9	8
HEALTH ED Tick Borne	28	0	15	12	0	0	0	0					55	67	102
HEALTH ED Mosquito Borne	28	0	15	12	0	0	0	0					55	80	90
HEALTH ED FLU	0	0	10	28	25	12	50	15					140	327	221
FIRST AIDE	6	4	3	4	6	3	6	8					40	34	29
GENERAL HEALTH EDUCATION	20	12	22	26	25	20	28	17					170	188	230
Police weights	0	0	0	0	10	9	1	1					21	33	34
TOTAL EMPLOYEE CONTACTS	100	32	81	134	93	58	99	59					597	1028	981

Emergency Planning

EP meeting with Tim and Neia - MRC

Meetings, Events, and Trainings

<i>Title</i>	<i>Description/Highlights/Votes/Etc.</i>
DVAC	Monthly Meeting with minutes
DVAC Intern	Reviewed intern applications with Tim and Belinda
CCIT	Meeting at Police Station – Review of Mental Health Needs
BID Needham Hospital	Community Benefits Meeting
Flu Clinic	1 clinic by apt in Health Dept office (One clinic cancelled due to weather)
Training	Conflict of Interest training for Town of Needham

Needham Public Health Department
February, 2017 Monthly Report
Maryanne Dinell- Traveling Meals Program Coordinator

Monthly

<i>Description</i>	<i>Reason</i>	<i>Notes/Follow-Up (ongoing, completed, etc.)</i>
Month of February, 2017	Residents of Needham, needing help with their daily meals.	44 clients on the Traveling Meals Program 31 Springwell Elder Services, Waltham clients 13 private pay clients - Needham residents
628 2- meal packages were delivered in September	17 Clients receive meals 5 times a week 23 Clients receive meals 3 days a week 4 Clients receive 7 meals within 5 day period	434 meals delivered to Springwell Clients 194 meal delivered to private pay residents Total #628 meals delivered @ 5.50 per meal =cost of \$3454.00
5 new clients, 3 previously on the Program 2 for 1 st time	1 Springwel l Clients 2 private pay	5 new clients expected to be long term
4 clients off Program	4 clients into rehab	3 clients on Program since 2016 1 client on Program since 2014

<i>Category</i>		<i>Jul</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	<i>Apr</i>	<i>May</i>	<i>Jun</i>	<i>FY '16 Total</i>	<i>FY '17 Total</i>	
Meal Delivery		728	812	786	737	645	757	648	628					9687	5741	
General Telephone Calls-received		40	78	92	65	95	92	65	60					1091	587	
Assistance Calls-to Springwell		3	2	6	4	3	4	2	2					34	26	
Not at home at delivery		7	2	3	2	2	1	2	4					77	23	
911		0	0	0	0	0	0	0	0					0	0	

Category		Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	FY '16 Total	FY '17 Total	

Meetings, Events, and Trainings

BI	Type	Description/Highlights/Votes/Etc.	Attendance
Board of Health Meeting		Monthly meeting held at PSAP	9
Resident		High school student working on completing community service with the Traveling Meals Program	3

Donations, Grants, and Other Funding [List any donations received, grants funded, etc. over the past month.]

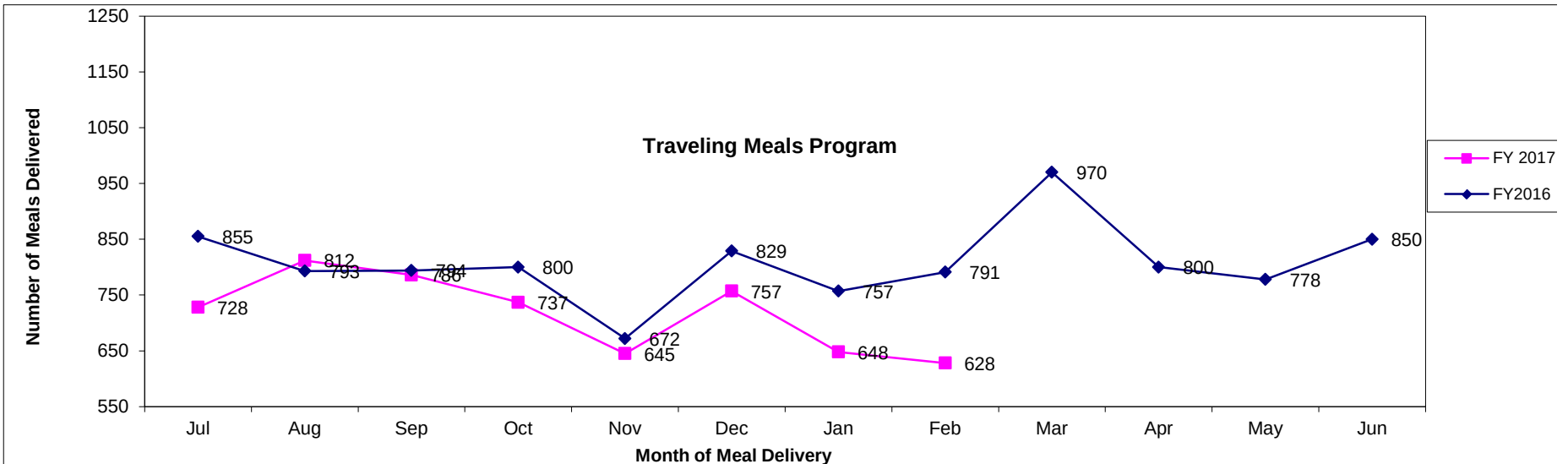
Description	Type (D,G,O)	Amount Given	Source	Notes

Traveling Meals Program

February, 2017 FY 17

Projected-12 Mo.	
\$	47,363.25
#	8,612

Month	# Meals FY2016	# Meals FY2017	FY17 Cost	% Change # Meals
<u>Jul</u>	855	728	\$4,004.00	-15%
<u>Aug</u>	793	812	\$4,466.00	2%
<u>Sep</u>	794	786	\$4,323.00	-1%
<u>Oct</u>	800	737	\$4,053.50	-8%
<u>Nov</u>	672	645	\$3,547.50	-4%
<u>Dec</u>	829	757	\$4,163.50	-9%
<u>Jan</u>	757	648	\$3,564.00	-14%
<u>Feb</u>	791	628	\$3,454.00	-21%
<u>Mar</u>	970			
<u>Apr</u>	800			
<u>May</u>	778			
<u>Jun</u>	850			
Totals:	9,689	5,741	31,575.50	



Needham Public Health Department

Catherine Delano, Senior Substance Use Prevention Program Coordinator
February 2017 Monthly Report

Section 1: Highlights

- Continued meetings with our three action teams. Each team tries to meet every other week.
- Continued work on the SPAN website with Summer Koop.
- Attended CADCA's 4 day Leadership Forum in Washington, D.C.
- Continued planning pharmacist's workshop – secured speakers and location. We are finalizing CE's.
- Worked with school administration, our marijuana action team, and SALSA kids to begin planning for our extended homeroom in May.
- Secured consultant for our 2017 Parent Survey.
- Held planning meeting to develop a Diversion Program in Needham.
- Planned Lunch & Learn program with Donna C. and other staff of CATH to educate CATH members about safe use, storage, and disposal of prescription medication.
- Met with other MW Coalitions and discussed applying for a grant to do asset mapping of our region.

Section 2: Goals

- Start a monthly segment on the Needham Channel related to varying public health topics.
- Build SPAN capacity/community recognition.
- Build youth coalition capacity.
- Find a central location for the Department to work.
- Get approval by Town to implement Alcohol Compliance checks.

Needham Health Department
Monica De Winter, Program Support Assistant
Karen Shannon, Program Support Assistant
February 2017 Monthly Report

Section 1: Summary

During the month of February we primarily worked on the DFC grant required Semi Annual Progress Report. We also coordinated work of the SPAN coalition, namely, the three action teams (Alcohol, Marijuana and Prescription). Also a new group called the Diversion Work Group was formed.

Section 2: Activities

<i>Activity</i>	<i>Notes</i>
General office clean up	Put into binders our Semi-Annual Report 2016 and DFC Continuation Application 2017; created a checklist for SPAN meetings
DFC Semi Annual Progress	Completed and submitted the report to DFCMe and received confirmation of receipt
Epiphany Community Services conference calls	Conference calls with Kelli Keck, Karen S., Monica and Catherine to provide updates on coalition work and discuss REACH.
CADCA conference	Karen Shannon attended a week long session of CADCA Academy in Washington, D.C.
Data input	Entered accomplishments and outputs to REACH software
Needham Parents Care	one parent member attended Broadmeadow School PTC meeting and made presentation about NPC mission and how parents can volunteer; small book group style discussion of topics raised again
Preparing minutes	For SPAN meeting 2-7-17; for Diversion Work Group; for Needham Parent Care meeting

Section 3: Meetings & Conferences

<i>Title</i>	<i>Description</i>	<i>Attendance</i>
Prescription Drug Action Team meetings: 2/2, 2/16	Continued planning work for Pharmacy Breakfast, NHS Student Email Messaging, planning Hidden in Plain Sight event, and Pill Pod Distribution Campaign.	8
Marijuana Action Team meetings, 2/28	Continued planning for student-created PSA video for use in extended homeroom (May 2017) on educating NHS students on substance use. Discussion of planning all-high school assembly for within the next school year – a speaker or live theater group.	
Alcohol Action Team meeting, 2/28	Presentation from Kathy Pinkham on the health curriculum in grades 5-12 especially pertaining to substance use, decision making and wellness	8
SPAN bi-monthly meeting	2/7	
Needham Parents Care conference call; prepared NPC meeting minutes;	Meeting turned into a conference call due to snow day	5
Webinar	Epiphany presented on sorting and filtering and generating reports using REACH data	2
Action Team Leadership Meeting	Action Team Leadership meeting with Karen S., Catherine, Alyssa, Keith Ford, and Janet and the Diversion Work Group formed.	6

Needham Public Health Department

February 2017

Substance Abuse Prevention & Education
Needham Coalition for Youth Substance Abuse Prevention ~ NCYSAP
Karen Mullen, Project Coordinator/Capacity Building

Section 1: Activities

Activity	Notes
SALSA Activities- <i>Students Advocating Life Without Substance Abuse</i> 2016-17 SALSA is comprised of 136 High School club members- one of the largest clubs at NHS.	SALSA Field Trips to Pollard Health Classes- Prep for 2/27 & 2/28 trips. Arrange transportation, rehearsals, confirm students attending, distribute trip forms, order lunches. Escort students on 2 trips to teach 3 Grade 8 Health classes. Prepare follow-up paperwork to ensure students receive community service credit for volunteer work. SALSA General Meeting (2/16) to update group on project opportunities and to encourage students to volunteer to help. SALSA Leadership Team Meetings (2) to discuss Public Service Announcement and plan for SALSA general meeting. SALSA PSA- Coordinated logistics and content with NHS student (Conner Jahn) and NHS/Natalie Guthrie. 3/15 & 3/17- Taped 9 student opinion leaders who provided the reason they choose not to use alcohol or other drugs. Reasons included sports, health, parents, siblings, seeking to be in control of body. High Rock Project- SALSA Leadership Team members approached NHS Administration about bringing SALSA to grade 6 vs. grade 8. They believe the refusal skills and training is needed before risky behaviors begin. High Rock Health Teachers have agreed to a SALSA pilot with 6th Graders in the spring with a target of fall, 2017 to implement full program for 6th Graders. Event & rehearsal administration, membership administration, project management
Needham Channel Prevention Videos	Needham Channel to edit our 2 prevention videos taped spring, 2016. Targeted completion March for distribution in April. Provided Needham Channel edit recommendations for 2 PSAs.
SPAN Marijuana Action Team	Extended NHS homeroom event confirmed for Thurs. 5/4. 45 minutes of class time dedicated to substance abuse prevention PSA video & class activity to be

<i>Activity</i>	<i>Notes</i>
	designed by team. NHS Administration agreed to explore the logistics of removing bathroom doors from 900s to reduce smoking in school and to draft a parent/student communication regarding the new recreational marijuana law and how it will affect NHS students. Include 5 tips for parents about MJ.

Substance Use Prevention and Education ~ Initiative Highlights

Needham NPHD, Needham SPAN and Substance Abuse Prevention Collaborative (SAPC) grant * collaboration with the towns of Dedham, Needham, Norwood and Westwood.

SAPC grant

Town coalition meetings:

Dedham Prevention coalition: February 7th 9:00am and 6:00pm

Needham SPAN coalition: February 7th Needham Public Library 7:30am

Impact Norwood coalition: February 28th Norwood Police Department 7:00pm

Westwood Cares coalition: February 6th Westwood High School 9:15am

SAPC program and capacity building initiatives:

SAPC Leader meeting: February 22nd Linda Shea, Westwood Public Health Director. Review of initiatives: (1)TIPS Alcohol Training & Certification. *Training for **Intervention Procedures*** Responsible Alcohol Service Training. Section 12 and Section 15 licensees Mike Marcantonio, trainer Monday, May 1st, (2) marijuana youth impact educational materials, (3) strategies to impact marijuana accesses as home cultivation, possession in home of 10 ounces and transport and possession of 1 ounce is legal for adults.

SAPC Quarterly Report: February 3rd Second quarter filing (October 1, 2016 – December 31, 2016) On-line submission of all leader and stakeholder engagement, cluster processes, programs and trainings, strategy planning and implementation for the towns of Dedham-Needham- Norwood- Westwood. Scott Formica, SSRE, MDPH prevention program evaluator.

Norwood Public Health Department: February 14th Sigalle Reiss, MPH, Health Director. Review of federal Drug Free Communities (DFC) 2017 FOA. DFC grant narrative questions, fiscal agent compliance requirements for submission and budget narrative components.

BSAS- MassTAPP quarterly meeting: February 15th Tower Hill, Boylston. Progress on prevention implementation across cluster. Scott Formica, SSRE grant evaluator presentation of MIS reporting system. Identification of capacity building steps to enhance local coalition engagement with regional prevention initiatives and networking session. Fernando Perfas, BSAS, Amal Marks, project officer, MassTAPP Lauren Gilman, Director.

Dedham Coalition Leadership planning: February 17th Parent survey content review, draft introductory language, coalition implementation plan, stakeholder outreach and survey promotion partners. Public Health, School Health and BOS member.

BSAS Project Manager: February 28th Amal Marks, conference call to review Strategic Plan, successes and challenges and budget expenditure projections.

SAPC strategy implementation preparation:

TIPS training and certification- Monday, May 1st. American Legion, Dedham. 2 sessions 10:00am-3:00pm and 3:00pm-11:00pm. Connect with trainer on logistics, confirm program with police chiefs, outreach for hall space, draft letter for licensees, connect with

graphic designer for flyer, create registration link on survey monkey, print and mail letters (with Maureen Doherty), draft and send email with letter.

Needham Public Health (NPHD) Needham Substance Abuse Prevention Network (SPAN)

NPHD initiatives:

Community Crisis Intervention Team (CCIT): February 8th Needham Police Department: Chris Baker and Sgt. John McGrath, Needham Fire: Donald Anastasi and Eddie Sullivan, Donna Carmichael, Latanya Steel, Catherine Delano Riverside CC Community Liaison Noelle Kelly, LICSW. Guest: BIDN CNO, Kathy Davidson, review of BIDN protocols for ED related to screening for SUD and MH, security enhancements, appropriate level of care evaluation basis for transport and inpatient SUD and MH discharge.

BID Needham: February 2nd Inaugural Community Health Resource meeting. Alyssa Kence facilitator. Review of 2016 CHNA process, discussion of stakeholder group needs to align with BIDN- CHIP. Stakeholder resource sharing, for positive youth development, mental health support, substance use disorder support,

SAPC 2017 budget review: February 3rd Update and review of grant budget expenditure timeline, projected expenses and plan to manage change in expenses. Tim McDonald.

Needham Board of Health: February 10th Director Report, staff public health and prevention reporting.

Westwood Pediatrics: Dr. Lester Hartman: February 21st. Review of tobacco 21 access policy state and local, impact of legalization of recreational marijuana on youth mental health and safety and connection to local coalitions to enhance engagement in primary prevention activities.

NPHD programs meeting preparation outreach for research and resource gathering:

(1) CCIT Finalize introductory letter, resource page and protocol. (2) NPHD monthly report (3) Resource and referral for NHS Guidance Director.

Resident Support- Respond to calls or meeting requests related to mental health conditions and/or substance use disorder. Referral to counseling, assessment, treatment and recovery resources. **2 requests** (F-19 yrs. substance misuse- grief) (F- 45yrs. family suicide)

SPAN initiatives:

SPAN Leadership Team: February 2nd Catherine Delano, Leadership Team capacity building- new member outreach, SPAN meeting agenda planning, review of action team structure and progress.

Alcohol Action team: Emailed resources to supplement work plan targeting (retail access) TIPS training initiative, May 1st for Section 12 and Section 15 licensees, (low perception of harm) AlcoholEdu for High School grade 9 students, parents (low parental monitoring and low perception of harm) AlcoholEdu for High School parents and parent engagement resources "Talk They Hear You" grade9 and MADD Parent Power grades 10-12.

Out of office: January 13th Snow day January 20th President's Day

Respectfully submitted by Carol Read March 3, 2017

*SAPC technical assistance calls, coordinator meetings, and compliance related to the SAPC grant program are extensively documented in the BSAS-SAPC online quarterly reports. **Page 2 of 2 END**

times 2/21/17
WHAT'S UP

Flu clinics

The Needham Public Health Department will hold flu clinics by appointment from 8:30 to 10:30 a.m. Feb. 8 and noon to 2 p.m. Feb. 9 in the health suite at Needham Town Hall, 1471 Highland Ave.

The clinics are free for residents ages 18 and older with insurance cards.

The Centers for Disease Control and Prevention recommends a yearly flu vaccination as the first and most important step in protecting against the flu and its potentially serious complications.

To make an appointment: 781-455-7500, ext. 511.

Needham Public Health offers flu advice

Weekly 2/21/17

Flu activity normally starts to increase in October and November, peaks between December and March, and can last as late as May. Residents are encouraged to arm themselves against the flu; it is not too late to receive the flu vaccine.

The Needham Public Health Department will be holding flu clinics by appointment on Wednesday, February 8, from 8:30 a.m. - 10:30 a.m. and Thursday, February 9, from noon - 2:00 p.m. The clinics will be for those 18 years and older and will be held at Town Hall 1471 Highland Ave, second floor Health Suite. The clinics are free. Participants are asked to bring their insurance cards. Call (781-455-7500, x511) to arrange an appointment.

The Centers for Disease Control and Prevention (CDC) recommends a yearly flu vaccination as the first and most important step in

protecting against flu and its potentially serious complications. Millions of people have safely received flu vaccines for decades. Flu vaccination can reduce flu illnesses, doctors' visits, and missed work and school due to flu, as well as prevent flu-related hospitalizations.

Other good health habits you can do every day to help stop the spread of germs and prevent respiratory illnesses like the flu are:

- Avoid close contact.

Avoid close contact with people who are sick. When you are sick, keep your distance from others to protect them from getting sick too.

- Stay home when you are sick.

If possible, stay home from work, school, and errands when you are sick. This will help prevent spreading your illness

to others.

- Cover your mouth and nose.

Cover your mouth and nose with a tissue when coughing or sneezing. It may prevent those around you from getting sick.

- Clean your hands.

Washing your hands often will help protect you from germs. If soap and water are not available, use an alcohol-based hand rub.

- Avoid touching your eyes, nose or mouth.

Germs are often spread when a person touches something that is contaminated with germs and then touches his or her eyes, nose, or mouth.

- Practice other good health habits.

Clean and disinfect frequently-touched surfaces at home, work or school, especially when someone is ill. Get plenty of sleep, be physically active, manage your stress, drink plenty of fluids, and eat nutritious food.

For more information on the flu, visit: www.cdc.gov/flu/about/season/current.htm.

lines 2121A

Residents: put brakes on Eversource

Selectmen look to slow down process

By Emma R. Murphy
emma.r.murphy@wickedlocal.com

Needham Selectmen are taking a closer look at Eversource Energy's proposed reliability project in

response to public outcry over the project.

Intended to ensure reliability for customers, the project would run transmission lines between the West Roxbury Baker

Street substation and the Needham substation on Chestnut Street.

Eversource is requesting a permit from the Energy Facilities Siting Board to run 2.6 miles of underground transmission lines through Needham. Before

granting the permit the board is reviewing the project's preferred route, which would extend underground lines from Greendale Avenue parkland to Chestnut Street.

That preferred route has become a point of

contention for Needham residents who question its safety and argue that it would cause significant disruption.

Many have pushed for the company to use an alternate

SEE EVERSOURCE, B3

EVERSOURCE

From Page A1

route, which would run from Peacedale Road, down South Street and end on Chestnut Street.

Residents along the preferred route have argued that the alternate route would impact fewer people as it extends through a more rural part of Needham.

As the state and the federal government mandate the project, Board of Selectmen Chairman Matt Borrelli explained that town officials are working with Eversource in an effort to determine the best solution for Needham and to mitigate any impact to abutters.

"We want to work with them but our role is really to do what's right with Needham," said Borrelli.

Though the board is working with Eversource, the town was not involved in selecting the preferred and alternate routes, Borrelli said.

"I think what's so frustrating about this process is that this isn't our project," Borrelli said.

Though Eversource could install the lines through its right of way along the commuter rail, the company is looking to add the lines underground at the request of the town.

Installing the lines belowground is better because of the levels of electromagnetic fields, EMFs, which the transmission lines emit, Borrelli said.

When Eversource first brought the preferred route to the town, Borrelli said it seemed good on paper because the route was the

shortest option through town.

"We thought the primary route had merit," Borrelli said.

Now the town isn't so sure.

Public response has indicated to the selectmen that there may be more challenges and concerns than initially expected.

Chief among those concerns are the health impacts of EMFs.

With the preferred route set to run by two public schools and down small neighborhood roads, residents have become increasingly vocal in their worry that the EMFs would harm the health of children in the area.

In response to those concerns, the Needham Board of Health and the Needham Department of Public Health looked into

the potential health risks. The board determined that there were no clear or conclusive negative health impacts.

This conclusion has not done much to calm concerns.

A local neighborhood group advocating against the preferred route submitted a petition on Jan. 23. The petition reportedly had over 200 signatures in support of the alternate route.

According to Borrelli, the town is now looking to take a slower approach to the process and review the information that Eversource provided.

On the town's to-do list is to hire an outside consultant to review the data, and to look into the nature of the mandate.

While Borrelli does not

dispute that the mandate is real, he explained the town is looking to see if there are ways around it.

The board also plans to conduct a study to see how many households would be impacted along the preferred route compared to the alternate route.

In light of the many concerns and lingering questions, Borrelli said the town would take time to fully study Eversource's proposal.

"We still need data and we need to be assured that the burden of proof is on them," Borrelli said.

Should Eversource move forward with the preferred route, the company would need Town Meeting to grant easement access to the Greendale Avenue parkland locally known as the

"former gravel pit".

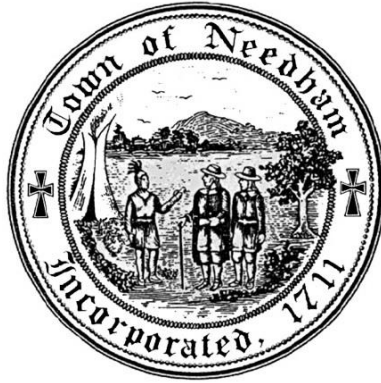
An untouched piece of land connecting town trails, the land is under the jurisdiction of the Needham Park and Recreation Commission.

"They look at it as a passive recreational site," said Park and Recreation Director Patty Carey.

According to Carey the current commission has no plans for the land. Should Eversource receive an easement to bury the lines there, Carey said the land would not appear any different than it does now once the work was completed.

In response to assertions from residents that the project is a "done deal," Borrelli said that's not the case.

"It's not a done deal, we value the input," said Borrelli.



Board of Health

Edward Cosgrove, PhD
Chair

Stephen Epstein, MD, MPP
Member

Jane Fogg, MD, MPH
Vice Chair

ARTICLE 19

REGULATION GOVERNING THE PRACTICE OF BODYWORK

SECTION 1.0

PURPOSE

The purpose of this regulation is to protect the public health and safety of the community, including the patrons, employees, and owners of commercial businesses offering legitimate services such as Bodywork Therapy, Reflexology, Spa Services, and others. The scope of this regulation is broad and includes provisions designed to ensure legitimate operations and to guard against the risk of prostitution, human trafficking and disease transmission.

It is the Board of Health's intent that only an individual who meets and maintains a minimum standard of competence and conduct within their scope of professional practice may provide services to the public. This regulation designates the requirements for obtaining a permit to operate a bodywork establishment and permit to practice bodywork, as well as grounds for suspension, revocation or denial of such a permit.

SECTION 2.0

AUTHORITY

These regulations are adopted by the Needham Board of Health, pursuant to its authority under Massachusetts General Laws, Chapter 111, Section 31.

SECTION 3.0

DEFINITIONS

Agent: shall mean a person employed by the Town of Needham who is authorized by the Board of Health to perform functions subject to these regulations.

Applicant: shall mean an individual or entity seeking licensure who has submitted an official application as provided by the Needham Public Health Department, two forms of identification, a complete CORI/SORI record request form, and has paid the application fee.

Application: shall mean the application form provided by the Needham Public Health Department which has been signed under penalty of perjury, that the foregoing information contained in the application is true and correct, said declaration being duly dated, signed, and notarized within the Town.

Bodywork: shall refer to practices including, but not limited to: Accupressure, Asian Bodywork, AMMA Therapy®, Body-Mind Centering, Chi Nei Tsang, Feldenkrais Method, Five Element Shiatsu, Integrative Eclectic Shiatsu, Japanese Shiatsu, Jin Shin Do®, Korean Bodywork, Bodymind Acupressure™, Polarity, Macrobiotic Shiatsu, Reflexology, Reiki, Rolph Structural Integration, Shiatsu Amma Therapy, Traditional Thai Massage & Bodywork, Trager Approach, Tui na, Qi Gong, Zen Shiatsu, Ayurvedic medicine and other practices as they become known.

Criminal Offender Record Information (CORI): shall mean a record of criminal offenses committed as an adult or juvenile, as compiled by the Criminal History Systems Board.

DEPARTMENT: unless otherwise specified, shall mean the Needham Public Health Department acting in its role as the agent for the Needham Board of Health.

Establishment: shall mean any location, or portion thereof, in the Town of Needham which advertises and/or provides bodywork therapy services on the premises. Any health care facility licensed by the Commonwealth of Massachusetts or the office of any health care professional licensed by the Commonwealth of Massachusetts is not an establishment for the purposes of these regulations. In addition, bodywork establishments shall not be located in a private residence, condo, apartment, or other residentially zoned space.

Licensee: shall mean a person holding a license to practice any form of bodywork therapy or to operate a bodywork establishment in the Town of Needham. Where applicable, this shall include partnerships and/or corporations.

Patron: shall mean a person with whom the bodywork therapist has an agreement to provide bodywork therapy services or a visitor or any other person on premises at the establishment who is not an employee.

Sanitization: shall mean effective bactericidal/germicidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial/germ count, including bacterial, viral, and fungal pathogens, to a safe level on massage table surfaces, instruments, and/or the general facility.

Sex Offender Registry Information (SORI): shall mean a record of convictions for specified sexual offenses committed as an adult or juvenile, as compiled by the Sex Offender Registry Board.

Therapist: shall mean a bodywork practitioner licensed by the Needham Public Health Department.

Tobacco product: Any product containing, 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, or electronic cigarettes, electronic cigars, electronic pipes electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. “Tobacco product” includes any component or part of a tobacco product. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed or sold or prescribed solely for the approved purpose.

SECTION 4.0

BODYWORK ESTABLISHMENT & INDIVIDUAL BODYWORK THERAPIST LICENSES

Any person or entity desiring to open or conduct a commercial business practicing Bodywork Therapy shall obtain a Bodywork Establishment License from the Needham Public Health Department. Any person desiring to be a bodywork therapist at a Bodywork Establishment shall obtain an Individual Bodywork Therapist License. The application for these licenses shall include the items specified herein:

(a) The applicant shall submit a completed application form provided by the Needham Public Health Department.

(b) The applicant shall submit a non-refundable application fee according to the Health Department fee schedule.

(c) The applicant shall provide supporting documentation that he/she is eighteen (18) years of age or older by presenting two forms of positive identification. One form must include a photograph, such as a valid state driver's license with photo, a state identification card with photo, and/or a valid passport. The second form of ID may be a certified long-form birth certificate, certified baptismal record, certified record of marriage, certified copy of Social Security Card, or other government-issued photo ID.

(d) The applicant shall submit to the Needham Public Health Department a form authorizing the Town of Needham or a contracted third party to conduct a Criminal Offender Record Information (CORI) inquiry and a Sex Offender Registry Information (SORI) inquiry, and to report the results of those inquiries to the Needham Public Health Department. All responses to these record checks shall be kept confidential. By signing the application or renewal form, the applicant gives authorization to the Town of Needham or its contracted third party to run a CORI/SORI background check, which will consist of the information pertaining to all convictions, non-convictions, and pending criminal case information. CORI and SORI checks may be conducted in all states in which the applicant has resided within the last ten (10) years.

(f) The applicant shall disclose the circumstances surrounding any of the following convictions or license revocations:

1. Disclosure of any conviction for any sexual-related offense, including prostitution or sexual misconduct.
2. Disclosure of any conviction of any misdemeanor or felony occurring within the past ten (10) years.
3. Disclosure of open criminal charges that are pending judicial action.
4. Revocation, suspension, or denial of a license to practice massage issued by any state or municipality.
5. Loss or restriction of any licensure or certification by any municipality or other jurisdiction for any reason.

(g) The Needham Police and the Needham Public Health Departments shall determine whether an applicant's conduct, criminal or otherwise, shall disqualify that person from obtaining license. Any

convictions or license revocations as outlined in Article 19, Sub-Section 6, a through d will result in an automatic denial of the application.

(h) The applicant shall submit written declaration, under penalty of perjury, that the foregoing information contained in the application is true and correct, and said declaration shall be duly dated, signed, and notarized in the Town. False statements shall constitute grounds for revocation of an issued license or denial of a pending license application or license renewal.

(i) The Needham Public Health Department, prior to the issuance of any license, shall evaluate each individual application by the information provided. The Board of Health or Public Health Department may place special conditions on any license issued.

(j) False statements in said application shall be grounds for denial, suspension, or revocation of a license.

(k) Applicants for a Bodyworks Establishment License shall provide proof of professional liability insurance with a minimum coverage level of \$1,000,000, as well as workers compensation insurance.

(l) Applicants for a Bodyworks Establishment License shall provide the name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and a copy of their valid certification form. One individual trained in CPR must be on-site at all times during operating hours.

(m) The holder of the Bodywork Establishment License shall be ultimately responsible for the physical facility, instruments, advertising, postings, employees, and all compliance with these regulations.

(n) The holder of a Bodywork Establishment License shall also obtain an Individual Bodywork Therapist License, if the individual will conduct bodywork. An establishment license does not permit the person to practice without a therapist license.

(o) All applicants for an Individual Bodywork Therapist License shall allow one front faced digital photograph to be taken by the Needham Public Health Department at the time of license application submittal. This photograph will be attached to the license, if granted.

(p) All applicants for an Individual Bodywork Therapist License shall obtain a medical provider/practitioner's ~~physician's~~ letter dated no earlier than twelve~~six~~ months prior to the submittal of the application, stating that the applicant ~~has had a physical examination is in good health, and to the best of the physician's knowledge~~ is up-to-date with adult immunizations and free from communicable diseases and/or conditions that may be transmitted due to close physical contact and detrimental to the public's health.

(q) All Individual Bodywork Therapist License applicants must identify the name(s) of the licensed establishment(s) where he or she will practice bodywork therapy. In addition, a license holder shall notify the Needham Public Health Department if the individual changes employment venue within the town.

(r) The holder of the Bodywork Establishment License shall also submit (if applicable) a copy of their valid MA Board of Registration of Massage Therapy Establishment License.

(s) All applicants applying for an Individual Bodywork Therapist License shall submit a copy of their valid MA Board of Registration of Massage Therapy therapist license if they practice both Massage and Bodywork at their Needham establishment.

(~~f~~) It is a violation of these regulations for any person who is not licensed in the manner described herein to operate a Bodywork Establishment or to operate as an Individual Bodywork Therapist.

SECTION 5.0 LICENSE RENEWAL

(a) This license shall expire on December 31st annually.

(b) The applicant shall provide a completed renewal application, including new medical provider/practitioner's~~physician's~~ letter and CORI/SORI form authorization with required documentation, in person to the Needham Public Health Department.

(c) As stated in section 4.0 above, specifically section (k), Bodywork Establishment applicant shall provide proof of professional liability insurance with a minimum coverage level of \$1,000,000, as well as workers compensation insurance.

(d) As stated in section 4.0 above, specifically section (l), the applicant must provide the name or names of individuals that are currently certified in basic cardiopulmonary resuscitation (CPR) and copies must be provided of their valid certifications. One individual trained in CPR must be on-site at all times during operating hours.

(e) As stated in section 4.0 above, specifically sections (r) and (s), copies must be submitted of valid MA Board of Registration of Massage Therapy Establishment and Therapist licenses where applicable.

(~~f~~e) The fee for each license renewal shall be in accordance with the most recent Health Department fee schedule.

SECTION 6.0 CONDITIONS OF BODYWORK LICENSE

(a) No bodywork therapist shall perform services if either the practitioner, or a patron, has a communicable disease or exhibits any skin fungus, skin infection, skin inflammation, or skin eruption.

(b) No licensed therapist shall use the therapist-client relationship to solicit for or engage in sexual activity with any client, whether consensual or otherwise, whether within or outside the bodywork establishment, or to make arrangements to engage in sexual activity with any client.

(c) Bodywork therapists must wash his/her hands with soap and water immediately before and after administering services to any person.

(d) Therapists must maintain a sufficient level of personal cleanliness and be clothed in clean and appropriate attire which at no time will expose any portion of the areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals.

(e) Clients must be clothed in appropriate attire or draped with clean towels, at no time shall the client's areola of the female breast or any portion of the pubic hair, cleft of the buttocks, or genitals be exposed.

(f) Therapists may not perform services they are not specifically licensed to perform, such as; diagnose disease, perform joint/spinal manipulation, perform acupuncture, or other. In addition practitioners shall not operate equipment they are not trained or licensed to operate, such as; x-ray, fluoroscope, diathermy, or other similar equipment.

(g) Therapists may not use, or allow patrons to use, alcoholic beverages, illegal drugs, illicit drugs, marijuana, whether for medical or recreational usage, or controlled substances on the licensed premises.

(h) The individual license to conduct bodywork and the bodywork establishment license are non-transferable. Any changes in the business location or other applicable information of the licensee must be reported to the Needham Public Health Department within fourteen (14) days of the change.

(j) For those therapists who conduct business at more than one location, the original license shall be retained on file at the first address indicated on the license. At the additional business address, the practitioner shall retain on file a copy of the license to which an original Needham Public Health Department stamp has been placed.

(k) Bodywork establishment licenses must be prominently displayed in the waiting room of the establishment; licenses for individual bodywork practitioners shall be retained on file in all locations at which the individual practices bodywork.

(l) The use of aliases by practitioners and apprentices is prohibited.

(m) Therapists may not administer a massage, unless the individual is properly licensed by the Massachusetts Board of Registration of Massage Therapy AND the premise at which the massage occurs is similarly licensed by the Commonwealth for the conduct of massage.

(n) Therapists and Bodyworks practitioners may ~~not~~ administer treatment to a person younger than 18 years of age, provided that a parent or guardian signs an intake form for the client younger than 18 years of age who is receiving treatment and provided that the parent or guardian of the client is provided the option to observe the treatment session from inside the therapy room.

(o) All therapists shall have a valid form of identification on them at all times within the establishment.

(p) All bodywork practitioner licensees shall notify the Needham Public Health Department of a change of name and/or home address within fourteen (14) days.

(q) All licensees shall notify the Needham Public Health Department of any criminal complaint brought against them or licensed practitioners operating within their establishment within seven (7) days. Failure to do so may result in revocation of licensure.

SECTION 7.0 FACILITY and EQUIPMENT

(a) The operator shall provide that all public areas, rooms used for therapy, and employee areas are clean and sanitary. The establishment must be well-lighted, adequately ventilated, properly heated, and free from defects that would create a public health or employee safety hazard in accordance with all local, state, and federal regulations.

(b) Every room used for the treatment of patrons shall be equipped with a door and have at least 70 square feet of floor space. All treatment room doors shall not be capable of being locked.

(c) No room or section of an Establishment shall be used as a bedroom, for sleeping purposes, or as a domicile.

- (d)** Every waiting room area must be lit with a combination of natural and artificial lights. Blackout curtains, other light prohibitive shades, or window sprays are prohibited.
- (e)** Standard or portable massage tables shall be covered with a durable washable material, which is capable of being cleaned and sanitized, and is cleaned and sanitized after each patron use.
- (f)** A sink with running hot and cold water (minimum hot water temperature should be 110 degrees Fahrenheit) must be located in an easily accessible area within the permitted establishment.
- (g)** Sanitizing chemicals/equipment should be on site and labeled with ingredients it contains, in case of a spill. All furniture and equipment in each room shall be kept clean and sanitary at all times.
- (h)** Restrooms must be made available to customers/employees and shall be located in an easily accessible area within or near the permitted establishment.
- (i)** Non-disposable instruments shall be sanitized after use on each person in a manner sufficient to maintain cleanliness
- (j)** The facility shall have adequate equipment for disinfecting and sanitizing non-disposable instruments and materials used in administering bodywork.
- (k)** No un-sanitized part of an instrument (i.e. Hot Stones) shall be applied directly to the skin of a patron.
- (l)** Robes, towels, cloths, or other linens, which come into direct contact with the bodies of patrons, shall, after use and before re-use, be laundered in such a manner as to ensure effective sanitization.
- (m)** No common use of robes, towels, cloths, sheets, or other linens is permitted. All used robes, towels, cloths, or other linens shall be kept in covered containers, closed cabinets, or closed bags and shall be held separately from clean robe, towel, cloth or linen storage areas. Such separate storage areas shall be plainly marked as "CLEAN" OR "SOILED".
- (n)** All oils, creams, lotions, talc, or other preparations used in administering bodywork shall be kept in factory labeled containers in a clean and closed condition. All such containers shall be stored in appropriate cabinets or shelving.
- (o)** All non-disposable instruments and devices designed or used for direct application to the skin shall be kept in a clean location.
- (p)** Ensure non-latex gloves are available on site. If latex-containing products are to be used, a sign shall be conspicuously posted stating all clients shall be advised that latex containing products are in use.
- (q)** Conducting bodywork therapy shall be limited between the hours of 7:00 a.m. and 9:00 p.m.
- (r)** Patrons shall be granted access to inspect all oils, creams, lotions, talc, or other preparations treatment substances before use on the individual.
- (s)** The facility shall have a conspicuously placed sign in the lobby which reads "Report any inappropriate or unsanitary conditions to the Needham Public Health Department at (781) 455-7500 or to the Needham Police Department at (781) 444-1212. In the event of an emergency, please immediately call 9-1-1."

(t) No items of sexual nature may be stored or displayed within the establishment or on the grounds.

(u) Use of any kind of tobacco products and/or electronic cigarette, etc., products, ~~products,~~ is prohibited within a bodywork establishment or on the grounds, thereof.

(v) One individual trained in basic cardiopulmonary resuscitation (CPR) must be on-site at all times during operating hours.

(w) A Department of State – “Know Your Rights” pamphlet and other educational material as deemed necessary by the Public Health Department shall be displayed prominently in employee areas, in English and also in all languages spoken by on-site personnel.

(x) No bodywork facility shall install a shower or other home good that would allow the employees of such establishment with the ability to live at the facility.

SECTION 8.0 ADVERTISING

Bodywork therapists and owners of such establishments shall be mindful of professional ethics when placing advertisements. Advertising in periodicals, newspapers, or on-line in a sexual or provocative manner (i.e. pictures or language) to promote business may be construed as a violation of the proper standards of bodywork and will result in the revocation of the license. Please see Article 5 of the Town of Needham’s Bylaws for the article regulating Signs for further information.

SECTION 9.0 DEPARTMENT OF STATE – KNOW YOUR RIGHTS PAMPHLET

Any place of employment that is thought to be a common location of human trafficking, as reported by the National Human Trafficking Resource Center, shall conspicuously post a Department of State – Know Your Rights Pamphlet in a commonly visited employee information posting area. The pamphlet must be available in both English and the primary language of all employees.

As of the date these regulations are enacted, common human trafficking employment locations shall include hotels, nail salons, restaurants, bars, strip clubs, farm labor camps, construction companies, large factories, and bodywork establishments defined herein.

The Needham Public Health Department has the right to include more business locations that are common locations for human trafficking as they become known to the Needham Public Health Department, Needham Police Department, or the National Human Trafficking Resource Center.

This pamphlet is available free of charge at the following web address:

<http://travel.state.gov/content/visas/english/general/rights-protections-temporaty-workers.html>

SECTION 10.0 INSPECTIONS

(a) The purpose of inspections is to verify the compliance of these regulations.

(b) Denial of access to any part of an establishment, by the licensee, by a bodywork therapist, or an employee may result in immediate revocation/suspension of the license.

(c) Applicants will be subject to a minimum of two inspections by the Needham Public Health Department, Needham Police Department, or their authorized agents over the course of the fiscal year. One inspection may be announced to the facility prior to the visit and one or more inspections may be unannounced, where an agent visits without prior notification to the facility.

(d) Re-inspection shall take place when an establishment does not pass an inspection. The applicant shall submit an application for re-inspection, which shall include:

1. A correction plan to be submitted to the Needham Public Health Department within five (5) business days of the initial inspection.
2. If more than one re-inspection is required, re-inspection fees of \$50 by check or money order made payable to the Town of Needham.
3. A re-inspection application must be submitted to the Needham Public Health Department in writing.

SECTION 11.0 DISCIPLINARY ACTIONS, ORDERS AND HEARINGS

A. Actions - Upon a finding by an agent that a licensee has violated any provisions of these regulations, the Needham Public Health Department and/or the Board of Health may impose any of the following actions separately or in any combination which is deemed appropriate to the offense:

1. Suspension of a licensee's right to practice or maintain an establishment for a fixed period of time, or denial of a license application or license renewal.
2. Administrative revocation for failing to renew licensure in a timely manner. Licenses that have been administratively revoked may be reinstated upon the licensee's achievement of all the renewal requirements of these regulations. The license will expire if there is no renewal and the therapist will be considered to not have a license until the renewal requirements are achieved and a license is renewed or (re)issued.
3. Revocation for cause which terminates the license. The Needham Public Health Department and/or the Board of Health may allow reinstatement of a revoked license upon conditions and after a period of time deemed appropriate. Any person whose license has been revoked may not apply for licensure for at least one (1) year unless otherwise stated in the revocation order.

B. Orders

1. All orders shall be in writing.
2. Orders shall be served on the licensee or licensee's agent as follows:
 - by sending a copy of the order by certified mail, return receipt requested at the last known address or the address appearing on the license, or
 - personally, by any person authorized to serve civil process, or
 - by posting a copy in a conspicuous place on or about the establishment.

C. Hearings

1. The person to whom any order or notice has been issued pursuant to violations of any provision of these regulations may request a hearing before the Board of Health. Such a request must be in writing and shall be filed with the Needham Public Health Department within five (5) working days of receipt of the order or notice.

Upon receipt of such request, the Board of Health or its agent shall inform the petitioner thereof in writing of the time and place of said hearing, which shall be commenced within a reasonable time.

2. At the hearing, the petitioner shall be given an opportunity to be heard, to challenge the inspection findings, and/or to show why the order should be modified or rescinded, or why the license should not be suspended or revoked. Any oral testimony given at a hearing shall be recorded electronically and shall be part of the licensee's file.

3. After the hearing, the Board of Health shall make a final decision based upon the complete hearing record and shall inform the petitioner in writing of the decision. If the Board of Health sustains or modifies an order, it shall be carried out within the time period allotted in the original order or in the modification.

4. Every notice, order, decision or other record prepared by the Board of Health in connection with the hearing shall be entered as a matter of public record in the Needham Public Health Department.

SECTION 12.0 PROHIBITIONS

(a) No person licensed by Needham Public Health Department to perform bodywork shall use the therapist-client relationship to solicit for, or engage in, sexual activity with any client, whether consensual or otherwise, whether within or outside the bodywork establishment, or to make arrangements to engage in sexual activity with any client.

(b) At no time shall a practitioner of bodywork therapy conduct any business, or list as a business, his/her home address. Additionally, at no time may clients be seen at the practitioner's residence or run a bodywork business as a door-to-door enterprise.

(c) At no time shall a practitioner of bodywork therapy run a business from a residence, condominium, hotel, motel, mobile home, or other residential setting.

SECTION 13.0 CRIMINAL ACTS

(a) At no time shall an individual offer, or agree to engage in sexual conduct, with another person for a fee per Massachusetts General Laws (M.G.L.) Chapter 272, section 53A.

(b) At no time shall a customer of an establishment request to receive, or agree to engage in, sexual conduct with another regardless of age per M.G.L. Chapter 272, section 53A.

(c) At no time shall an individual derive support or income from a prostitute's earnings per M.G.L. 272, section 7.

(d) At no time shall an individual induce a minor to become a prostitute or knowingly assist in inducing a person under the age of 18 to become a prostitute per M.G.L. Chapter 272, section 4A.

(e) At no time shall an individual knowingly permit prostitution on the premises per M.G.L. Chapter 272, section 6.

(f) At no time shall an individual intentionally expose his/her genitals or breasts to one or more persons per M.G.L. Chapter 272, section 53.

(g) At no time shall an individual annoy or accost in a sexual way per M.G.L. Chapter 272, section 53.

(h) At no time shall an individual engage in natural or unnatural sexual intercourse with a victim, by compelling the victim to submit by force and against her or his will, or by threat of bodily injury per M.G.L. Chapter 265, section 22(a) or 22(b).

(i) At no time shall an individual commit an “indecent” assault & battery which the victim did not consent to, regardless of age, per M.G.L. Chapter 265, section 13(b) or 13(h).

(j) At no time shall an individual secretly video or photograph naked or partially naked people, and at no time shall an individual disseminate secretly obtained videos or photographs of nude or partially nude individuals, per M.G.L. Chapter 272 section 105.

(k) At no time shall an individual provide or obtain another individual, or subject, recruit, entice, harbor, or transport, an individual by any means, in order to force him or her into servitude per M.G.L. Chapter 265, section 51.

(l) At no time shall an individual provide or obtain another individual, or subject, recruit, entice, harbor, or transport, an individual by any means, in order to force him or her into sexual servitude per M.G.L. Chapter 265, section 51.

SECTION 14.0 GENERAL ENFORCEMENT

These regulations may be enforced by the Needham Public Health Department and the Police Department and other departments or agencies supporting the Town of Needham, except that only the Public Health Department and/or Board of Health may grant, deny, revoke, suspend or modify permits or variances of these regulations.

The grounds on which the Public Health Department may deny renewal, revoke, suspended, or modify any permit or certification issued pursuant to these regulations include, but are not limited to:

(a) Refusal to permit an agent of the Public Health Department or other government official to inspect the facility;

(b) Interference with an agent of the Public Health Department or other government official in the performance of their duty;

(c) A criminal conviction of the license holder relating to the operation of the establishment;

(d) Failure of the license holder to submit the appropriate documentation;

- (e) Failure to pay the required license fees or assessed fines or penalties;
- (f) The establishment's owner, operator, or employee's failure to comply with these regulations;
- (g) Committing a Prohibited or Criminal Act as outlined in this document.
- (h) Keeping or submitting any misleading or false records or documents related to the operation of the establishment or practicing bodywork;

Otherwise operating a bodywork facility or practicing bodywork so as to cause a threat to the public health or safety shall cause suspension, modification, or revocation of license. Such action by the Public Health Department may include ordering other appropriate relief, including but not limited to, ordering corrections to the physical facility.

These regulations may be enforced through appropriate criminal or civil process, including but not limited to that specified at M.G.L. c. 40, section 21D, in any court of competent jurisdiction.

All criminal acts or violations of M.G.L. will be enforced by the Needham Police Department. In addition, the Needham Police Department or Public Health Department may issue fines per this ordinance on top of penalties assessed by the appropriate criminal court.

SECTION 15.0 FINES FOR VIOLATIONS OF ORDERS AND SUSPENSIONS

Any person or entity violating any term or condition of these regulations, or any Needham Public Health Department suspension or order enforcing these regulations, shall be subject to a fine for each violation of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each day that such violation continues.

SECTION 16.0 EXEMPTIONS

Pursuant to these regulations a professional practitioner license shall not be required of the following individuals while engaged in the regular performance of the duties of their respective professions:

- (a) Physicians, chiropractors, osteopaths, occupational therapists or physical therapists who are licensed to practice their respective professions in the Commonwealth of Massachusetts.
- (b) Athletic trainers duly licensed under the laws of the Commonwealth of Massachusetts.
- (c) Nurses who are registered or licensed under the laws of the Commonwealth of Massachusetts.
- (d) Barbers and beauticians who are duly registered under the laws of the Commonwealth of Massachusetts, provided that this exemption shall apply solely to the massage of the neck, face, scalp, and hair of the customer or client for cosmetic or beautifying purposes.
- (e) Acupuncturists duly licensed under the laws of the Commonwealth of Massachusetts.
- (f) Persons licensed to practice massage in the Commonwealth of Massachusetts may, at the request of a physician, attend patients in the Town of Needham without taking out an additional license.

(g) Naturopathic Physicians who are duly licensed by a state or province.

SECTION 17.0 SEVERABILITY

If any chapter, section, paragraph, sentence, clause, phrase, or word of these regulations shall be declared invalid for any reason whatsoever, that decision shall not affect any other portion of these regulations, which shall remain in full force and effect; and to this end the provisions of these regulations are hereby declared severable.

SECTION 18.0 TRANSITIONAL RULES

Existing bodywork establishments, as well as, individuals who conduct bodywork shall submit applications for licensure to the Needham Public Health Department within ninety (90) days of passage of these regulations (regulation adopted September 11, 2015; application must be submitted by December 11, 2015).

SECTION 19.0 EFFECTIVE DATE

These regulations ~~are-were~~ formally adopted by the Needham Board of Health on September 11, 2015, and ~~shall take~~took effect on January 1, 2016.

Public meetings about this regulation occurred in December 2016, February 2017, and March 2017. A public hearing occurred in April 2017. This regulation was approved by a [unanimous] vote of the Needham Board of Health on XYZ, 2017, and shall take effect on May 1, 2017.

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.



NEEDHAM PUBLIC HEALTH



Memorandum

To: Needham Board of Health
From: Tara Gurge, Assistant Public Health Director
Monica De Winter, Project Coordinator
Date: February 10, 2017; Revised and Resubmitted: March 2, 2017
Re: Tobacco Regulation Updates and Discussion Points

Tobacco use remains a significant health concern and according to the Surgeon General it is considered the leading preventable cause of disease and death in the U.S.¹ and it causes at least 12 cancers.² Specifically, addiction to nicotine can lead to respiratory disease, cardiac disease, and negative birth outcomes.³ Nearly 9 out of 10 adult daily smokers smoked their first cigarette by the age of 18.⁴ and more than 90 percent do so before the end of their teen years.⁵ In addition, nicotine harms youth brain development. Namely, e-cigarette products containing nicotine are unsafe and can potentially cause permanent changes to the adolescent brain and lungs.⁶

We propose the following five (5) recommendations to the current tobacco regulations:

1. Ban new retailers within 500 feet of a school. A Tobacco Product Sales Permit should not be issued to a new applicant for a retail location within 500 feet of a 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. A school would be a public or private elementary or secondary school in Needham. Research shows that reducing access and availability of tobacco can reduce youth use rates.⁷

In a similar vein, potential new tobacco vendors should be prohibited from obtaining a permit if they are located within 500 feet of each other. This reduces density, spaces out retailers from being so close to one another, and eliminates the option for price wars.⁷

2. Regarding e-cigarette and vaping regulations, we recommend incorporating the Massachusetts AG Regulation 940 CMR 21.00 which states, "The sale or distribution of tobacco products, as defined herein, must comply with those provisions found at 940 CMR 21.00 ("Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts").

3. In order to tighten enforcement for penalties a flat \$300 is recommended when the tobacco vendor is in violation of selling to a minor. This is the highest dollar amount that can be charged under Non-Criminal Disposition. Compliance checks have been consistently done quarterly for the 12 tobacco vendors in town and, when illegally sold tobacco to minors, were brought before the Board of Health and had their permits suspended and were issued a fine.

4. Tighten enforcement by increasing the tolling period. That is, increase from 24 to 36 months the period of performance in which a violation of the regulation is considered current on a permit

holder's "record." We propose the following updated suspension schedule across a 36 month period of performance:

Violation	Permit Suspension	Fine
First Violation	1 Week Suspension	\$300 fine (Non-Criminal Disposition)
Second Violation	2 Week Suspension	\$300 fine (Non-Criminal Disposition)
Third Violation	1 Month Suspension	\$300 fine (Non-Criminal Disposition)
Fourth Violation	3 Month Suspension	\$300 fine (Non-Criminal Disposition)
Fifth Violation	6 Month Suspension	\$300 fine (Non-Criminal Disposition)
Sixth Violation	Indefinite Permit Suspension	\$300 fine (Non-Criminal Disposition)

5. Cartridge labeling (section 1.9.8 in current Needham regulations, below) requires that the nicotine content and the complete list of ingredients are to be added on the label of liquid e-cigarette cartridges. We propose requiring accurate nicotine content labeling with the following language:

1.9.8 No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed nicotine in a liquid or gel substance in Needham unless the liquid or gel product lists ~~the ingredients and~~ nicotine content, measured in milligrams per milliliter, of that liquid or gel product.

There is compelling evidence that warning labels on cigarettes and nicotine containing products will improve health and discourage smoking.^{8,9}

We would like to discuss the following three items with you at the next Board of Health meeting.

1. We had an existing owner come in and question our single cigar sale regulations so we propose updating the language regarding Section 1.9 "Cigarette Packaging and Cigar Sales."

1.9.1 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 person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes. ~~No person shall sell or distribute or cause to be sold or distributed a single cigar unless the single cigar has a retail price of two dollars and fifty cents (\$2.50) or more.~~

~~**1.9.3** No retailer, retail establishment, or other individual or entity 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 \$5.00 or more. 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~~

2. We have been advised that there is good public health reasoning to change the language in 1.9.8 to take out "...the ingredients and" so that we require accurate nicotine content labeling. It

may, however, cause a second “cease and desist” letter.

3. Regarding warning signs *near* e-cigarettes within the store, we propose the following, “E-cigarette solutions may or may not contain the following ingredients, some of which are found to be dangerous.” We cannot be too specific with the language, but if we stay sufficiently broad then this sign is permitted.

4. Regarding tobacco sales permits we currently maintain a waiting list with a cap of 12 permits. Our suggestion would be to give the Board discretion as whether to grant a returned permit or to refrain from granting a permit to the subsequent tobacco vendor. For example, if a tobacco vendor leaves the town, then the Board would retract the permit and, at its discretion, decide whether to issue that permit to a future applicant. Perhaps the decision would be to reduce the total number of permits allowed in the town altogether.

Sincerely,



Tara E. Gurge, R.S., C.E.H.T., M.S.
Assistant Public Health Director



Monica J. De Winter, MPH
Project Coordinator

¹ U.S. Department of Health and Human Services. The Health Consequences of Smoking—50 Years of Progress. A Report of the Surgeon General. Atlanta, GA: US Dept. of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014. <https://www.surgeongeneral.gov/library/reports/50-years-of-progress/>

² U.S. Department of Health and Human Services. Smoking and Cancer (Fact Sheet). Atlanta, GA: US Dept. of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm

³ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm

⁴ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

⁵ SAMHSA, Calculated based on data in 2011 National Survey on Drug Use and Health.

⁶ King BA, Tynan MA, Dube SR, et al. 2013. “Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students.” *Journal of Adolescent Health*, [http://www.jahonline.org/article/S1054-139X\(13\)00415-1/fulltext](http://www.jahonline.org/article/S1054-139X(13)00415-1/fulltext)

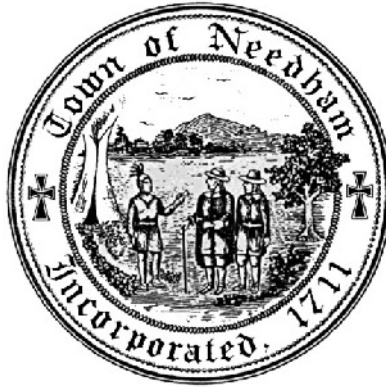
⁷ McCarthy WJ, Mistry R, Lu Y, Patel M, Zheng H, Dietsch B. Density of tobacco retailers near schools: effects on tobacco use among students. *American Journal of Public Health*. 2009;99(11):2006-2013.

⁸ Noel T. Brewer, Marissa G. Hall, Seth M. Noar, Humberto Parada, Al Stein-Seroussi, Laura E. Bach, Sean Hanley, Kurt M. Ribisl. Effect of Pictorial Cigarette Pack Warnings on Changes in Smoking Behavior: A Randomized Clinical Trial. *JAMA Intern Med*. Published online June 6, 2016.

⁹ Carpenter CM, Wayne GF, Pauly JL, et al. 2005. “New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies.” *Health Affairs*. 24(6): 1601–1610; Lewis M and Wackowski O. 2006. “Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands.” *American Journal of Public Health*. 96(2): 244

Crosswalk of Needham Tobacco Regulations to State Model Regulations

Description	Location in State Model Regs	Location in old Needham Regs
Definition of tobacco products includes nicotine delivery products	Section C	Section 1.3
Include cessation sign requirement	Section D.2.b	-- (Not Included)
Include minimum cigar package size/price	Section F	Sections 1.9.3 and 1.9.4
No permit renewal if outstanding fines exist	Section E.5	Section 1.7.11
No permit renewal if X number of sales to buyers under MLSA	Section E.10	Section 1.12
Cap and/or reduce number of permits	Section E.11.A	Section 1.7.12
No sales within 500 feet of a school	Section E.11.C	-- (Not Included)
No new permits within 500 feet of existing permit	Section E.11.D	-- (Not Included)
Restrict flavored tobacco products	Section G	Section 1.6.10
Minimum legal sales age for tobacco products	Section D	Section 1.6.1
Ban blunt wraps	Section H	Section 1.6.9
Ban free distribution of tobacco products & redemption of coupons	Section I	Section 1.8
Ban out of package sales	Section J	Section 1.9.1
Ban self-service displays	Section K	Section 1.10
Ban vending machines	Section L	Section 1.11.1
Ban Non-Residential RYO machines	Section M	Section 1.11.2
Ban tobacco product sales in health care institutions	Section N	Section 1.6.7
Ban tobacco product sales in educational institutions	Section O	Section 1.6.8
Fining structure mirrors state law OR Flat Fine	Section S <i>Flat Fine</i>	Section 1.12 <i>State Tiered Structure</i>
Tolling periods for violations	Section S	Section 1.12
Suspension Period	Section S	Section 1.12
Shall” vs. “May” language for suspensions	Section S <i>Shall—all</i>	Section 1.12 <i>Shall--mostly</i>
Prohibition on smoking in public places and workplaces	-- (Not Included) Now Section Q	Section 1.4
Smoking Bars	-- (Not Included) Now Section R	Section 1.5
Require Employees to Do Training	-- (Not Included) Now Section E.3	Section 1.7.3
Require Employees to Sign Acknowledgment of Regulation	-- (Not Included) Now Section E.4	Section 1.7.8
No Sales by Employees under 21	-- (Not Included) Now Section D.5	Section 1.6.6



Board of Health

Edward Cosgrove, PhD
Chair

Stephen Epstein, MD, MPP
Member

Jane Fogg, MD, MPH
Vice Chair

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 throat¹;

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 smokers⁵;

Whereas more than 80 percent of all adult smokers begin smoking before the age of 18, more than 90 percent do so before leaving their teens, and more than 3.5 million middle and high school students smoke;⁶

¹ Center for Disease Control and Prevention, (CDC) (2012), *Health Effects of Cigarette Smoking Fact Sheet*. Retrieved from: http://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

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

³ U.S. Department of Health and Human Services. 2014. *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 122. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.

⁴ *Id.* at Executive Summary p. 13. Retrieved from: <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/exec-summary.pdf>

⁵ *United States v. Phillip Morris, Inc., RJ Reynolds Tobacco Co., et al.*, 449 F.Supp.2d 1 (D.D.C. 2006) at Par. 3301 and Pp. 1605-07.

⁶ SAMHSA, Calculated based on data in 2011 National Survey on Drug Use and Health and U. S. Department of Health and Human services (HHA).

Whereas 18.1 percent of current smokers aged <18 years reported that they *usually* directly purchased their cigarettes from stores (i.e. convenience store, supermarket, or discount store) or gas stations, and among 11th grade males this rate was nearly 30 percent ;⁷

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 lives⁸.

Whereas the 2014 MetroWest Adolescent Health Survey (MHAWS) results show that 8% of Needham high school students used cigarettes on at least one day of the 30 days before the survey, compared with 5% of students in 2012. And whereas the 2014 MetroWest Adolescent Health Survey (MHAWS) results show that 19% of Needham high school students used cigarettes in their lifetime, compared with 17% of students in 2012.⁹

Whereas cigars and cigarillos, can be sold in a single “dose;” enjoy a relatively low tax as compared to cigarettes; are available in fruit, candy and alcohol flavors; and are popular among youth¹⁰;

Whereas research shows that increased cigar prices significantly decreased the probability of male adolescent cigar use and a 10% increase in cigar prices would reduce use by 3.4%¹¹;

Whereas 59% of high school smokers in Massachusetts have tried flavor cigarettes or flavored cigars and 25.6% of them are current flavored tobacco product users; 95.1 % of 12 – 17 year olds who smoked cigars reported smoking cigar brands that were flavored;¹²

Whereas the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking;¹³

Whereas the federal Family Smoking Prevention and Tobacco Control Act (FSPTCA), enacted in 2009, prohibited candy- and fruit-flavored cigarettes,¹⁴ largely because these flavored products were marketed to youth and young adults,¹⁵ and younger smokers were more likely to have tried these products than older smokers¹⁶, neither federal nor Massachusetts laws restrict sales of flavored non-cigarette tobacco products, such

⁷ CDC (2013) Youth Risk Behavior, Surveillance Summaries (MMWR 2014: 63 (No SS-04)). Retrieved from: www.cdc.gov.

⁸ 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.

⁹ MetroWest Adolescent Health Survey: Needham High School Reports 2012 and 2014.

¹⁰ CDC (2009), *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5). Retrieved from: <http://www.cdc.gov/mmwr/pdf/ss/ss5905.pdf>.

¹¹ Ringel, J., Wasserman, J., & Andreyeva, T. (2005) *Effects of Public Policy on Adolescents' Cigar Use: Evidence from the National Youth Tobacco Survey*. *American Journal of Public Health*, 95(6), 995-998, doi: 10.2105/AJPH.2003.030411 and cited in *Cigar, Cigarillo and Little Cigar Use among Canadian Youth: Are We Underestimating the Magnitude of this Problem?*, J. Prim. P. 2011, Aug: 32(3-4):161-70. Retrieved from: www.ncbi.nlm.nih.gov/pubmed/21809109.

¹² Massachusetts Department of Public Health, 2015 Massachusetts Youth Health Survey (MYHS); Delneve CD et al., *Tob Control*, March 2014: Preference for flavored cigar brands among youth, young adults and adults in the USA.

¹³ U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 508-530, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁴ 21 U.S.C. § 387g.

¹⁵ Carpenter CM, Wayne GF, Pauly JL, et al. 2005. “New Cigarette Brands with Flavors that Appeal to Youth: Tobacco Marketing Strategies.” *Health Affairs*. 24(6): 1601–1610; Lewis M and Wackowski O. 2006. “Dealing with an Innovative Industry: A Look at Flavored Cigarettes Promoted by Mainstream Brands.” *American Journal of Public Health*. 96(2): 244–251; Connolly GN. 2004. “Sweet and Spicy Flavours: New Brands for Minorities and Youth.” *Tobacco Control*. 13(3): 211–212; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 537, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁶ U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

as cigars, cigarillos, smokeless tobacco, hookah tobacco, and electronic devices and the nicotine solutions used in these devices;

Whereas the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are considered to be “starter” products that help establish smoking habits that can lead to long-term addiction;¹⁷

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;¹⁸

Whereas the U.S. Centers for Disease Control and Prevention has reported that the current use of electronic cigarettes, a product sold in dozens of flavors that appeal to youth, among middle and high school students tripled from 2013 to 2014;¹⁹

Whereas 5.8% of Massachusetts youth currently use e-cigarettes and 15.9% have tried them²⁰ and in Needham 17% of Needham high school students currently use e-cigarettes and 29% of those students have tried e-cigarettes once in their lifetime, according to the 2014 MetroWest Adolescent Health Survey (MHAWS).²¹

Whereas the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an “acutely hazardous waste”;²²

Whereas in a lab analysis conducted by the FDA, electronic cigarette cartridges that were labeled as containing no nicotine actually had low levels of nicotine present in all cartridges tested, except for one²³;

Whereas according to the CDC’s youth risk behavior surveillance system, the percentage of high school students in Massachusetts who reported the use of cigars within the past 30 days is 10.8% in 2013;²⁴

Whereas data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle and high school smokers report using flavored little cigars or flavored cigarettes;²⁵

Whereas the sale of tobacco products is incompatible with the mission of health care institutions because these products are detrimental to the public health and their presence in health care institutions undermine efforts to educate patients on the safe and effective use of medication, including cessation medication;

Whereas educational institutions sell tobacco products to a younger population, who is particularly at risk for becoming smokers and such sale of tobacco products is incompatible with the mission of educational institutions that educate a younger population about social, environmental and health risks and harms;

¹⁷ Food and Drug Administration. 2011. *Fact Sheet: Flavored Tobacco Products*, www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 539, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁸ See fn. 3 at p. 85.

¹⁹ Centers for Disease Control & Prevention. 2015. “Tobacco Use Among Middle and High School Students — United States, 2011–2014,” *Morbidity and Mortality Weekly Report (MMWR)* 64(14): 381–385;

²⁰ Massachusetts Department of Public Health, 2015 Massachusetts Youth Health Survey (MYHS)

²¹ MetroWest Adolescent Health Survey: Needham High School Reports 2012 and 2014.

²² 310 CMR 30.136

²³ Food and Drug Administration, *Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA*, available at: <http://www.fda.gov/newsevents/publichealthfocus/ucm173146.htm>.

²⁴ See fn. 7.

²⁵ King BA, Tynan MA, Dube SR, et al. 2013. “Flavored-Little-Cigar and Flavored-Cigarette Use Among U.S. Middle and High School Students.” *Journal of Adolescent Health*. [Article in press], www.jahonline.org/article/S1054-139X%2813%2900415-1/abstract.

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”²⁶.

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:

Adult-only retail tobacco store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Needham Board of Health.

Blunt Wrap: Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers regardless of any content.

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, menthol, mint or wintergreen, 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, 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.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

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. Such term shall include a smoke constituent.

²⁶ Druzik et al v. Board of Health of Haverhill, 324 Mass.129 (1949).

Coupon: Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as 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.

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 any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 CMR 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices, optician/optometrist offices and dentist offices.

Liquid Nicotine Container: A bottle or other vessel which contains nicotine in liquid or gel form, whether or not combined with another substance or substances, for use in a tobacco product, as defined herein. The term does not include a container containing nicotine in a cartridge that is sold, marketed, or intended for use in a tobacco product, as defined herein, if the cartridge is prefilled and sealed by the manufacturer and not intended to be open by the consumer or retailer.

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.

Minimum Legal Sales Age (MLSA): The age an individual must be before that individual can be sold a tobacco product in the municipality.

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.

Permit Holder: Any person 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 his or her business agent.

Person: Any individual, 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.

Self-Service Display: Any display 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.

Smoke Constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Smoking Bar: An establishment that primarily is engaged in the retail sale of tobacco products for consumption by customers on the premises and is required by Mass. General Law Ch. 270, §22 to maintain a valid permit to operate a smoking bar issued by the Massachusetts Department of Revenue. "Smoking bar" shall include, but not be limited to, those establishments that are commonly known as "cigar bars" and "hookah bars".

Tobacco Product: Any product containing, 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; or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, liquid nicotine, "e-liquids" or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" also includes all nicotine delivery products. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely 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.

D. Tobacco Sales to Persons Under the Minimum Legal Sales Age Prohibited:

1. No person shall sell tobacco products or permit tobacco products, as defined herein, to be sold to a person under the minimum legal sales age; or not being the individual's parent or legal guardian, give tobacco products, as defined herein, to a person under the minimum legal sales age. The minimum legal sales age in Needham is 21 years.

2. Required Signage:

- a. In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of Massachusetts General Laws, Chapter 270, Section 6, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Needham Board of Health. The notice shall be at least 48 square inches and shall be posted conspicuously by the permit holder 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 4 feet or greater than 9 feet from the floor. The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health. The owner or other person in charge of a shop or other place used to sell hand rolled cigars must display a warning about cigar consumption in a sign at least 50 square inches pursuant to 940 CMR 22.06 (2) (e).
- b. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post signage provided by the Needham Board of Health that discloses current referral information about smoking cessation.
- c. The owner or other person in charge of a shop or other place used to sell tobacco products that rely on vaporization or aerosolization, as defined herein as "tobacco products", at retail shall conspicuously post a sign stating that "The sale of tobacco products, including e-cigarettes, to someone under the minimum legal sales age of 21 years is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and 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 (4) feet or greater than nine (9) feet from the floor.

3. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is 21 years old or older. Verification is required for any person under the age of 27.

4. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

5. No person or entity selling tobacco products shall allow anyone under twenty one (21) years of age to sell tobacco products.

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, 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 any and 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. 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 act of 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 minors and to individuals under the age of 21.
4. 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.
5. 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.
6. 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.
7. A Tobacco Product Sales Permit is non-transferable. A new owner of an establishment that wishes to sell tobacco products, as defined herein, must apply for a new permit Tobacco Product Sales Permit and **one may only be issued at the Needham Board of Health's discretion. At the very least,** no new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
8. 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.
9. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.
10. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person under the MLSA (§D.1) six times within the 36 month period of performance (which begins on the effective date of this regulation's amendment, July 1, 2017) and the time period to appeal has expired. The violator may request a hearing in accordance with subsection 4 of the Violations section.
11. Maximum Number of Tobacco Product Sales Permits.
 - a. At any given time, there shall be no more than twelve (12) Tobacco Product Sales Permits issued in Needham (reduced by the number of permits not renewed pursuant to subsection (b) below). No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew his or her permit within thirty (30) days of expiration will be treated as a first-time permit applicant. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and **may** be eligible to apply for a permit on a

“first-come, first-served” basis as issued permits are either not renewed, revoked, or are returned to the Board of Health.

- b. As of **July 1, 2017**, any permit not renewed because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, or because the ownership of the establishment with the Tobacco Product Sales Permit changes ownership, shall be returned to the Needham Board of Health and **may**, at the Board’s discretion, be permanently retired by the Board of Health and the total allowable number of Tobacco Product Sales Permits under paragraph 11(a) shall be reduced by the number of the retired permits.
- c. A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 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.
- d. **A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of an existing Tobacco Product Sales Permit holder as measured by a straight line from the nearest point of the proposed permit holder’s property line to the nearest point of the property line of the site of the applicant’s business premises.**
- e. Applicants who purchase an existing business that holds a valid Tobacco Product Sales Permit at the time of the sale of said business must apply within sixty (60) days of such sale for the permit held by the Seller if the Buyer intends to sell tobacco products, as defined herein, and permit issuance shall be subject to the conditions of this Section.

F. Cigar Sales Regulated:

- 1. No person shall sell or distribute or cause to be sold or distributed a single cigar.
- 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 \$5.00 or more.
- 3. This Section shall not apply to:
 - a. The sale or distribution of any single cigar having a retail price of two dollars and fifty cents (\$2.50) or more.
 - b. 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 shall 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.

G. Sale of Flavored Tobacco Products Prohibited:

No person shall sell or distribute or cause to be sold or distributed any flavored tobacco product, except in smoking bars and adult-only retail tobacco stores.

H. Prohibition of the Sale of Blunt Wraps:

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

I. Free Distribution and Coupon Redemption: No 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; or
3. Sell a tobacco product, as defined herein, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other tobacco product.
4. Sections 2 and 3 shall not apply to products, such as cigarettes, for which there is a state law prohibiting them from being sold as loss leaders and for which a minimum retail price is required by state law.

J. 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 person may sell or cause to be sold or distribute or cause to be distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. A retailer of Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, and must provide the Needham Board of Health with a written plan for disposal of said product, including disposal plans for any breakage, spillage or expiration of the product.
3. All retailers 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."

K. 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.

L. Vending Machines:

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

M. Non-Residential Roll-Your-Own Machines:

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

N. 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.

O. 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. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

P. Incorporation of Attorney General Regulation 940 CMR 21.00:

The sale or distribution of tobacco products, as defined herein, must comply with those provisions found at 940 CMR 21.00 ("Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts").

Q. PROHIBITION ON SMOKING IN PUBLIC PLACES AND WORKPLACES:

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 as defined herein: restaurants and 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 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, any establishment that is required to possess a valid Tobacco Sales Permit from the Needham Board of Health (including, but not limited to, smoke shops, tobacconists, retail tobacco stores) and workplaces except as otherwise provided in § Q.2 of this regulation. It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace as well as those workplaces listed. Additionally, no person shall smoke in any place in which a sign conforming to the requirements of Section Q.1 of this regulation is posted. No person shall remove a sign posted under the authority § Q.1 of this regulation.

1. Every person having control of premises upon which smoking is prohibited by and under the authority of this regulation shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Needham Board of Health or the international "No

Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Needham Board of Health.

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, child care, adult care, or health care office during the hours when operating as such.
- b. Hotel, motel, inn and bed and breakfast rooms rented to guests at smoke free (100%) at all times. A room so designated shall have signs posted indicating that no smoking is allowed.
- c. Private clubs if all employees are members. When a private club is open to the general public, that portion of said establishment open to the general public must be smokefree, separately enclosed and shall have self-closing doors. Premises occupied by a membership association, if the premises is owned, or under a written lease for a term of not less than 90 consecutive days, by an association during the time of the permitted activity if the premises are not located in a public building. Smoking may be permitted in a distinct part of the premises of a membership association, provided that this part (a) is physically separated from any area open to the public or occupied by a non-member who is not a guest. The separation shall be sufficient to prevent any migration of smoke into the public areas. Any doors separating the areas shall be self-closing; (b) is occupied solely by those persons specified in 105 CMR 661.100(b). The membership association shall adopt and effectively implement a policy that ensures only such persons are permitted to enter the part of the premises where smoking is permitted; and (c) there are no signs inviting or encouraging the public or non-members who are not guests to enter. No smoking shall be permitted in an enclosed indoor space of a membership association during the time the space is:

- 1) open to the public. A membership association shall be regarded as open to the public when it has signs or advertising inviting or encouraging non-members to the premises or takes other action that may reasonably be regarded as inviting or allowing non-members to enter the premises.; or
- 2) occupied by a non-member who is not an invited guest of a member or an employee of the association. A non-member shall be regarded as a guest if entering the premises (a) accompanied by a member, provided the member remains on the premises while the guest is present, and (b) signing a guest register that clearly specifies the name and address of the guest and the inviting member;
- 3) rented from the association for a fee or other agreement that compensates the association for the use of such space; OR
- 4) occupied by a contract employee, temporary employee or independent contractor.
- 5) Smoking may be permitted in an enclosed indoor space of a membership association at all times, if the space is restricted by the association to admittance only of its members, the invited guest of a member, and the employees of the membership association. A person shall not be regarded as a member if entering the premises under terms of a membership that differ in duration, cost or privileges from the terms of a full membership in the association. A person who is a contract employee, temporary employee, or independent contractor shall be considered an employee of a membership association under this subsection. A person who is a member of an affiliated chapter or

branch of a membership association that is fraternal in nature operating under the lodge system, and is visiting the affiliated association, shall be an invited guest for the purpose of this association.

Nothing shall prohibit an establishment from being completely smokefree.

R. Smoking Bars:

Smoking bars are prohibited in the Town of Needham.

S. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation. The violator shall receive:

- a. In the case of a first violation **on or after July 1, 2017**, 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 fifth violation within a 36 month period, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for one hundred eighty (180) consecutive business days.
- f. In the case of a sixth 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.

2. Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

3. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while his or her permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days.

4. 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 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 suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For

purposes of such suspensions or revocations, the Board 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. 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.

T. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, § 21D or by filing a criminal complaint at the appropriate venue.

U. **Separate Violations:** Each day any violation exists shall be deemed to be a separate offense.

V. Enforcement:

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

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.

W. 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.

X. Effective Date:

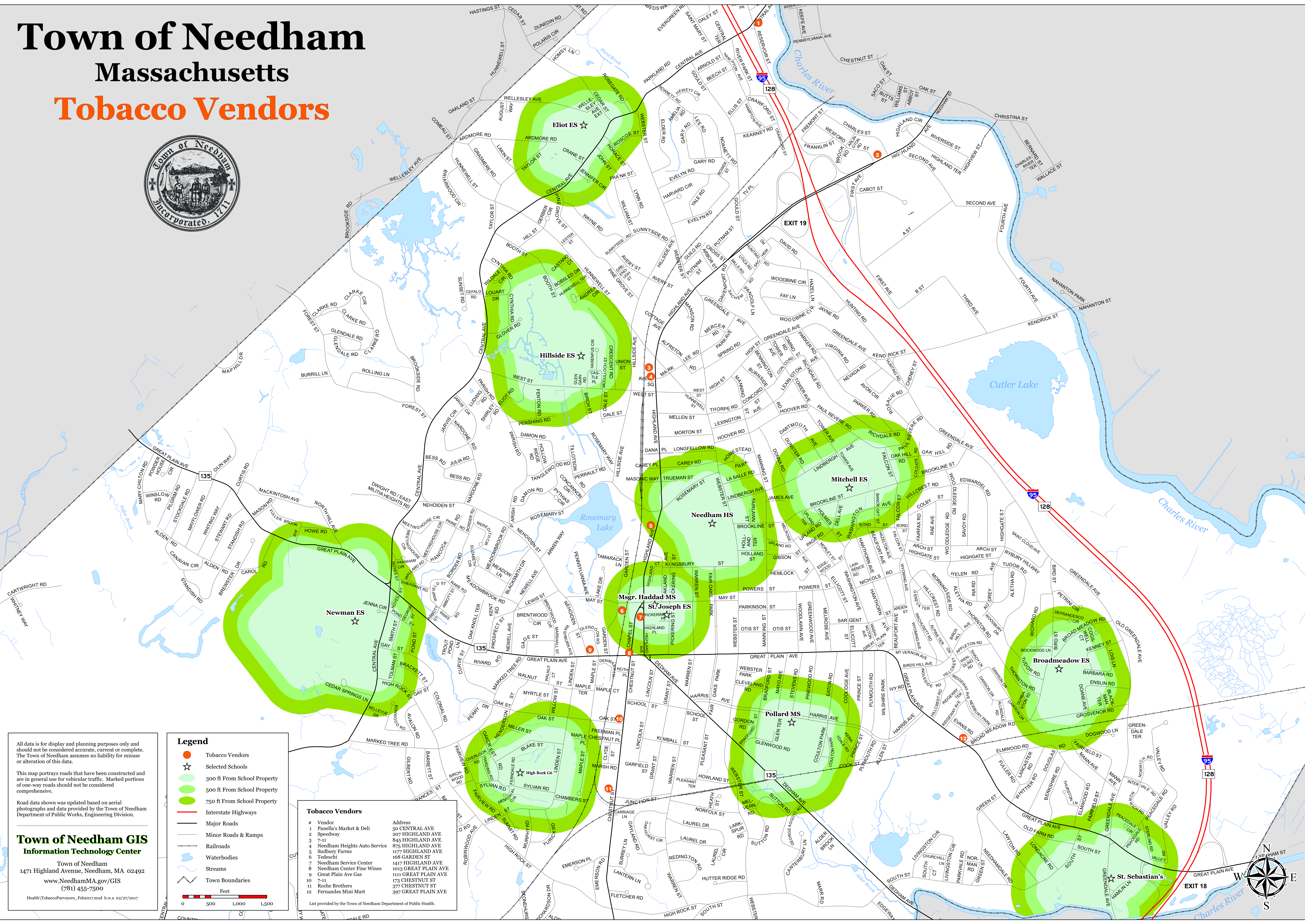
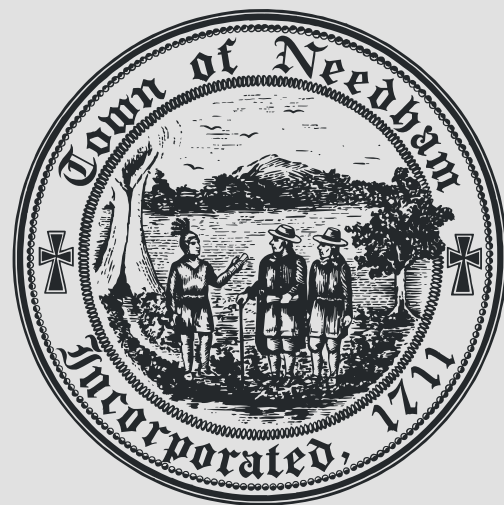
Public meetings about this regulation occurred in December 2016, January 2017, February 2017, and March 2017. A public hearing occurred in April 2017. This regulation was approved by a [unanimous] vote of the Needham Board of Health on XYZ, 2017, and shall take effect on July 1, 2017. A notice and summary 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.

Town of Needham

Massachusetts

Tobacco Vendors



All data is for display and planning purposes only and should not be considered accurate, current or complete. The Town of Needham assumes no liability for misuse or alteration of this data.

This map portrays roads that have been constructed and are in general use for vehicular traffic. Marked portions of one-way roads should not be considered comprehensive.

Road data shown was updated based on aerial photographs and data provided by the Town of Needham Department of Public Works, Engineering Division.

Town of Needham GIS
Information Technology Center
Town of Needham
1471 Highland Avenue, Needham, MA 02492
www.NeedhamMA.gov/GIS
(781) 455-7500
Health/TobaccoPurveyors_Feb2017.mxd b.w.a. 02/27/2017

Legend

Tobacco Vendors

Selected Schools

300 ft From School Property

500 ft From School Property

750 ft From School Property

Interstate Highways

Major Roads

Minor Roads & Ramps

Railroads

Waterbodies

Streams

Town Boundaries

Feet
0 500 1,000 1,500

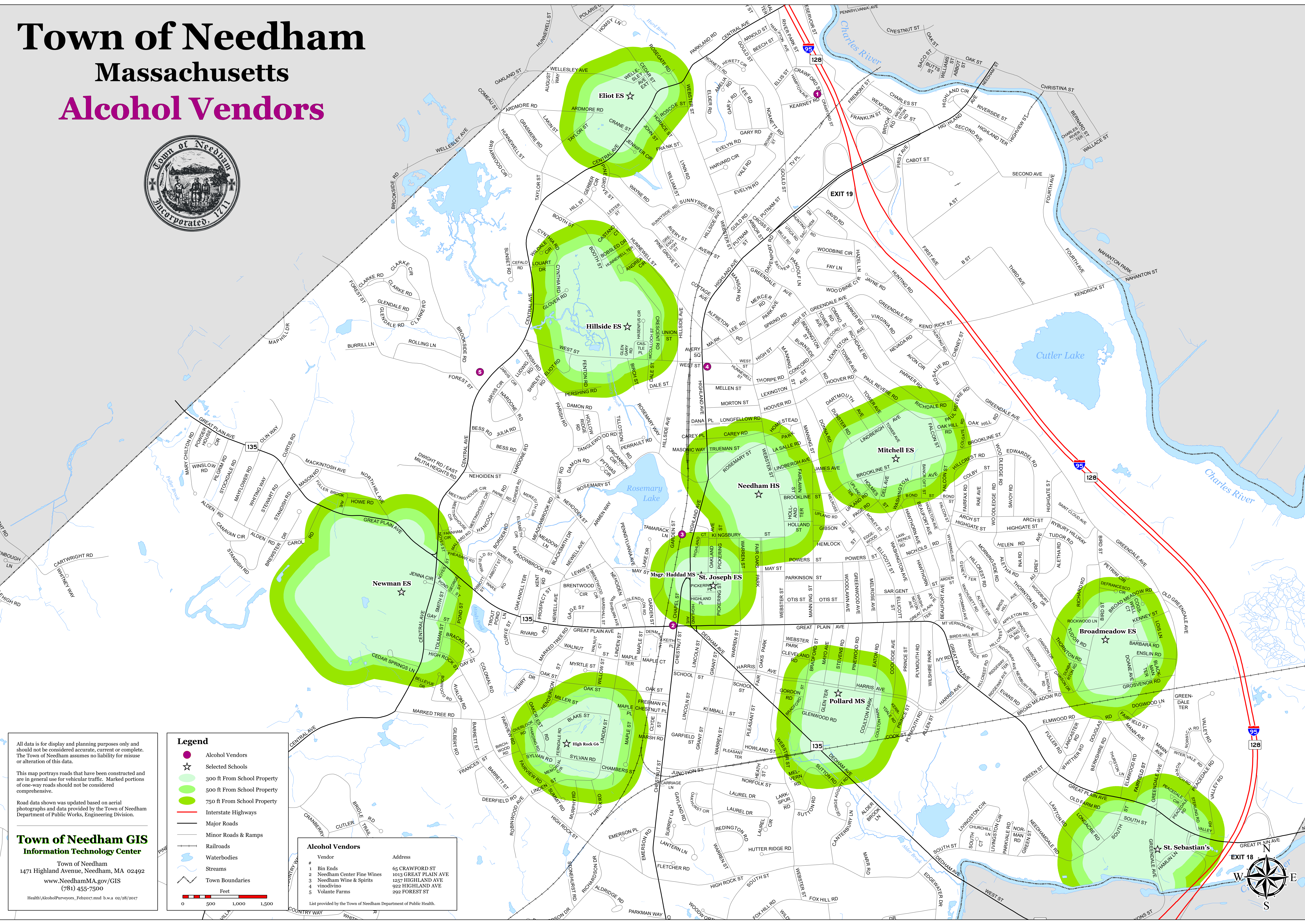
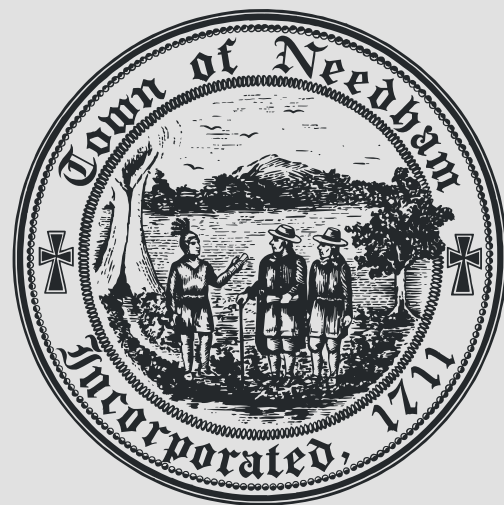
Tobacco Vendors		
#	Vendor	Address
1	Panella's Market & Deli	50 CENTRAL AVE
2	Speedway	207 HIGHLAND AVE
3	7-11	845 HIGHLAND AVE
4	Needham Heights Auto Service	875 HIGHLAND AVE
5	Sudbury Farms	1177 HIGHLAND AVE
6	Tedeschi	168 GARDEN ST
7	Needham Service Center	1417 HIGHLAND AVE
8	Needham Center Fine Wines	1013 GREAT PLAIN AVE
9	Great Plain Ave Gas	1111 GREAT PLAIN AVE
10	7-11	173 CHESTNUT ST
11	Roche Brothers	377 CHESTNUT ST
12	Fernandes Mini Mart	397 GREAT PLAIN AVE

List provided by the Town of Needham Department of Public Health.

Town of Needham

Massachusetts

Alcohol Vendors



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Town of Needham GIS
Information Technology Center

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Health\AlcoholPurveyors_Feb2017.mxd b.w.a 02/28/2017

Legend

- Alcohol Vendors
 - Selected Schools
 - 300 ft From School Property
 - 500 ft From School Property
 - 750 ft From School Property
 - Interstate Highways
 - Major Roads
 - Minor Roads & Ramps
 - Railroads
 - Waterbodies
 - Streams
 - Town Boundaries
- Feet
- 0 500 1,000 1,500

Alcohol Vendors

#	Vendor	Address
1	Bin Ends	65 CRAWFORD ST
2	Needham Center Fine Wines	1013 GREAT PLAIN AVE
3	Needham Wine & Spirits	1257 HIGHLAND AVE
4	vinodivino	922 HIGHLAND AVE
5	Volante Farms	292 FOREST ST

List provided by the Town of Needham Department of Public Health.

Town of Needham

Massachusetts

Retail Locations of Controlled Substances

