



Needham Board of Health



REVISED AGENDA

Thursday December 10, 2020

9:00 a.m. to 11:00 a.m.

Zoom Meeting ID: 864-2001-7915

Under Governor Charlie Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20", issued March 12, 2020 and in effect until termination of the emergency, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public. The Needham Board of Health will hold this meeting virtually on December 10, 2020 at 9:00 a.m. No public participation is anticipated for this meeting.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the "Zoom Cloud Meeting" app in any app store or at [www.zoom.us](https://us02web.zoom.us/j/86420017915?pwd=SnITQUo4V3B3RFd0dkNOTDUxb0x5Zz09). At the above date and time, click on "Join a Meeting" and enter the meeting ID 899-3850-9004 or click the link below to register: <https://us02web.zoom.us/j/86420017915?pwd=SnITQUo4V3B3RFd0dkNOTDUxb0x5Zz09>

- **9:00 to 9:05 – Welcome & Review of Minutes (November 12th)**
- **9:05 to 9:20 – Discussion of Tobacco Regulation, Vendors, Waiting List, and Unassigned Permits with D.J. Wilson, MA Municipal Association**

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Board of Health Public Hearing

- **9:20 to 9:40 – Revise Article 1: Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham**

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- **9:40 to 10:00 – Staff Reports (November)**
- **10:00 to 10:15 – Discussion & Vote on CY 2021 and 2022 Board of Health Goals**
- **10:15 to 11:00 – COVID-19 Update and Discussion**
 - Status Update – Needham, Massachusetts (Timothy)
 - Contact Tracing (Tiffany)
 - Coordination with Needham Public Schools (Tiffany, **Barbara Singer NPS**, Timothy)
 - Coordination with CTC, Other partners (Tiffany)
 - COVID Enforcement (Tara, **Diana**)
- **Other Items – Set First Quarter BOH meeting schedule**
- **Adjournment**

(Please note that all times are approximate)



NEEDHAM PUBLIC HEALTH DIVISION



Board of Health Meeting Minutes

Date: November 12, 2020

Location: Remote via Zoom per Governor Charles Baker's COVID-19 Executive Order 3/12/2020

Members: Kathleen Ward Brown, ScD, Chair
Edward Cosgrove, PhD, Member
Stephen Epstein, MD, MPP, Member
Christina S. Mathews, MPH, Member
Robert A. Partridge, MD, MPH, Vice Chair

Staff: Timothy M. McDonald, Director of Needham Department of Health and Human Services; Tara Gurge, Assistant Director of the Public Health Division; Carol Read; Diana Acosta; Tiffany Zike, Assistant Director of the Public Health Division; Taleb Abdelrahim; Zendilli Depina; Karen Shannon; Hanna Burnett, Michael Lethin, Monica DeWinter, Mary Fountaine, Maryanne Dinell, Lynn Schoeff

Dr. Brown called the meeting to order at 9:01 a.m.

The meeting is being conducted remotely using Zoom consistent with Governor Baker's March 12 order regarding to COVID-19. The materials for this meeting were circulated previously and are available on the Town website. All votes will be voice votes by roll call.

Dr. Brown asked for a review of the minutes from the October meeting.

Dr. Cosgrove moved to accept the minutes as amended. Dr. Epstein seconded. The vote to accept the minutes was 5-0.

Staff reports:

Environmental Health – Tara Gurge and Diana Acosta

Ms. Gurge reported that mask complaints are continuing to come in, and staff have developed a consistent message. Other Town departments will refer complaints to the Health Division, and Environmental Health will look for trends to help shape public messaging.

Several establishments have gone out of business, including 7-11 (Chestnut St.), Stacy's Juice Bar, and Three Squares. Ms. Gurge also provided an update on the Farmers Market, which will continue selling fresh whole fruits and vegetables until November 22. The COVID protocols have worked well there.

Needham Pool and Racquet Club is upgrading their wading pool and is working closely with the Building Department and Environmental Health.

Ms. Acosta reported on annual permit renewals. The learning curve for online renewals has been challenging and they are still working out the kinks. She is optimistic that it will be easier going forward.

Ms. Acosta and Ms. Gurge are working on a business plan with Fooda, a company that tried to come into Needham in 2017 with a pop-up business model. They are applying again, this time with a modified pop-up style (rotating local restaurants) in a permanent space at the cafeteria at 140 Kendrick Street.

Traveling Meals – Maryanne Dinell

The number of people receiving meals is higher in October, but Ms. Dinell expects it to dip again as is typical in November. There was one emergency call in October, handled very well by the volunteer with a positive outcome for the client.

Substance Use Prevention – Karen Shannon

The vaping grant program funded by the MetroWest Health Foundation is underway. Angela MacDonnell has been hired part-time as the program coordinator. In October, training provided by UMass Medical School focused on youth vaping cessation. It was attended by twelve school nurses and by Youth & Family Services staff. Also, the MetroWest Health Foundation approved the program's health equity plan.

There were two virtual events for SPAN (Substance Prevention Alliance of Needham). The first was *Insights on a Teen's Life 2020*, a recorded panel which addressed the stressors that affect mental health and substance use among teens and was shared with all Needham High School parents. The second, *Creating Connections that Count*, focused on adolescent development and helping teens make healthy relationships.

The first in-person event, the Medication Take-Back Day, occurred in October as a drive-through. The Town collected approximately 130 pounds of medication that day, for a total of 638 pounds for the year. The event was conducted with the help of six high school students and three police officers.

Public Health Nursing – Tiffany Zike

Ms. Zike introduced Mary Fountaine, the newest member of the nursing team, who will be heading the COVID contact tracing response and orienting the per diem nurses to help with COVID activities.

In communicable diseases, there were:

- One case of amoebiasis, which was lost to follow-up;
- One invasive bacterial infection in an elderly person. The protocol requires follow-up only for children, so there was not follow-up in this case;
- Lyme disease numbers are comparable to 2019;
- EEE (Eastern Equine Encephalitis) is no longer a threat since there has been a frost;

- There were 44 new COVID cases in October, bringing to total to 109 for this fiscal year which began on July 1.

At the October 3, 2020 flu clinic, over 500 shots were administered. This brought the flu vaccine number up to almost 1200 so far this year, with a couple of clinics still planned.

Regional Substance Abuse and Prevention Program – Carol Read

A new procurement cluster agreement was formed to apply for the “Mass Call 3” youth substance use prevention grant. Needham is the lead agency in partnership with Dedham, Walpole, and Westwood. The Mass Call 3 grant will be funded with federal money. The current five-year Substance Use Prevention Collaborative grant period is ending in June 2021. The Norfolk County 8 (NC8) communities will continue to share alcohol access strategies.

Ms. Depina described the successful PhotoVoice outdoor galleries in Needham and Dedham.

Emergency Management – Michael Lethin and Taleb Abdelrahim

Mr. Lethin reported that the Emergency Operations Center (EOC) was set up last month to support the COVID response. Through the EOC, Needham was able to submit three resource requests to MEMA. Also, in the last month FEMA has given provisional approval for the Town’s Hazard Mitigation Plan. MEMA has also given Needham a notice to proceed with its Emergency Management Performance grant. This will be used to hire a contractor to lead ongoing improvement planning for the COVID response and will free up Town staff so they can continue to focus on the response. And, the Massachusetts Emergency Response Commission has fully certified Needham’s Local Emergency Planning Committee (LEPC) for the next five years.

Mr. Abdelrahim reported that the emergency response trailer developed a leak during the snowstorm but there was no permanent damage. He is working on re-supplying for possible COVID vaccination clinics, basing the restocking on recent experience with flu clinics. The Division is also changing over to a new data base that will better coordinate with the MA Department of Public Health through a system called MA Responds.

COVID-19 update

Ms. Zike showed a slide presentation to report on COVID daily confirmed case count.

- The highest peak was in May followed by a lull;
- Numbers began increasing in mid-October and are expected to continue increasing in November.
- There was an increase in cases in children in October coinciding with outbreaks in sports leagues which led to many quarantines;
- As of the 24th of October, 34 cases were part of clusters; 6 in sports, 9 in congregate care, and 19 in businesses.
- Olin College is doing a great job. There have been no cases among the student population.

Ms. Zike provided an update about the Community Tracing Collaborative (CTC) work with Needham. The Division will not necessarily be able to follow all Needham cases. If the CTC is following a

Needham contact, they can continue to follow that contact. MDPH is doing MAVEN data dumps twice a day.

Ms. Zike said that most transmissions are occurring within households and some in congregate care. So far, Ms. Zike has not seen transmission in-school thanks to effective social distancing.

During the period from October 25th to November 7th, there were 43 new cases, bringing Needham's average daily case rate to 10.47 per 100,000 population. Needham will move to the yellow category.

Dr. Epstein shared data showing Needham and surrounding communities trending up and said that recent changes in the way positive cases are reported may make local statistics look better than they have before. There followed a discussion about the need for (and challenges of) creating effective public information to prevent wide-spread transmission. Mr. McDonald and Board members discussed the benefits (more accurate data) and pitfalls (lack of resources, false sense of security) of surveillance testing.

The discussion then turned to communication planning, the upcoming holidays, and anticipated indoor gatherings. The conversation included determining more effective mechanisms and conduits of communication, and which messengers might have greater impact with subsets of the community. Mr. McDonald talked about his recent efforts to promote social distancing through local media. On Thursday, November 19, the Board of Health, Finance Committee, School Committee, and Select Board will meet to discuss the COVID-19 situation and to reinforce messages regarding stopping the spread. Mr. McDonald will ask Cynthia Roy Gonzalez, the Town's Public Information Officer, to assist with public messaging. Dr. Epstein will post the trend graphs on the Needham Facebook page.

Other items

Social distancing success

Mr. McDonald reported about collaborative preparation, which led to the success of recent Town Meeting and elections. The Town Clerk, Town Manager's Office, and others departments worked with the Public Health Division to ensure smooth running of safe events.

Face covering emergency order

Mr. McDonald reviewed the changes Governor Baker made to the method of determining community risk levels. The Governor also changed allowable capacity for businesses (although this does not affect Needham) and mandated face coverings when people are outdoors and in the public domain. The new mask mandate is helpful in removing ambiguity about when to wear masks outdoors, but it has led to increased complaints about lack of enforcement. There was a discussion about strategies to encourage compliance with the mask mandate.

The Board then discussed possible rescission or modifications to the Needham face covering emergency order, to reflect the change on the state level. Mr. McDonald submitted a version with potential edits that included extending the date to March 2021. Mr. McDonald will seek opinions on the revised order from Town Counsel or Cheryl Sbarra from the Massachusetts Association of Health Boards.

Dr. Cosgrove motioned to keep the Board of Health order until March 31, and to include a note that the order will remain in effect unless superseded by a statewide order. Dr. Partridge seconded the motion. The vote in favor was unanimous.

Public Health Division restructure

In response to the growth within the Division over the last few years, as well as the additional demands presented by the pandemic, Mr. McDonald has restructured the Public Health staff. Ms. Gurge, as Assistant Director, has been responsible for Environmental Health and Traveling Meals and will now take on administration and some other community health efforts as well. Ms. Zike has been promoted to Assistant Director and will be responsible for Public Health Nursing and all behavioral health, including Substance Use Prevention.

Mr. McDonald also spoke about how busy the Department of Health and Human Services has been in response to the pandemic: Youth & Family Services, in addition to providing all clinical work remotely, has seen increased requests for counseling services; Aging Services has created virtual programming, is now delivering lunch and groceries, and is providing tablets to seniors who have not had a way to connect remotely; Public Health, in addition to the day-to-day management of the pandemic response, is supporting the efforts of the other divisions and Town departments, is responding to complaints and questions from residents and businesses.

Budget submission

Mr. McDonald reported that, given the current financial challenges for the Town, he is essentially asking for level funding. He has, however, included three DSR5 special financial warrant articles. These are for the cost of a mass COVID-19 vaccination campaign; to retain scientific experts to help with utility permit assessments; and to support progress toward Public Health Accreditation and the application fee. This coming Tuesday, Mr. McDonald, Ms. Gurge, and Ms. Zike, along with the directors of the other divisions, will defend the budget request to the Town Manager and two Finance Committee liaisons (Tom Jacob and Barry Kaufman). The Finance Committee hearing will be held in mid-January.

Board of Health goals

Mr. McDonald reviewed the proposed Board of Health goals for calendar 2021 and 2022 and identified cross cutting themes that will be guiding factors for all goals: equity; mental health and behavioral health; health in all policies; and pandemic impact. Dr. Epstein would like to add healthy living and health promotion in the community health section. Board members will send comments to Mr. McDonald, he will revise the goal document, and the Board will aim to vote on it in December.

Oak Street subdivision

Ms. Gurge reported that she found no problems on a site visit with the owners and abutters.

Dr. Cosgrove made a motion to release the \$7,000 off-street drainage bond. Dr. Partridge seconded. The motion passed unanimously.

Tobacco vendor permits and fines

Ms. Gurge reported that the 7-Eleven on Chestnut Street went out of business and it is not yet known what kind of establishment will go into that location and whether they will want a tobacco permit. Additionally, Sudbury Farms and Roche Brothers will no longer sell tobacco as of November 19, 2020. There is also an unassigned permit from the Dunkin Donuts Mini Mart. This means that, of the ten current tobacco permits, four are now unassigned. The Board then discussed whether to retire all those permits, or retire just the Sudbury Farms and Roche Bros, leaving the others available for another convenience store. Mr. McDonald described a process for moving forward beginning with the Board discussion today, editing the tobacco regulation, posting a legal notice inviting the public to a hearing next month, and a vote by the Board.

Ms. Acosta then reported on the fine schedule. The state fines are stricter and higher than those in Needham. Considering the Massachusetts rules, Dr. Partridge suggested striking item D on page 13. In response to a question from Dr. Epstein, Mr. McDonald will check with Town Counsel about whether an establishment can be fined by both the state and the town.

The Board will look at the revised tobacco regulation for next month and will consider retiring four tobacco permits.

Other

Ms. Matthews asked for an update on the discussion about the Board of Health providing input to the Select Board about the 40B housing issue. Mr. McDonald indicated he will work to provide a draft response to the Board of Health this weekend.

Ms. Mathews made a motion to adjourn and was seconded by Dr. Partridge. The Board voted to adjourn at 11:00.

Next meetings:

Thursday, December 10, 2020.	9:00-11:00 AM
Thursday, January 14, 2021	9:00-11:00 AM



**Board of Health
TOWN OF NEEDHAM
AGENDA FACT SHEET**



MEETING DATE: 12/10/2020

Agenda Item	Updates to Article I - Board of Health Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products
Presenter(s)	Timothy Muir McDonald, Director of Health & Human Services Tara Gurge, Assistant Public Health Director Diana Acosta, Environmental Health Agent

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Board of Health discussion about retiring the 3 open tobacco permits along with adopting the recent state regulation updates, which includes a discussion on updating the fine schedule. (D.J. Wilson from the state will be joining us to answer any questions.) Open Tobacco Permits are available at the following locations: - <u>7-Eleven (Chestnut St.)</u> - Due to recent announcement that they decided to close their store back on Oct. 18th (still no word on what will be going into that vacant space); and - <u>Sudbury Farms and Roche Bros.</u> voluntarily retired their tobacco permits at each store back on 11/19/20, which will take place at all Roche Bros. locations. As a reminder, <u>Dunkin Donuts Mini Mart</u> did not renew its tobacco permit when it had a change of owner, and BOH retired the permit effective 2/1/2020.	
2.	VOTE REQUIRED BY BOARD OF HEALTH
Vote is required.	
3.	BACK UP INFORMATION ATTACHED
- Copy of State's updated Model Tobacco Regulations with yellow highlighted sections to adopt, along with green highlighted sections to consider adopting. - BOH Article I – Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products with redline edits.	



Board of Health

Kathleen Ward Brown, ScD
Member

Edward Cosgrove, PhD
Vice Chair

Stephen Epstein, MD, MPP
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. Food and Drug Administration and the Tobacco Products Scientific Advisory Committee concluded that menthol flavored tobacco products increased nicotine dependence, decreased success in smoking cessation¹³;

Commented [DA1]: Need to adjust superscripts

Whereas menthol makes it easier for youth to initiate tobacco use¹⁴;

Whereas use of e-cigarettes among students in Massachusetts is 20.1%, representing a 78% increase for high schoolers and a 48% increase for middle schoolers from 2017 to 2018¹⁵;

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

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.

¹³ www.fda.gov/downloads/ucm361598.pdf, <https://tobacco.ucsf.edu/tpsac-gave-fda-what-it-needs-to-ban-menthol>

¹⁴ www.tobaccofreekids.org/assets/factsheet/0390.pdf

¹⁵ MA YRBS 2017

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.

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;

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: (also known as “Retail Tobacco Store” in MGL Ch. 270): 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.

As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within Needham. No part of a retailer with a tobacco product sales permit.

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,

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.

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

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.

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

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1. Tobacco leaf in such form or roll wrapped in packages shall be considered tobacco for the purpose of this regulation.

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

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

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.

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

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 package from which nicotine or other substance in a solution or other form is accessible through normal and foreseeable use by a consumer and that is used to hold a soluble nicotine or other substance in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine or other substance in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children. ~~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: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Needham Board of Health and (v) maintains a valid permit issued by the department of revenue to operate as a smoking bar. ~~“Smoking bar” shall include, but not be limited to, those establishments that are commonly known as “cigar bars,” “hookah bars” and “cigs bars.” 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 Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product.

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.

Workplace: Any enclosed area of a structure, indoor area, facility or a portion thereof at which one (1) or more employees perform services for their employer (including the personal residence of the employer during those hours when used as a place of employment); other enclosed spaces rented to or otherwise used by the public;

and where the employer has the right or authority to exercise control over the space. It also include motor vehicles, employee lounges, restrooms, conference rooms, hallways, stairways and entrance ways, as well as exterior, unenclosed spaces at stairs, ramps, landings, patios, porches, decks, adjacent yards, loading docks and other areas within twenty (20) feet of the entrance doors or other areas where smoke would migrate into the enclosed area of a structure.

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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. Additionally signage which show health warnings associated with using electronic nicotine delivery systems and a notice to consumers that the sale of flavored tobacco products are prohibited at all times must be posted.

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~~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 ~~nine (9)~~ six (6) 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.
- 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 may, at the Board of Health's discretion, 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. This provision does **not** apply to existing permit holders in good standing that are within 500 feet of a public or private elementary or secondary school.
- d. A Tobacco Product Sales Permit may, at the Board of Health's discretion, 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. This provision does **not** apply to existing permit holders in good standing that currently located within an existing Tobacco Product Sales Permit holder.
- 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 possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, or any flavored tobacco product enhancer, except in smoking bars and adult-only retail tobacco stores for on-site consumption only. Per 105 CMR 665.010(E), manufacturers shall provide documentation certifying those products, sold by the retailer, that do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer.

H. Nicotine Content in Electronic Nicotine Delivery Systems:

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars. Per 105 CMR 665.010(C), manufacturers shall provide documentation indicating the nicotine content of each of their products sold by the retailer, expressed as milligrams per milliliter.

I. Prohibition of the Sale of Blunt Wraps:

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

J. 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.

KJ. 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."

KL. 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.

LM. Vending Machines:

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

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

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

NO. 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.

OP. 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.

PQ. 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")~~; **M.G.L. Ch. 270, §§6, 6A, 7, 28, 29 and M.G.L. Ch. 112, §61A.**

QR. 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 smoke free.

RS. Smoking Bars:

Smoking bars are prohibited in the Town of Needham.

ST. 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, a fine of ~~three hundred~~ one hundred dollars (~~\$300~~100.00) ~~and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.~~
 - b. In the case of a second violation within 36 months of the date of the first violation, a fine of ~~three hundred dollar~~ two hundred (~~\$300~~200.00) and the Tobacco Product Sales Permit shall be suspended for ~~fourteen seven~~ (~~14~~7) consecutive business days.
 - c. In the case of a ~~third violation~~ three or more violations within 36 months of the date of the first violation, a fine of ~~three hundred~~ three hundred dollars (~~\$300~~300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
 - ~~d. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a thirty-six (36)-month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing may permanently revoke a Tobacco Sales Permit. In the case of a fourth violation within 36 months of the date of the first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for ninety (90) consecutive business days.~~
 - ~~e. In the case of a fifth violation or repeated, egregious violations of this regulation within a 36 month period, the Board of Health shall hold a hearing in accordance with subsection 4 of this section and shall permanently revoke a Tobacco Product Sales Permit.~~
2. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate state laws and state regulations, the following penalties apply:
- a. In the case of a first violation, a fine of one thousand dollars (\$1000.00).
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
3. 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.
34. 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.
45. 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.

TU. 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.

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

WV. 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.

WX. 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.

XY. Effective Date:

A public meeting about this regulation occurred in ~~September and October 2018~~ November 12, 2020. A public hearing occurred on ~~November 16, 2018~~ December 10, 2020. This regulation was approved by a unanimous vote of the Needham Board of Health on ~~November 16, 2018~~ December 10, 2020, and shall take effect on ~~January 15, 2019~~ February 1, 2021. 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~~ three-year period. This regulation was amended again in 2009 with the implementation of a prohibition on the sale of tobacco products in pharmacies. A ban on flavored tobacco was incorporated in 2015. the tolling period for violations was revised in 2017, and restrictions on electronic nicotine delivery systems were incorporated in 2018 and 2019.

2020 Sales Regulation

SAMPLE REGULATION RESTRICTING THE SALE OF TOBACCO AND VAPE PRODUCTS

THIS MODEL REGULATION INCORPORATES THE FOLLOWING:

1. The minimum standards required pursuant to the United States Food and Drug Administration on the sale and distribution of cigarettes; and
2. The minimum standards required pursuant to Massachusetts state law and regulation. This includes M.G.L. Chapter 270 regarding sales to those under the minimum legal sales age of 21, tobacco and vaping product sales including flavored products, required signage, matching definitions and other relevant state statutes and regulations, as of September 2020.

CHECKLIST FOR POLICY DECISIONS (circle decisions):

- | | | |
|--|-------|------------------|
| 1. No permit renewal if outstanding fines exist (§E.5) | YES | NO |
| 2. No permit renewal if three sales to youth under 21 (§E.8) | YES | NO |
| 3. Cap and/or reduce number of permits (§E.9)
Simple Cap () Reducing Cap () Dual Cap () | YES | NO |
| 4. No new permits within 500 feet of a school (§E.9.d) | YES | NO |
| 5. No new permits within 500 feet of an existing permittee (§E.9.e) | YES | NO |
| 6. Ban Smoking Bars (§F) | YES | NO |
| 7. Include minimum cigar package size/price (§G) | YES | NO |
| 8. Restrict flavored tobacco products, including menthol (§H) | YES | NO |
| 9. Ban blunt wraps (§J) | YES | NO |
| 10. Ban free distribution of tobacco products (§K.1) | YES | NO |
| 11. Ban redemption of coupons (§K.2) | YES | NO |
| 12. Ban Self-Service Displays (§M)
Exception for Adult-Only Retail Tobacco Stores () | YES | NO |
| 13. Ban tobacco product sales in educational institutions (§Q) | YES | NO |
| 14. Add a Dual Penalty System (separate for local & state) (§S) | YES | NO |
| 15. Fining structure for local (not state law) policies (§S)
() Flat \$300 () State fine higher level () | YES | NO \$100/200/300 |
| 16. Tolling periods for local violations (§S)
State level at 36 months () Over 36 months () | YES | NO |
| 17. Suspension Period for local violations (§S)
7/30 days () 14/60 days () | YES | NO |
| 18. "Shall" vs. "May" language for local suspensions (§S) | SHALL | MAY |

YELLOW highlighted sections are language copied from the latest state law and DPH regulations.

GREEN highlighted sections are uniquely local policy decisions (most are on the above checklist) to be made by the Board of Health.

Regulation of the [city/town] Board of Health Restricting the Sale of Tobacco Products

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 adolescence⁴;

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 smoke⁶;

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 youth⁷;

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%⁸;

Whereas 59% of high school smokers in Massachusetts have tried flavored cigarettes or flavored cigars and 25.6% of them are current flavored tobacco product users; 95.1 % of 12 – 17 year old’s who smoked cigars reported smoking cigar brands that were flavored⁹;

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).

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

⁸ 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.

⁹ 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.

Whereas the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking¹⁰;

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 addiction¹¹;

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 sale¹²;

Whereas the U.S. Food and Drug Administration and the Tobacco Products Scientific Advisory Committee concluded that menthol flavored tobacco products increased nicotine dependence, decreased success in smoking cessation¹³;

Whereas menthol makes it easier for youth to initiate tobacco use¹⁴;

Whereas use of e-cigarettes among students in Massachusetts is 20.1%, representing a 78% increase for high schoolers and a 48% increase for middle schoolers from 2017 to 2018¹⁵;

Whereas the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an “acutely hazardous waste”¹⁶;

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 was 10.8% in 2013¹⁷;

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 cigarettes¹⁸;

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; and

¹⁰ 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.

¹¹ 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.

¹² See fn. 3 at p. 85.

¹³ www.fda.gov/downloads/ucm361598.pdf, <https://tobacco.ucsf.edu/tpsac-gave-fda-what-it-needs-to-ban-menthol>

¹⁴ www.tobaccofreekids.org/assets/factsheet/0390.pdf

¹⁵ MA YRBS 2017

¹⁶ 310 CMR 30.136

¹⁷ See fn. 7.

¹⁸ 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”¹⁹.

Now, therefore it is the intention of the [city/town] Board of Health to regulate the sale of tobacco products.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the [city/town] Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states "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 (also known as “Retail Tobacco Store” in MGL Ch. 270): An establishment that does not share space with another business, that has a separate entrance, that does not sell food or alcohol, that does not have a restaurant license or lottery license, whose only purpose is to sell or offer for retail sale tobacco products and/or tobacco product paraphernalia, in which the entry of persons under the age of 21 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products from the [city/town] Board of Health and applicable state licenses. Entrance to the establishment must be secure so that access to the establishment is restricted to employees and to those 21 years or older. The establishment shall not allow anyone under the age of 21 to work at the establishment. As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of a retailer with a tobacco product sales permit.

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

¹⁹ Druzik et al v. Board of Health of Haverhill, 324 Mass.129 (1949).

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

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package, and is not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

Tobacco leaf in such kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

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

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

Coupon: Any card, paper, note, form, statement, ticket or other communication 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.

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

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

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

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

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product.

Tobacco Product: A product containing or made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic nicotine delivery systems or any other similar products that rely on vaporization or aerosolization regardless of nicotine content in the product; provided, however, that "tobacco product" shall also include any component, part or accessory of a tobacco product; and provided further, that "tobacco product" shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for the approved purpose.

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

D. Tobacco Sales to Persons Under Twenty-One (21) Years Old:

1. No person shall sell or provide a tobacco product to a person under twenty-one (21) years old.

2. Required Signage:

- a. All retail establishments, including smoking bars and adult-only retail tobacco stores, shall conspicuously post signage inside the establishment, in the form developed and made available by the Massachusetts Department of Public Health. Such signage shall include: (i) a copy of M.G.L. c. 270, §§

6 and 6A; (ii) referral information for smoking cessation resources; (iii) a statement that sale of tobacco products, including e-cigarettes, to someone younger than 21 years of age is prohibited; (iv) health warnings associated with using electronic nicotine delivery systems; and (v) except in the case of smoking bars, notice to consumers that the sale of flavored electronic nicotine systems are prohibited at all times. Such signage shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor.

b. All smoking bars and adult-only retail tobacco stores shall post signage, in the form developed and made available by the Massachusetts Department of Public Health, on the exterior of the door providing entrance to the tobacco retail store or smoking bar and such sign shall not be obstructed from view or placed at a height of less than four feet or greater than nine from the bottom of the door. Such signage shall state that "No person younger than 21 years old is permitted on the premises at any time."

c. All smoking bars and those adult-only retail tobacco stores that allow for onsite consumption of tobacco products shall post signage, in the form developed and made available by the Massachusetts Department of Public Health, on the exterior of the door providing entrance to the tobacco retail store or smoking bar and such sign shall not be obstructed from view or placed at a height of less than four feet or greater than nine from the bottom of the door. Such signage shall warn persons entering that smoking and vaping may be present on the premises, and provide information concerning the health risks associated with second hand smoke and the use of tobacco products, including electronic nicotine delivery systems.

3. Identification: Each person selling or distributing tobacco products, or admitting entrance into a smoking bar or adult-only retail tobacco store, shall first 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 or older.

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.

E. Tobacco Product Sales Permit:

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

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the [city/town] 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 about the sale of tobacco and this regulation.

3. Each applicant who sells tobacco products is required to provide proof of current Tobacco Retailer Licenses issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued. Applicant may be asked to provide evidence that a legitimate business transfer or business purchase has taken place.
4. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee shall be determined by the [city/town] Board of Health annually.
5. A Tobacco Product Sales Permit is non-transferable. A new owner of an establishment that sells tobacco products, as defined herein, must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
6. 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.
7. 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.
8. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person under the age of 21 three times within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with subsection 4 of the Violations section.
9. Maximum Number of Tobacco Product Sales Permits.
 - a. At any given time, there shall be no more than [number (XX)] Tobacco Product Sales Permits issued in [city/town] [This phrase needs to be removed if NOT using subsection B and left in if using Subsection B: "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 will 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. **NOTE: This is the "basic" cap. When a town has the maximum number of permittees allowed, a waiting list should be started with the name and contact information of prospective tobacco retailers who are waiting to be contacted when a permit frees up.**
 - b. As of [date], any permit not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the [city/town] Board of Health and shall be permanently retired by the Board of Health and the total allowable number of Tobacco Product Sales Permits under paragraph (a) shall be reduced by the number of the retired permits. **NOTE: This is the "advanced" cap which has a maximum number of permits to be issued, does not provide for a waiting list, and automatically reduces the cap number when a**

retailer chooses to stop selling tobacco and returns their permit to the town. The only way a new retailer can obtain a permit would be to buy an existing business. The conditions for this occurrence are set out in subsection f.

- c. At any given time, of the allowed Permit number in subsection (a) above, there shall be no more than **[number (XX)] Tobacco Product Sales Permits** issued to Adult-Only Retail Tobacco Stores, per the definition, in **[city/town]**. 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. **NOTE: This is a sub-cap that can be used with either the “basic” cap in subsection a OR the “advanced” cap in subsection b. It would provide a maximum number of permits within the general cap number that can go to qualifying “adult-only Retail Tobacco Stores” (which includes both tobacconists and vape shops).**
- d. A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant’s business premises. **NOTE: This bars NEW retailers from selling tobacco near a school, regardless of the cap policy used.**
- e. A Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the nearest point of the property line of the retailer with a valid Tobacco Product Sales Permit to the nearest point of the property line of the site of the applicant's business premises. **NOTE: This bars NEW retailers from selling tobacco near an existing tobacco permit holder, regardless of the cap policy used.**
- f. Applicants who purchase or acquire an existing business that holds a valid Tobacco Product Sales Permit at the time of the sale or acquisition of said business must apply within sixty (60) days of such sale or acquisition for the permit held by the Current Permit Holder if the Applicant intends to sell tobacco products, as defined herein. **[Include for dual caps... Such applicant may choose to apply for a Tobacco Product Sales Permit for an Adult-Only Retail Tobacco Store if the Current Permit Holder possessed the same or if a Tobacco Product Sales Permit for an Adult-Only Retail Tobacco Store is available per subsection (b).]** **NOTE: This provision should be included no matter which of the above five options are used by a board of health. It permits a buyer to “capture” the seller’s permit regardless of the type of capping policy enacted.**

F. Prohibition of Smoking Bars:

Smoking Bars are prohibited in the [CITY OR TOWN] of [city/town].

G. Cigar Sales Regulated:

1. No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and fifty cents (\$2.50) or more.

2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars (\$5.00) or more.
3. This Section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of [city/town].
4. The [city/town] Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

H. Sale of Flavored Tobacco Products Prohibited:

No person shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, as defined herein, or any flavored tobacco product enhancer, as defined herein, [NOTE: if the municipality permits them add this phrase] except in smoking bars for on-site consumption only. Per 105 CMR 665.010(E), manufacturers shall provide documentation certifying those products, sold by the retailer, that do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer.

I. Nicotine Content in Electronic Nicotine Delivery Systems:

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars. Per 105 CMR 665.010(C), manufacturers shall provide documentation indicating the nicotine content of each of their products sold by the retailer, expressed as milligrams per milliliter.

J. Prohibition of the Sale of Blunt Wraps:

No person or entity shall sell or distribute blunt wraps in [city/town].

K. 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.

L. Out-of-Package Sales:

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any tobacco product, as defined herein, for retail sale. No 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. Permit holders who sell Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, and must provide the [city/town] 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 permit holders must comply with 940 CMR 21.05 which reads: “It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S. C. §§1471 through 1476 and 16 CFR §1700 et. Seq.”
4. No permit holder shall refill a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

M. Self-Service Displays:

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

N. Vending Machines:

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

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

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

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

No health care institution located in [city/town] 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.

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

No educational institution located in [city/town] 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.

R. Incorporation of State Laws and State Regulations:

1. The sale or distribution of tobacco products, as defined herein, must comply with those provisions found at M.G.L. Ch. 270, §§6, 6A, 7, 28, 29 and M.G.L. Ch. 112, §61A.
2. 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") and 940 CMR 22.00 ("Sale and Distribution of Cigars in Massachusetts").

S. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. For violations of the sections of this regulation that incorporate state laws and state regulations, the following penalties apply:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1000.00).
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of three or more violations within a thirty-six (36)-month period, a fine of five thousand dollars (\$5000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
2. For violations of all other sections specific to the [TOWN or CITY] of [city/town], the violator shall receive:
 - a. In the case of a first violation, a fine of one hundred dollars (\$100.00).
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.
 - c. In the case of three or more violations within a thirty-six (36)-month period, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.

d. The sections specific to the [CITY OR TOWN] of [city/town], include:

1. The maximum number of tobacco sales permits allowed in [city/town] (§E.9);
 2. No new retailers near schools (§E.9);
 3. The prohibition of smoking bars (§F);
 4. Minimum pricing on the sale of cigars (§G);
 5. The prohibition of the sale of blunt wraps (§J);
 6. The prohibition of self-service displays (§M);
 7. The prohibition of vending machines (§N);
 8. The prohibition of non-residential roll-your-own machines (§O);
 9. The prohibition of the sale of tobacco products in health care institutions (§P); and
 10. The prohibition of the sale of tobacco products in educational institutions (§Q)
 11. [double-check that the regulation has all of these above-cited policies and to see if there are other locally-specific policies that should be included here.]
3. In the case of four violations or repeated, egregious violations of any section of this regulation, as determined by the Board of Health within a thirty-six (36)-month period, the Board of Health shall hold a hearing in accordance with this regulation and, after such hearing may permanently revoke a Tobacco Sales Permit.
 4. Failure 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.
 5. 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. Multiple tobacco product sales permit suspensions shall not be served concurrently.
 6. The [city/town] 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 [city/town] 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. 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, Section 21D where the penalty calls for a monetary fine not exceeding three hundred (\$300.00) dollars.

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 [city/town] Board of Health or its designated agent(s). Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the [city/town] 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:**

This regulation shall take effect on _____, 2021.



Needham Public Health Division

November 2020

Assist. Health Director - Tara Gurge

Health Agents - Diana Acosta and Monica Pancare

Unit: Environmental Health

Date: 12/10/2020

Staff members: Tara Gurge, Diana Acosta and Monica Pancare

Intern – Paige Lambert

Activities and Accomplishments

Activity	Notes
Town Online Permitting System	Diana is continuing to work with Terry Wolfson from IT Department in developing additional online permit applications on ViewPoint Cloud. Tara and Diana continue to take part in bimonthly zoom permit meetings with IT. Waste Hauler permit is next to be built.
Annual Permit Renewals	All permit types have been available for renewal. 105 renewal applications received overall. - <u>Bodywork Establishment</u> - 2 received – 1 issued - <u>Bodywork Practitioners</u> – 8 received – 3 issued - <u>Disposal of Sharps</u> – 5 received – 2 issued - <u>Food Permits</u> – 61 received (16 received in Oct) – 32 issued - <u>Hotel Permits</u> – 2 received – 0 Issued - <u>Indoor Pools</u> – 6 received – 0 issued - <u>Septage/Grease/Medical Hauler</u> – 13 received – 12 Issued - <u>Septic Installer</u> – 4 received – 3 issued - <u>Tobacco Permits</u> – 4 received - 4 issued
FDA Retail Food Standard 2	Diana and Monica have finished in field portion of Standard 2 joint and standardizing inspections with Pamela Ross Kung. Final paperwork submittal and approval remains to complete the standard.
Holiday COVID Food Safety Article posted	Paige's article on Holiday COVID Food Safety was submitted to the Needham Times, Hometown Weekly and the online Patch. They were able to post the article prior to the Thanksgiving holiday. The article was also posted in the CATH Senior Newsletter and distributed to all the schools via Dan Gutekanst. Multiple social media posts have also been submitted on this topic.
*Tobacco Regulation updates- (*To be discussed with BOH)	Will be discussing the updates to our local BOH Tobacco regulation. Initially, we were only looking to retire 4 permits and discuss updating the fine schedule. D.J. Wilson and Cheryl Sbarra recently informed us that this past year the state conducted a large overhaul of the Tobacco regulations and Needham should consider also adding those updates. (See attached.) • We also recently received an inquiry from Richdale Foods about the open tobacco permit for the vacant 7-Eleven site on Chestnut St. They inquired on the status of that open permit and whether it will be available in the near future. (FYI - No updates have been given to us on what will be happening with that vacant site.)
Food Consultants needed for 2 food establishments	Two food establishments require the need to work with a food consultant, after routine inspections showed on-going noncompliance with cooling/cold holding Food Code protocols. These establishments are Sweet Basil and Cappella's Restaurant. Due to the pandemic and the fact that restaurants are struggling, the Public Health Division will offer to pay for a months' worth of food consulting services for restaurants that have been identified and need additional training on proper food safety protocols. Services for Sweet Basil to start mid-December. Cappella's services will start shortly thereafter.
New State COVID Guidance	Latest State guidance/COVID Updates - • Order 53 – Order requiring early closing for certain businesses and activities • Order 54 – Order reducing gathering size limit for gatherings at private residences • Order 55 – Revised order requiring face coverings in public places • Order 56 – Order revising provisions for Phase III re-openings in municipalities with reduced incidence of COVID-19 Infection

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

Activities

Activity	Notes
COVID – 19 Response	As of March 17, 2020, Environmental Health Staff have been working remotely from home. <u>On Monday June 1st</u>, staff allowed to work back in the office on a limited basis. - Call forwarding was activated on office phones so calls can be received via cell phone. - Continue to follow-up on complaints received. - Communicating with Food Establishments via email re: COVID-19 updates. - Continued to work towards conducting routine full-service food inspection schedules this month. Ensuring restaurants are in compliance with protocols (In process.) - Continued to review business protocols as requested. - Listening to twice weekly Local Public Health Conference Call held by the MA Department of Public Health. - Reviewing restaurant change in seating proposals as requested, including around bar areas, to ensure compliance with updated state guidelines. - Worked with Needham Community Council and Needham Golf Club on safe meal prep and delivery COVID-19 protocols for their holiday meal delivery program. Also ensured that they coordinated with the Traveling Meals program, to ensure all recipients in need were included. - Worked with new Director at One Wingate Way on new updated COVID-19 indoor pool requirements. - Env. Team to work with the Town on reviewing event permit applications (even if they don't involve food) as they come in to confirm that proper COVID protocols are in place. (On-going.)
COVID -19 Complaints/Follow-ups	27/26 – Complaints/follow-ups received for: - <u>Resident with general complaint on mask enforcement</u> (5x) – followed up with each resident's concern. - <u>Medminder</u> (2x) – Staff are not following COVID Guidelines – ex. some take off mask, no social distancing, not enforcing customers wearing masks - <u>Boy's Track Team</u> – During a track meet, none of the team members were wearing masks (if they had a mask, it was around their necks) and ran past others in Cutler Park. Families gathered at the end of meet without masks and staff did not enforce anyone wearing a mask. Diana followed up with the Head of Athletics and the coach on this concern. - <u>Kosta's</u> (4x) – Staff not wearing masks. Followed up informing complainant of medical exemptions of staff. - <u>Cushman & Wakefield</u> – Staff member reported that there was an 'outbreak' on the second floor of building and people in the suite in which they worked on a different floor were not informed. Nurses followed up with concern. Staff in the suite are not considered close contacts and would not be entitled to the health information of the suspected cases. - <u>Crossing Guard</u> – Resident called to state that a crossing guard was refusing to wear a mask. Tiffany followed up with Lt. McGrath who addressed the issue. - <u>Charles River Landing</u> – Resident called to report lack of signage at garage entrances reminding residents of mask requirement. Many residents walking around in garage with no face coverings on. Diana followed up with management who added more signs at the entrances. - <u>Girls' Soccer</u>- Complainant called to report girls playing soccer with masks consistently on their necks. No information was left from caller to verify if it was an organized team or just a pickup game. - <u>Green's Field Playground</u> – Several people without masks and made it uncomfortable for the caller to stay there. Diana followed up with caller. Informed that we are working with schools and the Parks and Rec Department to reiterate the importance of face coverings. - <u>Chilly Bears</u> – It was reported that the owner of the company was not following the state's travel guidance. Diana followed up with a manager who reported staff who work

COVID -19 Complaints/Follow-ups	in the office onsite are in separate offices in different sections of the building with different HVAC systems. Company uses a cleaning service - <u>The Kendrick</u> – Resident reporting staff is still not enforcing face coverings in the gym area. Diana followed up with management and recommended hiring a monitor to enforce face covering rule. - <u>Servente Bakery</u> – Staff member was not wearing a face covering. Diana informed caller that the staff member in question has a medical exemption. - <u>Greendale Ave.</u> – Large tent was erected on a property before Thanksgiving. Diana conducted a site visit to confirm. - <u>Roche Bros.</u> - Received a report from a resident about them not following required reduced store occupancy requirements, along with not enforcing the one-way aisle requirements when customers don't follow them. Complainant states they do not enforce the early senior hours, allowing younger customers to shop during that time. Tara spoke to store manager about concerns reported. - <u>The Rice Barn</u> – Report from customer that when she went into restaurant to pick up her takeout order, owner was not wearing his mask over his nose. Tara spoke to owner about complaint. - <u>Sweet Tomatoes Pizza</u> – Customer reported that the person making pizza only had her mask halfway on, and someone in the back was not wearing a mask at all. Diana spoke to owner about complaint and reminded her of BOH mask ordinance with all staff needing to wear proper fitting face coverings that cover both the nose and mouth. - <u>Stone Crest</u> – Received report from homeowner about landscapers not wearing masks, even after she talked to them about the requirement. Tara called and spoke to owner of company about BOH mask wearing ordinance. - <u>Carewell Urgent Care (x2)</u> - Concern received re: a HIPPA violation, which was forwarded to the state. A separate concern received about long lines and no social distancing while waiting in line, along with no mask wearing enforcement outside. Tara spoke to on site medical director about reported concerns.
Domestic Animal Permits (New/Renewals)	1– Animal Permit Renewal Issued to: • Wendt – pending fee was paid this month
Demo Reviews/ Approvals	13 - Demolition signoffs: – 288 Central Ave. – 109 Evelyn Rd. – 40 Windsor Rd. – 117 Elder Rd. – 28 Dunster Rd. – 86 Plymouth Rd. – 160 Damon Rd. – 15 South St. – 174 Parker Rd. – 89 Page Rd. – 142 Broad Meadow Rd. – 10 Winfield St. – 460 Central Ave., Unit 1
Food – New Food Permit (Updates)	1 – Food Establishment pending pre-operation inspection process: - <u>Thai Story Restaurant (formerly known as Eat Well)</u> – Still in process. 3 – Food Establishment pre-operation inspections: - <u>Home Kitchen, Inc (2x)</u> - <u>Le Petit Four</u> – New facility built on residential property to be used as commercial space 1- New Annual Food Establishment Permit Issued: - <u>Home Kitchen, Inc.</u> 1 – Plan Review Items received from-

	- <u>Fooda</u> – Has proposed to take over old PTC cafeteria area, located at #140 Kendrick St. (Still in plan review process.) Finalizing plan review. (Approval pending.)
Food Complaints	0/0 – Food Complaints/Follow-ups
Housing Complaints/ Follow-ups –	0/0 – Housing Complaints/Follow-ups
Nuisance – Complaints/ Follow-ups	2/5– Nuisance Complaints/Follow-ups conducted for: - <u>Highland Ave/ Webster Street (1/3)</u> – Resident has had mice issues on property and believes the cause was from the demolition of the Fire Station. Initially began having issues in June and has had pest control on site three times. Diana reached out to the Town’s Construction Project Manager. There are other projects in the area which may have cause the issue. Resident is looking for compensation for pest control fees. Tara reached out to Eversource and MassDOT project managers about reported pest concerns to ensure ongoing excavation areas in that area were being treated for pests. - <u>Trader Joe’s Dumpster (1/2)</u> – Resident abutting Trader Joe’s on Mellen St. reported the presence of rodents in the area. Tara conducted a site visit and met with Trader Joe’s store manger. Also met with CVS and Vinodivino Wine store management staff about complaint. Shared dumpster area needs more frequent cleaning. Recycling dumpster was overflowing, with debris on the ground around the dumpster. Ordered to increase recycling dumpster pick up schedule by one day to prevent insufficient recycling containment.
Pool Plan Review	Plan Review Received from Needham Pool and Racquet Club - – Wading Pool is being replaced. In process of review. Structural plans submitted and finalizing mechanical plans. Verifying systems can be upgraded to meet current MA Pool and Building Code standards. (Approval pending.)
Planning Board/ Subdivision drainage bond release Memo	3 – Planning Board reviews conducted for: • <u>Oak Street Subdivision (2 Lots)</u> - Memo sent to Planning Board on the approval to release the two off-street drainage bonds, for a total of \$7,000.00. • <u>Boston Children’s Hospital</u> - Comments sent re: the proposed Amendment to the 2012-07 Special permit issued for 66B Street, 360 First Avenue, 410 First Avenue and 37 A Street. • <u>#140 Kendrick St.</u> - Comments sent re: this Amendment to the 99-2 Special permit issued for 140 Kendrick St.
Septic – Addition to a Comm. Property on a Septic	1 – Addition to a Commercial Property on a Septic System plan review conducted for: • <u>1545 Central Avenue (Needham Pool and Racquet)</u> – The NPRC is in the process of submitting an application for review in order to accommodate the newly proposed Paddle Tennis courts. A proposal is in the process of being submitted for the use of composting toilets. (Plan approval pending.)
Septic – Certificate of Compliance issued	1 – Septic system Certificate of Compliance issued for: • <u>#29 Windsor Rd.</u> - Final septic as-built plan received. Final approval issued.
Septic – Plan Review	1 – Septic Plan review sent to Brian Flynn - <u>#40 Windsor Rd.</u>
Septic – Soil Testing/Perc Test	0 – Soil Tests conducted.
Well Applications/ Plan Reviews / Approvals	0 - Irrigation Well Permit Applications submitted for review. 1 – Irrigation Well Permit Approval to Drill letter issued for: - 120 Oxbow Road (for an irrigation well.)
Zoning Board of Appeals plan reviews	5 – Zoning Board of Appeals plan reviews conducted for: • <u>#182-190 Edgewater Drive</u> - Comments sent. • <u>#1 Wellesley Ave.</u> - Comments sent. • <u>#11 Gatewood Drive</u> - Comments sent.

FY 21 Priority FBI Risk Violations Chart (By Date)

Restaurant	Insp. Date	Priority Violation	Description
Gari Fusion	11/5/2020	Corrected on site 3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Sushi area - Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.	Eel left in toaster oven overnight. Discarded by staff.
		Corrected on site 3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Sushi area -Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.	Fish at 46°F. All items in upper sushi case were above 41°F. All items discarded.
Town House of Pizza	11/11/2020	3-304.11 Food Contact with Soiled Items - Kitchen - Code: Food shall only contact surfaces of: equipment and utensils that are cleaned and sanitized; single-service and single use articles; or linens, such as cloth napkins that are used to line a container for the service of foods AND are replaced each time the container is refilled for a new consumer. Corrected on site: 3-501.16 (A)(1) Proper Hot Holding Temps. - Kitchen - Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained: at 135°F or above, except that roasts cooked to a temperature and for a time specified in paragraph 3-401.11(B) or reheated as specified in paragraph 3-403.11(E) may be held at a temperature of 130°F or above.	Can opener soiled w/ debris. Blade needs replacement. Metal shavings noted Cooked meatballs 128 F hot holding. Reheated and corrected onsite

Cappella	11/11/2020	4-602.11 (A) Food-Contact Surfaces and Utensils - Kitchen - <i>Code: Equipment foodcontact surfaces and utensils shall be cleaned: before each use with a different type of raw animal food such as beef, fish, lamb, pork, or poultry; time there is a change from working with raw foods to working with RTE foods; between uses with raw fruits and vegetables and with TCS food; before using or storing a food temperature measuring device; and any time during the operation when contamination may have occurred.</i> 3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Kitchen - <i>Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.</i>	Ice machine in kitchen shows black debris Clean and sanitize frequently. Ice scoop was stored improperly in the basement. Walk in cooler 51 F ambient. The unit was not operating properly. Bolognese sauce and chicken and raw shell and liquid eggs discarded. Service repair notified and PIC immediately went to obtain dry ice and added it to the walk-in cooler to expedite cooling until repair is made. Other products were immersed in ice containers as a secondary barrier.
North Hill Main Kitchen	11/21/20	3-501.16 (A)(2) (B) Proper Cold Holding Temps. - Kitchen - <i>Code: Except during preparation, cooking, or cooling, or when time is used as the public health control as specified under section 3-501.19, and except as specified under paragraph (B) and in paragraph (C) of this section, TCS food shall be maintained at 41°F or less. Eggs that have not been treated to destroy all viable Salmonellae shall be stored in refrigerated equipment that maintains an ambient air temperature of 45°F or less.</i>	Tofu 45 F Discarded.
North Hill Bistro	11/21/20	Corrected on site - 3-403.11 (A)(D) Reheating for Hot Holding - Kitchen <i>Code: (A) Except as specified under paragraphs (B) and (C) and in paragraph (E) of this section, a TCS food that is cooked, cooled, and reheated for hot holding shall be reheated so that all parts of the food reach a temperature of at least 165°F for 15 seconds. (D) Reheating for hot holding as specified under paragraphs (A)-(C) of this section shall be done rapidly and the time the food is between 41°F and the temperatures specified under paragraphs (A)-(C) of this section may not exceed 2 hours.</i>	Pea soup 59 F - 94 F in soup warmer. Pic stated that it is brought down cold from the other kitchen and put in warmer to get hot. Product was brought down 11am this morning. Discarded. Discussion w chef in charge to reheat rapidly on top of stove to 165 F then put in warmer

Category	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY'21	FY '20	FY' 19	FY' 18	FY' 17
Biotech registrations	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	1	2
Bodywork Estab. Insp.	0	0	0	0	0	0	0	0	0	0	0	0	0	7	14	11	6
Bodywork Estab. Permits	0	0	0	1	0	0	0	0	0	0	0	0	1	9	9	6	4
Bodywork Pract. Permits	0	0	0	0	0	0	0	0	0	0	0	0	0	23	21	22	13
COVID 19 Complaints	17	20	16	17	27	0	0	0	0	0	0	0	97	0	21		
COVID 19 Follow Ups	17	20	19	15	26	0	0	0	0	0	0	0	97	0	0	0	0
Demo reviews	8	6	2	5	13	0	0	0	0	0	0	0	34	73	104	105	112
Domestic Animal permits	6	8	1	1	1	0	0	0	0	0	0	0	17	1	21	19	17
Domestic Animal Inspections	3	0	0	0	0	0	0	0	0	0	0	0	3	3	22	3	16
Food Service Routine insp.	5	10	10	14	11	0	0	0	0	0	0	0	50	149	200	225	198
Food Service Pre-oper. Insp.	3	2	0	1	3	0	0	0	0	0	0	0	9	48	12	32	37
Retail Food Routine insp. Or 6 month check in	0	0	2	1	0	0	0	0	0	0	0	0	3	33	46	60	69
Residential Kitchen Routine insp.	0	0	0	0	0	0	0	0	0	0	0	0	0	3	6	8	7
Mobile Routine insp.	1	0	0	0	0	0	0	0	0	0	0	0	1	4	17	13	15
Food Service Re-insp.	1	0	0	1	1	0	0	0	0	0	0	0	3	21	28	53	51
Food Establishment Annual/Seasonal Permits	1	1	0	0	33	0	0	0	0	0	0	0	35	155	140	171	177
Temp. food permits	0	0	1	0	2	0	0	0	0	0	0	0	3	67	134	163	158
Temp. food inspections	0	0	1	0	0	0	0	0	0	0	0	0	1	10	37	29	62
Farmers Market permits	1	1	1	0	0	0	0	0	0	0	0	0	3	14	14	14	7
Farmers Market insp.	19	23	28	30	0	0	0	0	0	0	0	0	100	158	229	127	33
Food Complaints	1	0	1	0	0	0	0	0	0	0	0	0	2	49	18	20	13
Follow-ups food complaints	1	0	1	0	0	0	0	0	0	0	0	0	2	48	21	21	17
Food Service Plan Reviews	3	1	0	1	1	0	0	0	0	0	0	0	6	14	20	42	33
Food Service Admin. Hearings	0	0	1	0	0	0	0	0	0	0	0	0	1	3	0	0	0
Grease/ Septage Hauler Permits	0	0	0	0	13	0	0	0	0	0	0	0	13	20	21	24	24
Housing (Chap II Housing) Annual routine inspection	0	0	0	7	0	0	0	0	0	0	0	0	7	7	0	14	14
Housing Follow-up insp.	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	4
Housing New Complaint	3	6	4	3	0	0	0	0	0	0	0	0	16	41	22	22	7
Housing Follow-ups	4	5	5	7	0	0	0	0	0	0	0	0	21	56	28	24	11
Hotel Annual inspection	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	3	3
Hotel Follow-ups	0	0	0	0	0	0	0	0	0	0	0	0	0	15	0	0	0
Nuisance Complaints	9	4	1	2	2	0	0	0	0	0	0	0	18	34	55	42	30
Nuisance Follow-ups	10	7	2	3	5	0	0	0	0	0	0	0	27	55	69	42	45
Pool inspections	3	0	0	0	0	0	0	0	0	0	0	0	3	13	20	12	13
Pool Follow up inspections	1	0	0	0	0	0	0	0	0	0	0	0	1	3	12	7	8
Pool permits	4	0	0	0	0	0	0	0	0	0	0	0	4	11	19	12	9

Category	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY'21	FY '20	FY' 19	FY' 18	FY' 17
Pool plan reviews	0	0	0	1	1	0	0	0	0	0	0	0	2	0	3	44	19
Pool variances	0	0	0	0	0	0	0	0	0	0	0	0	0	6	5	7	6
Septic Abandonment	1	2	1	1	1	0	0	0	0	0	0	0	6	21	9	5	18
Addition to a home on a septic plan rev/approval	0	0	0	0	1	0	0	0	0	0	0	0	1	5	2	2	5
Septic Install. Insp.	0	2	0	3	0	0	0	0	0	0	0	0	5	13	21	28	43
Septic COC for repairs	0	1	0	0	0	0	0	0	0	0	0	0	1	5	3	1	0
Septic COC for complete septic system	0	0	0	0	1	0	0	0	0	0	0	0	1	3	4	3	3
Septic Info. requests	10	7	6	8	6	0	0	0	0	0	0	0	37	61	62	51	62
Septic Soil/Perc Test.	0	0	1	0	0	0	0	0	0	0	0	0	1	1	1	2	6
Septic Const. permits	0	1	1	0	0	0	0	0	0	0	0	0	2	6	6	5	8
Septic Installer permits	0	1	2	0	0	0	0	0	0	0	0	0	3	6	8	9	11
Septic Installer Tests	0	1	0	0	0	0	0	0	0	0	0	0	1	2	5	3	6
Septic Deed Restrict.	0	0	1	0	0	0	0	0	0	0	0	0	1	1	1	3	7
Septic Plan reviews	1	2	0	0	0	0	0	0	0	0	0	0	3	8	9	23	14
Disposal of Sharps permits	0	0	0	0	2	0	0	0	0	0	0	0	2	7	7	9	9
Disposal of Sharps Inspections	0	0	0	0	2	0	0	0	0	0	0	0	2	7	7	7	
Planning Board Subdivision Sp Permit Plan reviews/Insp. d	2	0	3	1	3	0	0	0	0	0	0	0	9	4	1	1	0
Subdivision Bond Releases	0	0	0	0	1	0	0	0	0	0	0	0	1	0	1	0	1
Special Permit/Zoning	1	1	2	0	5	0	0	0	0	0	0	0	9	17	34	15	12
Tobacco permits	0	0	0	0	4	0	0	0	0	0	0	0	4	10	10	11	12
Tobacco Routine insp	0	0	0	1	3	0	0	0	0	0	0	0	4	8	14	18	25
Tobacco Follow-up insp.	0	0	0	1	0	0	0	0	0	0	0	0	1	8	3	3	6
Tobacco Compliance checks	0	0	0	0	0	0	0	0	0	0	0	0	0	30	30	41	34
Tobacco complaints	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	4	2
Tobacco Compl. follow-ups	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	4	2
Trash Hauler permits	0	0	0	0	0	0	0	0	0	0	0	0	0	15	17	14	26
Medical Waste Hauler permits	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	1	2
Well - Plan Reviews, Permission to drill letters	0	0	4	0	1	0	0	0	0	0	0	0	5	2	6	2	7
Well Permits	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	3



NEEDHAM PUBLIC HEALTH DIVISION



Unit: Traveling Meals Program

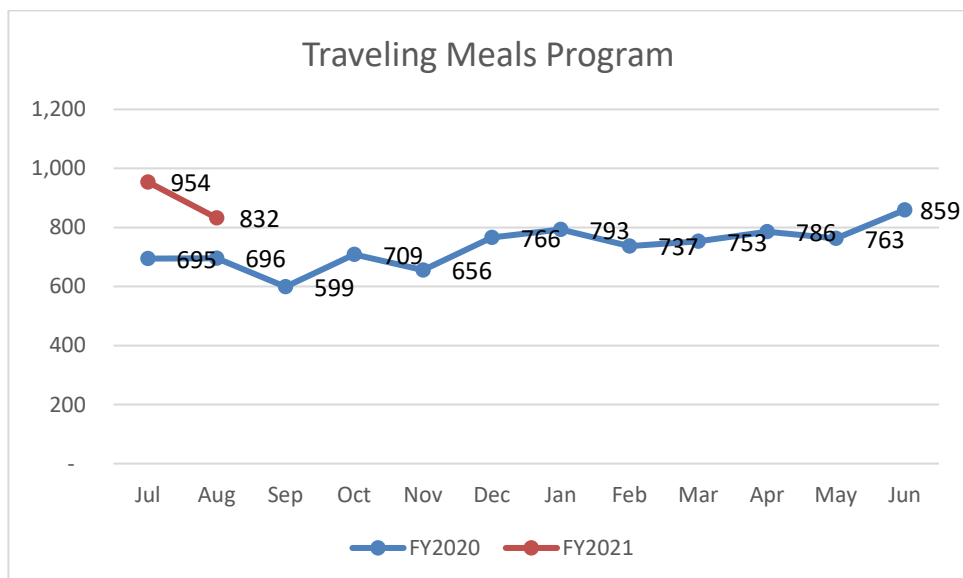
Monthly Report for November, 2020

Staff member: *Maryanne Dinell, Program Coordinator*

Activities

Activity	Notes
<i>COVID 19 -precautions continue by summer staff as they deliver meals to homebound Needham residents in need of food.</i>	<i>Meal delivery for month completed by 20-22 volunteers. 1 Consumer passed away- age related 2 Consumers now living w/relative in Florida</i>
<i>667 Meals delivered in November, 2020 3 days of no meal delivery due to Holidays occurring in November. 45 Consumers currently enrolled for the month. 32 Springwell 13 Private Pay 4 re-enrollments</i>	<i>Needham Community Council volunteers delivered Thanksgiving Day meals to 32 of the Traveling Meals Clients.</i>

Summary overview for the month: **FY 2021 Graph**



Traveling Meals Program

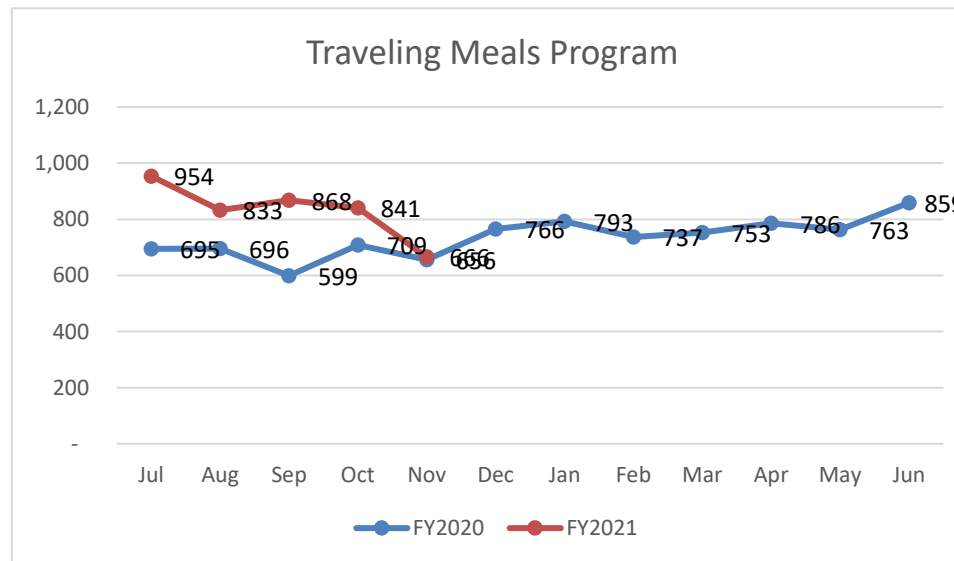
November, 2020 FY2021

	# Meals	# Meals	FY20	% Change
Month	<u>FY2020</u>	<u>FY2021</u>	<u>Cost</u>	<u># Meals</u>
<u>Jul</u>	695	954	\$5,485.50	37%
<u>Aug</u>	696	833	\$4,789.75	20%
<u>Sep</u>	599	868	\$4,991.00	45%
<u>Oct</u>	709	841	\$4,835.75	19%
<u>Nov</u>	656	666	\$3,829.50	2%
<u>Dec</u>	766			-100%
<u>Jan</u>	793			-100%
<u>Feb</u>	737			-100%
<u>Mar</u>	753			-100%
<u>Apr</u>	786			-100%
<u>May</u>	763			-100%
<u>Jun</u>	859			-100%
Totals:	8,812	4,162	23,931.50	

Projected-12 Mo.

\$ 45,954.00

9,988.80





NEEDHAM PUBLIC HEALTH DIVISION



Date: November 2020

Staff member: Lynn Schoeff

Activities and Accomplishments

Activity	Notes
Research and writing	• Received approval for two of the three proposals submitted to MetroWest Health Foundation (funding for part-time epidemiologist and an Aging Services grant) • Assisted in a grant proposal and other writing projects • BOH minutes
Policy development and review	• Research on racial and health equity policies
Mask distribution	• Facilitated more mask distribution for the Needham School Department

Summary overview for November:

Work in November again focused on research and writing, COVID response, racial and health equity



NEEDHAM PUBLIC HEALTH DIVISION



Unit: Public Health Nursing

Month: November 2020

Staff member: Tiffany Zike, Hanna Burnett, Mary Fountaine

Activities and Accomplishments

Activity	Notes
COVID-19 Communicable disease investigation	Primary and Secondary disease investigation and contact tracing. We saw a significant increase in cases in November for contact tracing.
Flu clinic	Did clinics at Housing Authority and in office for under 18 flu vaccinations.
Epidemiologist Interviews	Hiring a part-time epi for COVID data aggregation and contact tracing.
Domestic Violence Action Committee	Worked with Local Partners to display Silent Witnesses at Town Hall. Donated \$6,000 for food and Holiday Needs to REACH domestic violence survivors.
Vaccine preparation	Supply acquisition and inventory, adjustment to EDS plans, discussions with the State about how roll out will go.

Summary overview for the month:

The nursing department continues with weekly Maven trainings and DPH calls. Mary has been working with Per Diem Nurses on training for contact tracing. We have seen a significant increase in cases for November and have utilized the CTC at times during the surge to help contact our cases and the nurses have been taking weekends “on-call” as needed to cover the case load. Hanna has taken over the position of Co-Chair for the Domestic Violence Action Committee and is working on ways to help survivors during our current climate. We continue to work on assistance programs for residents and coordinate resources with MEMA and other community groups to provide these. Student nurse, Elizabeth Matheson, has been working on vaccine education and research into what needs we may have for distribution. She has been a valuable asset to Needham Public Health this semester.



NEEDHAM PUBLIC HEALTH DIVISION



COMMUNICABLE DISEASES:	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	Apr	MAY	JUN	T21	T20
Amebiasis				1									1	1
Chickungunya													0	1
BABESIOSIS	2	1											3	4
CAMPYLOBACTER	2	1	2		1								6	15
COVID 19 Confirmed	33	9	23	44	127								236	327
Confirmed Adjusted	34	10	27	44									115	331
COVID Probable	13	5	1	8	8								35	37
Probable Adjusted	23	9	1	1									34	
COVID Contacts	16	27	34	73	247								397	242
CPVID Suspect	1	8	5	18	5								37	15
CRYPTOSPORIDIUM	0												0	0
Cyclosporiasis	0												0	5
HGA	1	1											2	6
Enterovirus	0												0	1
GIARDIASIS													0	4
Haemophilus Influenza													0	0
HEPATITIS B	2			1									3	3
HEPATITIS C					1								1	8
HGA	1	1											2	6
Influenza													0	51
Invasive Bacterial Infection				1									1	1
Legionellosis													0	2
Listeriosis													0	0
LYME	4	9	5	8	1								27	38
MEASLES													0	0
MENINGITIS													0	1
Meningitis(Aseptic)													0	0
Mumps													0	2
Noro Virus													0	2
PERTUSSIS													0	2
RMSF(Rocky Mt Spotted Fever)													0	1
SALMONELLA					1								1	1
SHIGA TOXIN													0	0
SHIGELLOSIS	1												1	0
STREP Group B		1											1	2
STREP (GAS)													0	3
STREP PNEUMONIAE													0	0
TUBERCULOSIS	0	0											0	0
Latent TB													0	0
Varicella													0	4
Vibrio													0	0
West Nile virus													0	0
TOTAL DISEASES													903	522
Revoked/Suspect Diseases Investigated					1								1	6



NEEDHAM PUBLIC HEALTH DIVISION



ANIMAL TO HUMAN BITES	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	Apr	MAY	JUN	T21	T20
DOG	1	5	1	1	0								8	8
CAT													0	1
BAT	1	1	1										3	4
SKUNK													0	0
RACCOON		1											1	0
other													0	0
TOTAL BITES													12	13

IMMUNIZATIONS	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY21	FY20
B12			1	1	1								3	14
Flu (Seasonal)			288	877	45								1210	787
Hep B													0	0
Polio													0	0
TDap													0	10
Varicella													0	1

ASSISTANCE PROGRAMS	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	FY21	FY20
Food Pantry													0	10
Friends													0	10
Gift of Warmth				(1) 316.60	(2) 657.67								\$974.17	8(\$2114)
Good Neighbor													0	1
Park & Rec													0	3
Self Help													0	15

Donations:														
Resident: \$250														



NEEDHAM **PUBLIC HEALTH DIVISION**



Unit: Substance Use Prevention

Date: November 2020

Staff: Karen Shannon, Karen Mullen, and Monica De Winter

Activities and Accomplishments

Activity	Notes
Vaping Grant	Angela MacDonnell started as the new part-time Program Support Assistant for administering the Vaping Grant. Angela, Karen M. and Karen S. met with Dr. Kathy Pinkham, NPS Director of Wellness to discuss next steps for assessing vaping educational units for the Needham Public Schools Wellness curriculum.
DEA Take Back Day	The six SALSA students who volunteered at the Take Back Day created a PSA for the Needham community to explain how medication collection helps reduce access to and misuse of unused and expired medications. See video here: Prescription Drug Take Back Event PSA.mp4
SPAN meetings	Youth Action Team Mtg. 11/9 Steering Committee Mtg. 11/17 Parent Action Team Mtg. 11/19
SALSA	SALSA initiatives this month: - o 84 Movement Youth Power Summit- Four SALSA students represented Needham and presented "Vaping Awareness" to 30 MA students in breakout session.** - o Pollard Middle School presentations to grade 8 Wellness Classes (approx. 80 8th graders) - o Social Media Team- NHS Oracle/SALSA recruitment - o COVID-19 Awareness Team- NHS poster campaign - o COVID-19 Holiday PSA- video featuring 5 SALSA students sharing messages around safe practices during Thanksgiving. Click to Download - o Take Back Day PSA (see above) **The 84 is a statewide movement of youth fighting tobacco in Massachusetts. The 84 represents the 84% of Massachusetts youth who did NOT smoke when the movement began. Now, 93.4% of youth do NOT smoke.
Social Media	Posts to SPAN Facebook: SALSA COVID-19 Safe Thanksgiving PSA- 671 views, 1,309 reached. Take Back Day PSA – 39 reached •



NEEDHAM **PUBLIC HEALTH DIVISION**



DFC funding reconciliation	Work focused on account closeout and financial reporting requirements for the Drug Free Communities grant. Planning and estimating costs for remaining no-cost extension funds to include evaluation services, and training for coalition members and youth development.
Mental Health First Aid for Youth	Karen S. has been working with Katy Colthart of Youth & Family Services to prepare for the first virtual instruction of the 6.5 hour Mental Health First Aid course. The entire curriculum has moved to a virtual platform and has required re-certification for training the course.
HHS Racial Equity Committee	Meeting held on 11/12. Guest attendee, Reverend Catherine Cullen of the First Parish Unitarian Church in Duxbury, shared the work she and her community have been doing to dismantle racism. Committee members are examining individual departmental programs for racism with long-term goal of assessing ways to incorporate inclusivity and racial equity in our work.
Parent Al-anon group	Meetings held every Monday evening. New membership has increased, averaging 1 – 3 additional attendees per meeting. The MA Al-anon organization recently overhauled the meeting directory on their website. SPAN volunteer Sandra Rizkallah was instrumental in re-organizing the directory.
Trainings and Conferences	• ACES & Impacts on Health and Risk Behavior – 11/10- Karen S., Monica • SAPC Peer Sharing Call: Racial Equity and Substance Use Prevention- 11/12, Karen S. • BSAS: Getting Connected with Tobacco Awareness Groups – 11/16, Karen S. • The 84 Youth Power Summit 0 11/16, Karen S. and Karen M. • Tobacco Free MA2020 Policy forum- 11/19, Karen M. and Karen S. • LGBTQ+ Community and Mental Health – 11/18, Karen S. • FCD webinar “Conversation Starters”- Karen M. • Vaping Education webinar for Parents, 11/23, Karen M., Monica • <i>Well-Being During Quarantine</i> with Ilana Schlesinger, Webinar by BU SPH

Summary for Month of November 2020: Focus this month has included the Vaping Grant administration and reconciliation of DFC account closeout. This included planning and estimating costs for remaining no-cost extension funds to include evaluation services, and training for coalition members and youth development.



Board of Health

Kathleen Ward Brown, ScD

Edward Cosgrove, PhD

Stephen Epstein, MD, MPP

Christina S. Mathews, MPH Robert Partridge, MD, MPH

Mission

The Needham Board of Health, founded in 1877, and its Public Health Division strive to prevent and control the spread of disease, to address environmental issues, to promote healthy lifestyles, and to protect the public health and social well-being of all Needham's residents, especially the most vulnerable. This work addresses the social determinants of health, or the conditions in the environments in which people are born, live, learn, work, play, worship, and age that affect a wide range of health, functioning, and quality-of-life outcomes and risks, as defined in Healthy People 2020.

Goals for 2021 and 2022

Cross-cutting Planning Considerations

Equity

Build upon the work of the HHS Racial Equity Committee to identify “what needs to change or to be put in place to ensure equity and anti-racism in Needham.” How can this work be applied in all areas of public health?

Mental Health and Behavioral Health

Consider opportunities for collaboration and connection with mental and behavioral health programs that support Needham.

Health in All Policies

How can *Health in All Policies*, or the inclusion of health considerations into policy making across sectors, be applied in Needham to improve health outcomes and health equity?

Pandemic impact

What has the Covid-19 pandemic shown us about community public health needs and programs?

Administrative

Ensure the necessary infrastructure to effectively provide essential public health services.

- Develop processes and protocols for applications and management of all received grant funding within the Division.
 - Document necessary elements and responsibilities
 - Identify and address gaps
- Develop and implement schedule of Board review of one regulation per quarter.
- Review and revise website review to reflect current programming and resources.
- Develop a comprehensive communications strategy for the Public Health Division that increases community outreach and awareness of pertinent public health issues.

Ongoing

- Encourage continual gathering of qualitative and quantitative data to inform Public Health Division and Health & Human Services Department activities.
- Pursue grant funding opportunities to meet distinct community needs (i.e. concussion education and healthy aging initiatives).

Long-term

- Pursue Public Health Division accreditation and support the establishment of a culture of continuous quality improvement.
- Secure funding and support for a Director of Health position
- Develop capacity for data analysis and dissemination.

Community Health

Increase the quality, availability, and effectiveness of educational and community-based programs designed to prevent disease and injury, improve health, and enhance quality of life.

- Pursue collaborative development of physical activity projects with the Parks and Recreation Department and the Aging Services Division of HHS.
- Assess food security and nutrition needs across the Town of Needham and work with Town and School Departments, non-public education providers, community partners, and faith-based organizations to ensure food security and accessibility of

appropriate and healthy nutrition for all Needham residents regardless of circumstance.

- Advocate for resources to enhance community transportation options, especially for older adults and low-income populations.
- Identify financial resources to expand the Safety at Home Program, which prevents older adult falls through home visits, exercise programming, and referrals, to support more comprehensive home modifications.
- Develop a structure and pursue opportunities to collaborate with other Town departments regarding policies and programs which have an impact on health, such as with the accessory dwelling unit bylaw.
- Implement concussion regulation education for Needham youth sport coaches, including collaboration with Parks and Recreation Division, IT, and sport leagues.
- Support and expand upon existing community initiatives that address public health concerns including senior nutrition, elder isolation, mental health promotion, and domestic violence awareness.

Emergency Management/Emergency Preparedness

Improve the community's ability to prevent, prepare for, respond to, and recover from a major emergency.

- Implement recommendations from the August 2020 Covid-19 After Action report and Improvement Plan.
 - Identify barriers to implementation and work with staff to address these
- Revise and update the Town's Comprehensive Emergency Management Plan (CEMP) to include implementation of procedures for internal and external communications, Incident Command System (ICS), and workplace redundancy to improve the Town's Continuity of Operations.
- Manage ongoing Covid-19 response.
- Prepare for and support distribution and administration of eventual Covid-19 vaccines.
- Add two to three MRC volunteer training and educational events to develop an engaged volunteer corps.

Ongoing

- Conduct annual training and exercising of building-specific municipal safety and emergency guidelines and procedures to identify needed revisions to guidelines and procedures.

- Revise, educate, and test, by means of an annual drill or exercise, Emergency Dispensing Site protocols and plans, aligning with MA DPH and CDC requirements.
- Maintain full certification of the Needham Local Emergency Planning Committee (LEPC)

Long-term

- Conduct MRC call-down drills at least once per year to ascertain availability of MRC volunteers to deploy during emergencies in another community requesting assistance.
- Expand Needham's MRC membership so that volunteer resources are available during emergencies.

Environmental Health (EH)

Promote health for all through a healthy environment

- Implement Covid-19 response guidance through education and enforcement activities.
- Hire additional staff or provide additional resources to maintain EH Unit capacity for inspections, environmental health monitoring, training, and vendor and general public education.
- Work towards the achievement of all nine (9) FDA Voluntary National Retail Food Regulatory Program Standards; pursue federal, state, and non-profit grant resources to offset the costs for achieving full compliance and apply for future FDA grants to make this possible.
- Conduct a comprehensive assessment by the end of 2021 of regulations which require updates, revisions, or which should be rescinded.
- Develop a regular schedule for detailed review and revision of all regulations.
- Expand electronic inspection system and utilize for at least one other environmental health inspection (pools, septic, housing, etc.) by the end of 2021.
- Identify first steps for development of food establishment grading policies.

Ongoing

- Prioritize positive communication and relationships with food service owners and staff and tobacco vendor owners and staff.

Long-term

- Develop and implement food establishment grading policies.

- Research options for digital record keeping and options for electronic payment for permits and fees.
- Pursue a joint online permit application and permit granting system in conjunction with the Town's IT Department and other partners.
- Implement an electronic payment system.

Public Health Nursing

Advance population health through quality community/ public health nursing education, research and service.

- Manage Covid-19 response.
- Evaluate the cost and capabilities of the Needham Public Health Division flu vaccination and education efforts.
- Monitor how the Town uses different outlets for flu vaccination to increase vaccination rates by 20%.
- Provide Covid-19 vaccination education
- Assist in promotion, distribution and administration of eventual Covid-19 vaccines.

Ongoing

- Annually examine community demographics and population needs to identify priorities for public health nursing staff activities.
- Address the needs of the aging population through prevention and education efforts including home safety visits, blood pressure and other wellness clinics, and mental health services and referrals.
- Engage with community resource providers, including Domestic Violence Action Committee (DVAC), Community Crisis Intervention Team (CCIT), Needham Coalition for Suicide Prevention (NCSP) and others, to help address needs of individuals and populations requiring assistance.

Substance Use Prevention

Reduce substance use and misuse to protect the health, safety, and quality of life for all, especially children.

Needham

- Conduct alcohol compliance checks quarterly in FY 2021.

- Draft and implement a policy for Needham that outlines specific consequences for alcohol vendors who fail compliance checks in order to decrease youth access to alcohol by decreasing alcohol vendor compliance failures from 6 to 4 by 2021.
- Research and develop regulations for Needham that will govern the use of recreational marijuana.
- Revise existing regulations governing medical marijuana to promote a safe and healthy environment for all of Needham's residents by: prioritizing safe and sanitary operation of marijuana dispensaries and recreational marijuana establishments; and providing community education about the dangers of chronic use and general misuse of marijuana.
- Expand visibility of Substance Prevention Alliance of Needham (SPAN) and substance use prevention work in Needham
- Continue to identify problem substance use among youth
- Assess substance use among other populations, including but not limited to the older adult community
- Promote substance use prevention programs and advocacy for policy change more broadly, expanding reach into populations not previously served by federal funding
- Leverage visibility to youth, parents and community where appropriate, with cohort coalitions in neighboring towns.
- Examine substance use prevention procedures, policies and programs through a health equity lens, including but not limited to racial equity.
- Provide education and training for coalition volunteers on health equity.

Ongoing

- Provide at least six (6) educational and/or informational events to the Needham community about adverse health impacts of substance use and misuse for the youth, adult, and senior populations by June of 2020.
- Host two (2) additional mobile take-backs per year, in addition to the spring and fall Take Back Days on Town Common
- After each event, administer a qualitative assessment of performance

Long-term

- Increase weight of semi-annual prescription medication disposal in Needham from all medication disposal locations by at least 5%
- Secure a second safe and secure location in Needham for a sharps disposal kiosk at another Town facility or a community partner agency (FY 2021 approximately)

- Decrease Needham High School's 30-day youth use rates for alcohol, misuse of prescription drugs, and marijuana, by 2%. This will be measured by comparing the 2016 MetroWest Adolescent Health Survey (MWAHS) results with the 2018 and 2020 MWAHS results.

Regional Substance Abuse Prevention Collaborative (SAPC) Cluster (Needham, Dedham, Norwood and Westwood)

- Address parental attitudes favorable to alcohol use through a community awareness and education campaign in Needham, Dedham, Norwood and Westwood using messaging based on research. Include materials such as AD Council PSAs, SAMHSA Talk They Hear You, MADD Power of Parenting, Boston Children's Hospital Teen-Safe.org, and others.
- Address low perception of harm of alcohol use among high school grade 9 students by instituting a policy in Needham, Dedham, Norwood and Westwood school systems that 9th grade parents take an online education program (AlcoholEdu High School Parents).
- Conduct community awareness and education campaigns that encourage people to lock up alcohol in their homes in Needham, Dedham, Norwood and Westwood.

Ongoing

- Conduct Responsible Beverage Service training (TIPS) for retail licensees in Needham, Dedham, Norwood and Westwood to reduce ease of access to alcohol in the four communities.
- Police officers in Dedham, Needham, Norwood and Westwood will conduct alcohol compliance checks with under-age operatives in all licensed establishments on at least a semi-annual basis with the longer term goal of doing so on a quarterly basis.
- Sustain regional prevention funding for FY22 through state and federal grant applications.



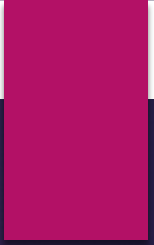
**Board of Health
TOWN OF NEEDHAM
AGENDA FACT SHEET**



MEETING DATE: 12/10/2020

Agenda Item	COVID-19 Update and Discussion
Presenter(s)	Timothy Muir McDonald, Director of Health & Human Services Tiffany Zike, Assistant Public Health Director Barbara Singer, Director of Health Services for Needham Public Schools

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Ms. Zike and Mr. McDonald will present information about the current status of the COVID-19 Pandemic in the Town of Needham and regionally/state-wide. They will review information about how the Public Health Division coordinates with its partners in the Needham Public Schools (NPS). Additionally, Mr. McDonald, Ms. Zike, and Barbara Singer will discuss with the Board the efforts that the Public Health Division, other Town departments, and the Needham Public Schools make to combat the spread of COVID-19 and educate the public about its impacts and how to keep themselves and their loved ones safe and healthy.	
2.	VOTE REQUIRED BY BOARD OF HEALTH
No specific vote is required, nor is one expected.	
3.	BACK UP INFORMATION ATTACHED
Brief presentation on COVID-19 case numbers during the month of October.	

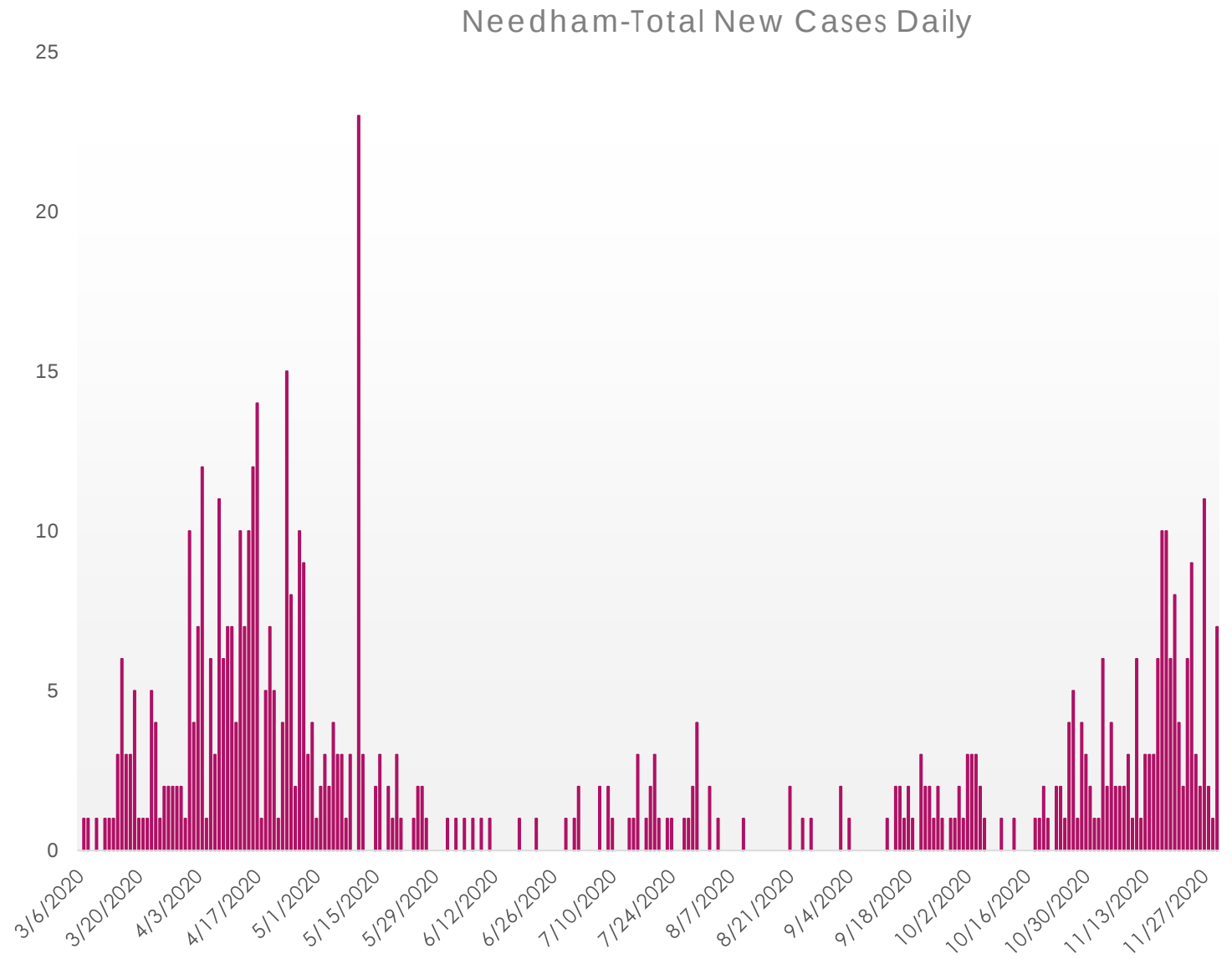


Needham COVID-19 Case Data

PUBLIC HEALTH DIVISION NOVEMBER 2020
MONTHLY REPORT

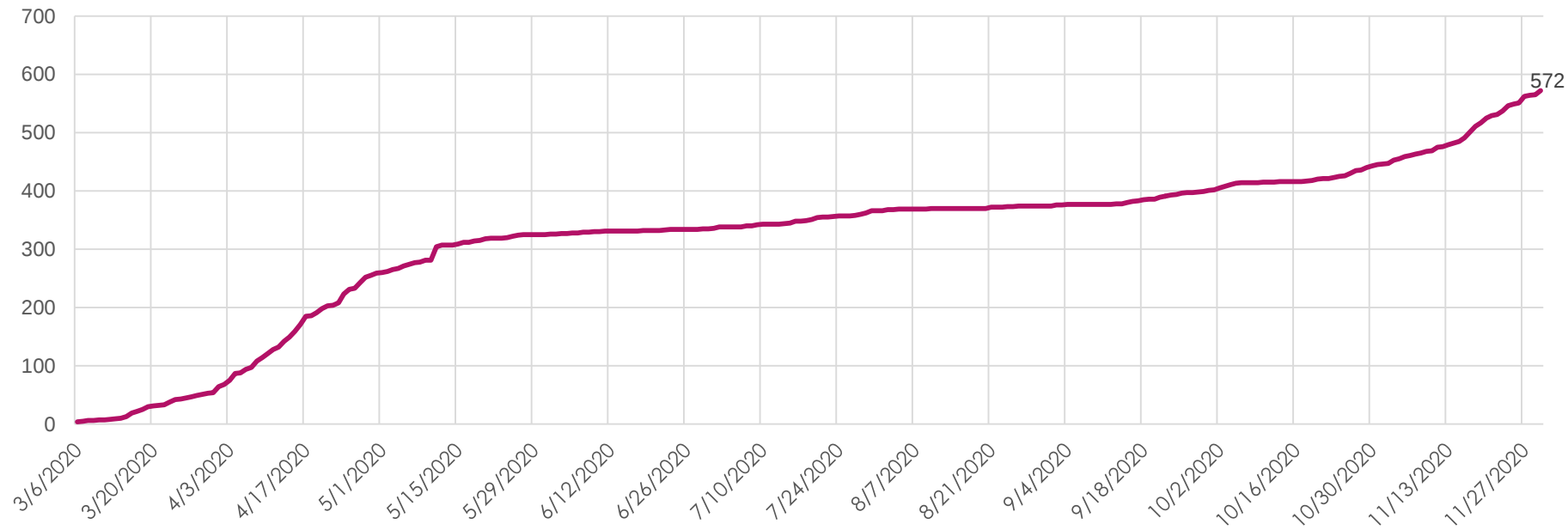
Year-to-Date Confirmed Daily Case Count

Daily case count thru Nov
30th, 2020

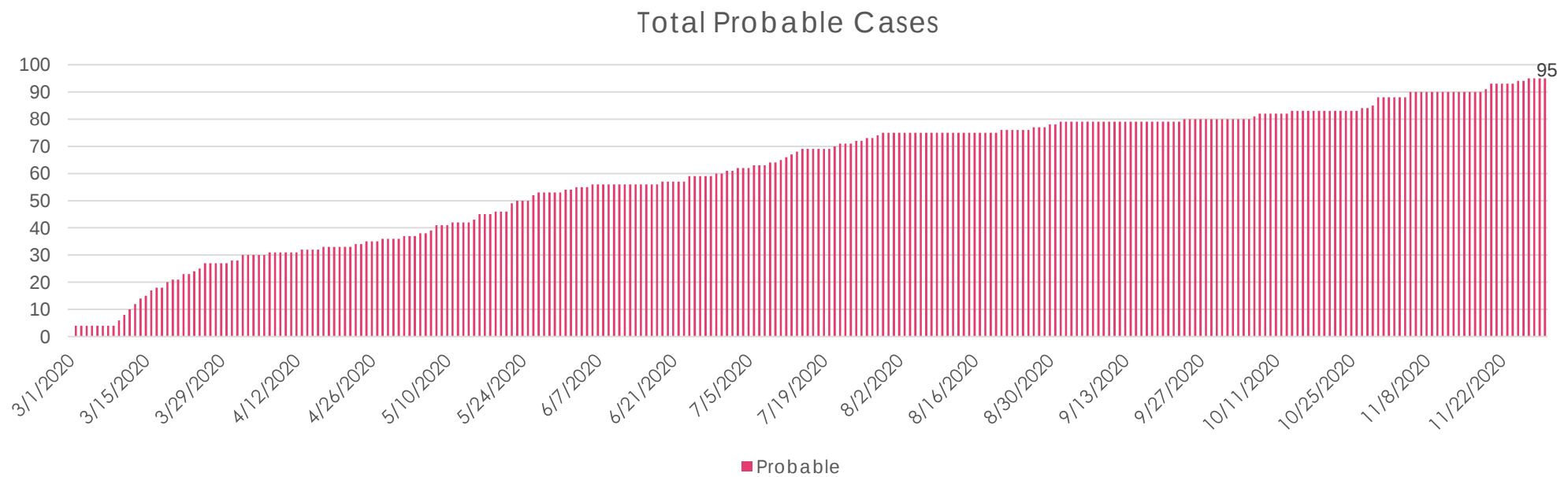


Confirmed Case Count: Year to Date

Needham Total Confirmed Cases



Probable Cases to Date



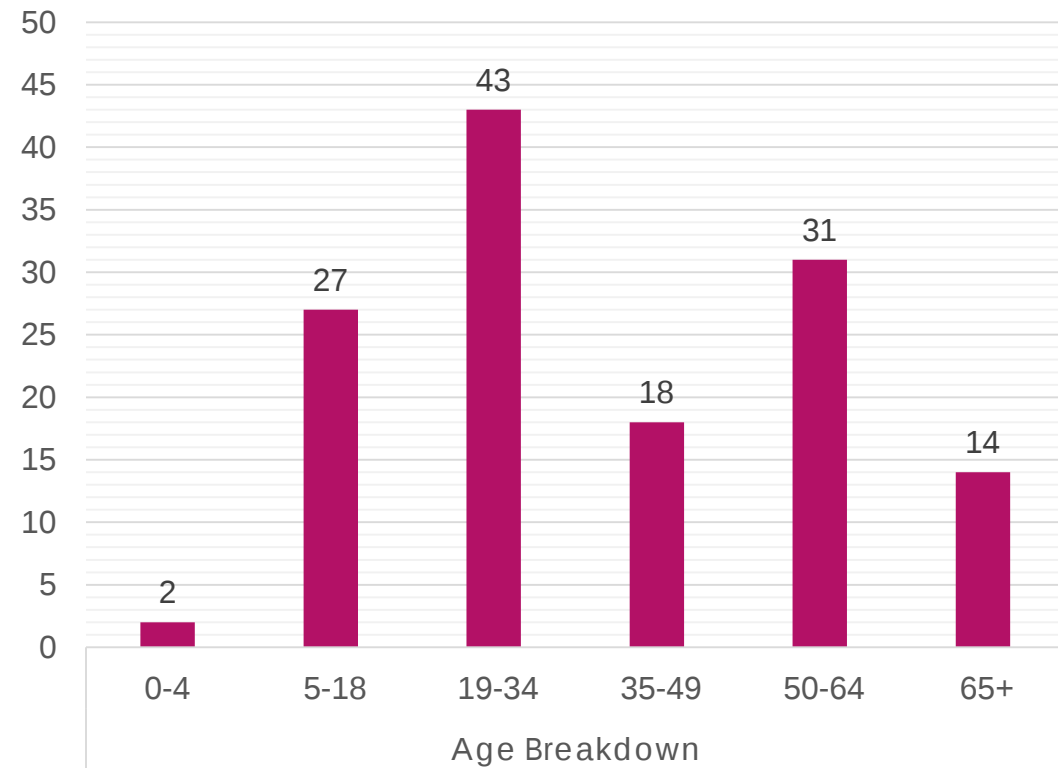
November Case Count

Confirmed and Probable Cases

By Age Range

Data from Nov 1 – Nov 30, 2020

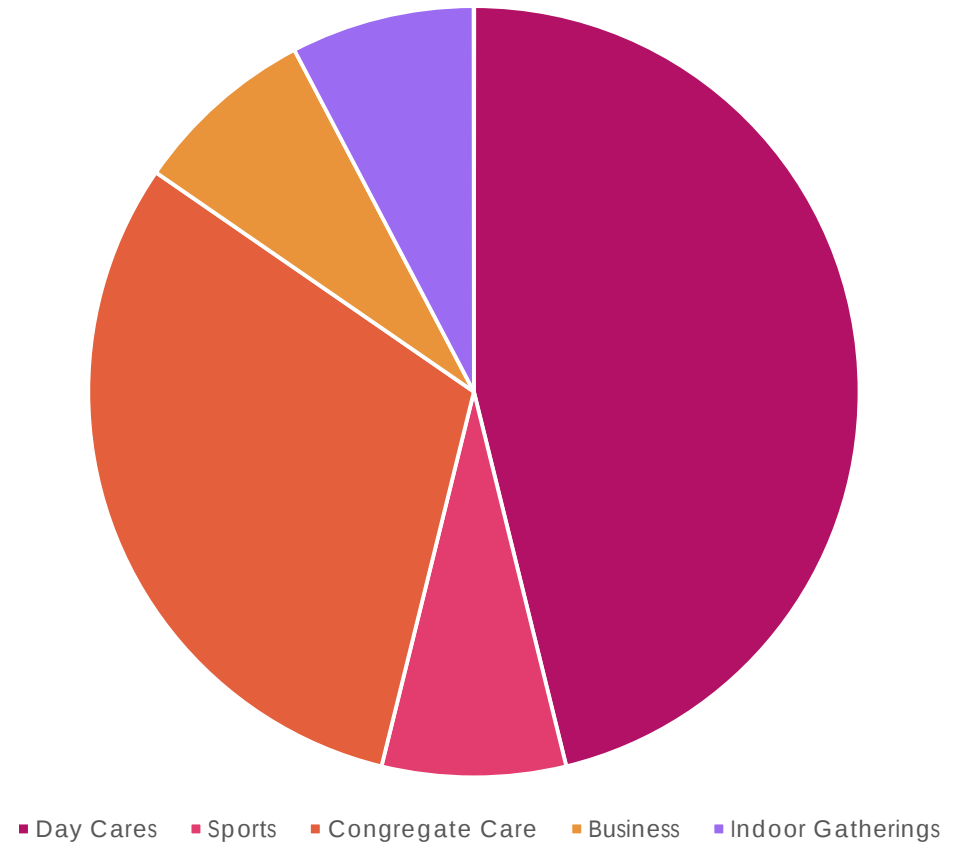
Total Confirmed and Probable by Age



Clusters Outside of Households

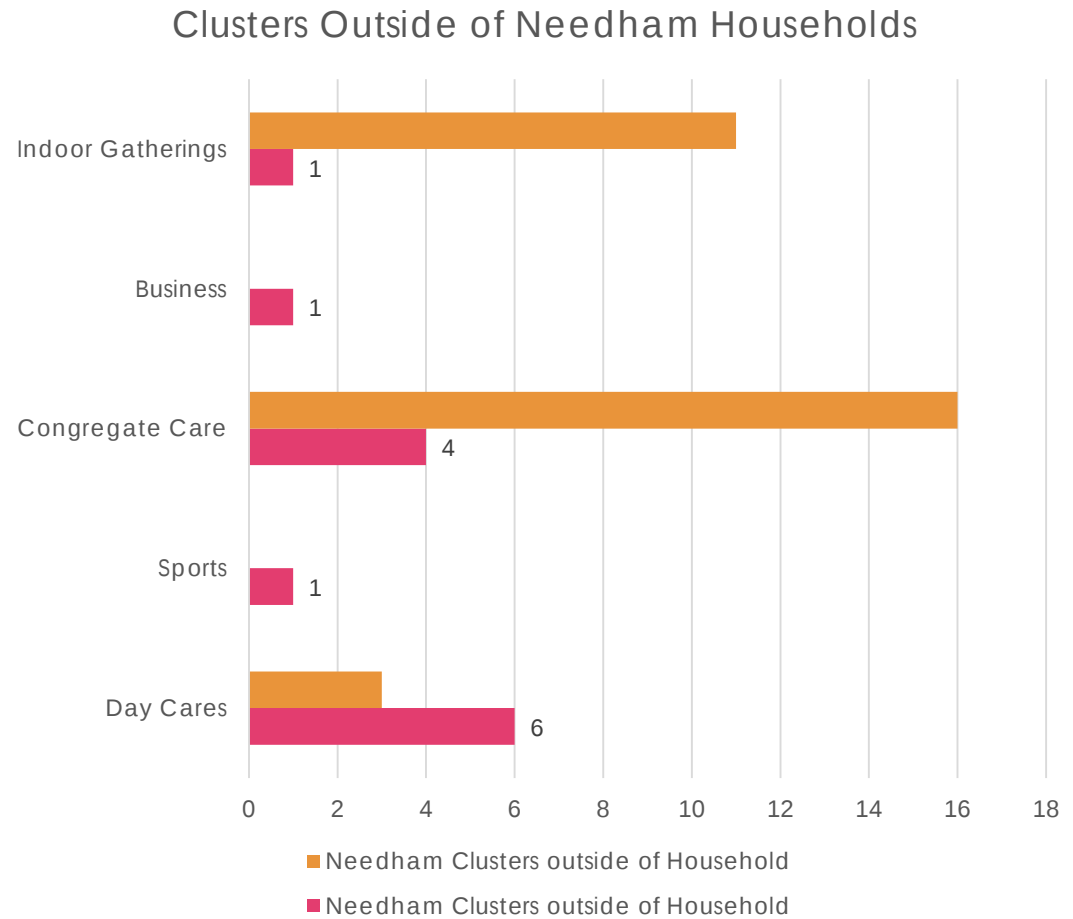
Data from October 24th –
November 30th, 2020

Clusters



Number of clusters and number of cases per cluster

Data from October 24th - November 30th, 2020

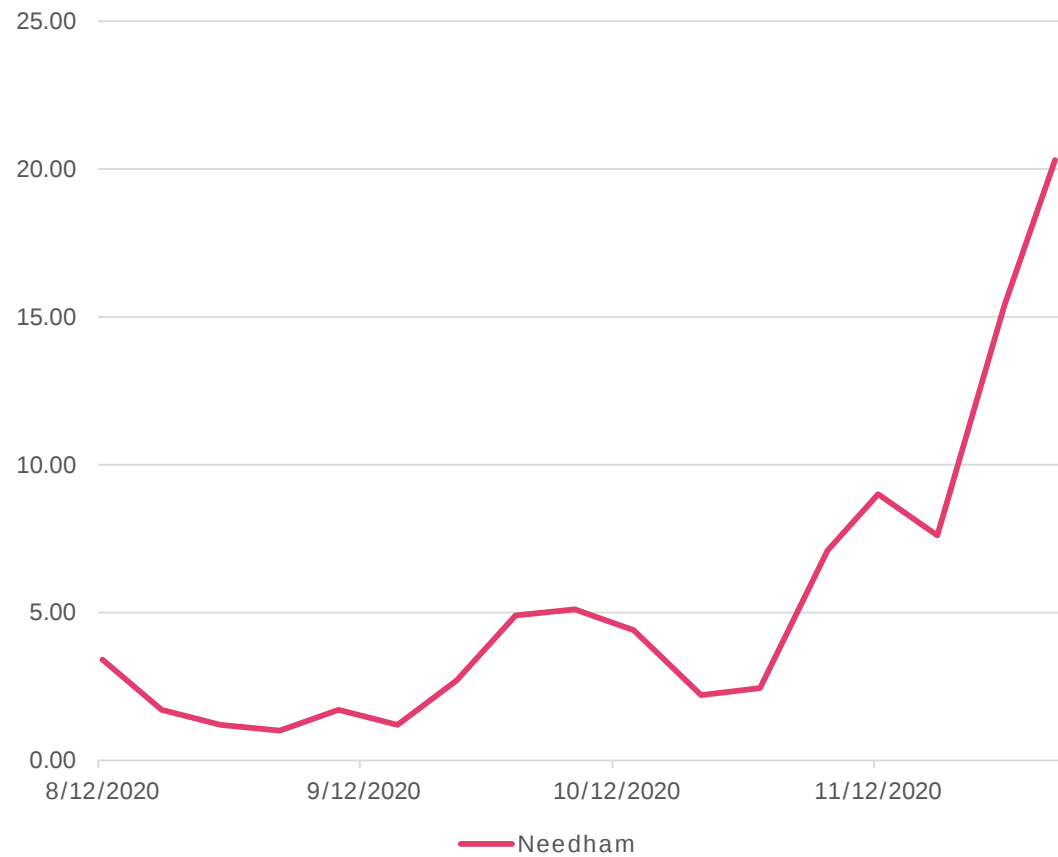


Average Daily Cases

Data as of November 28th

Release on December 3rd by MDPH

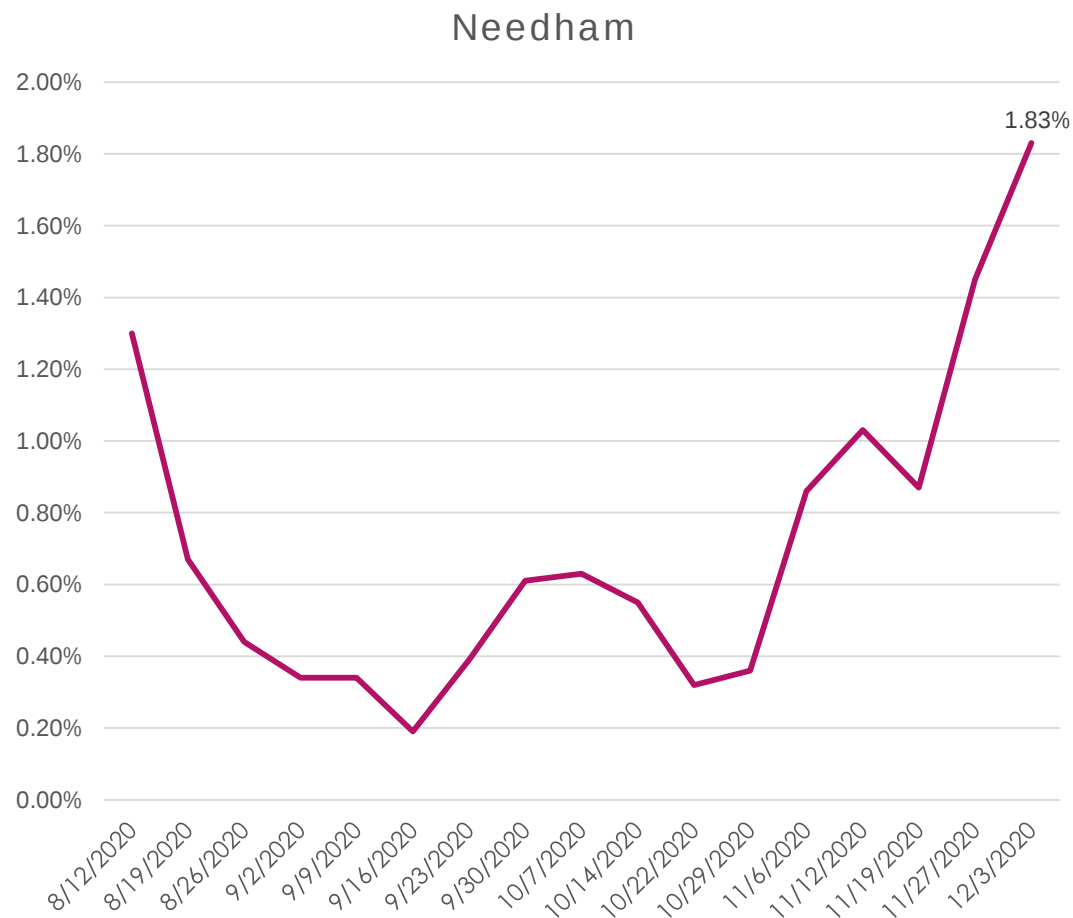
Needham Average Daily Cases



Percent Positivity

Data as of November 28th

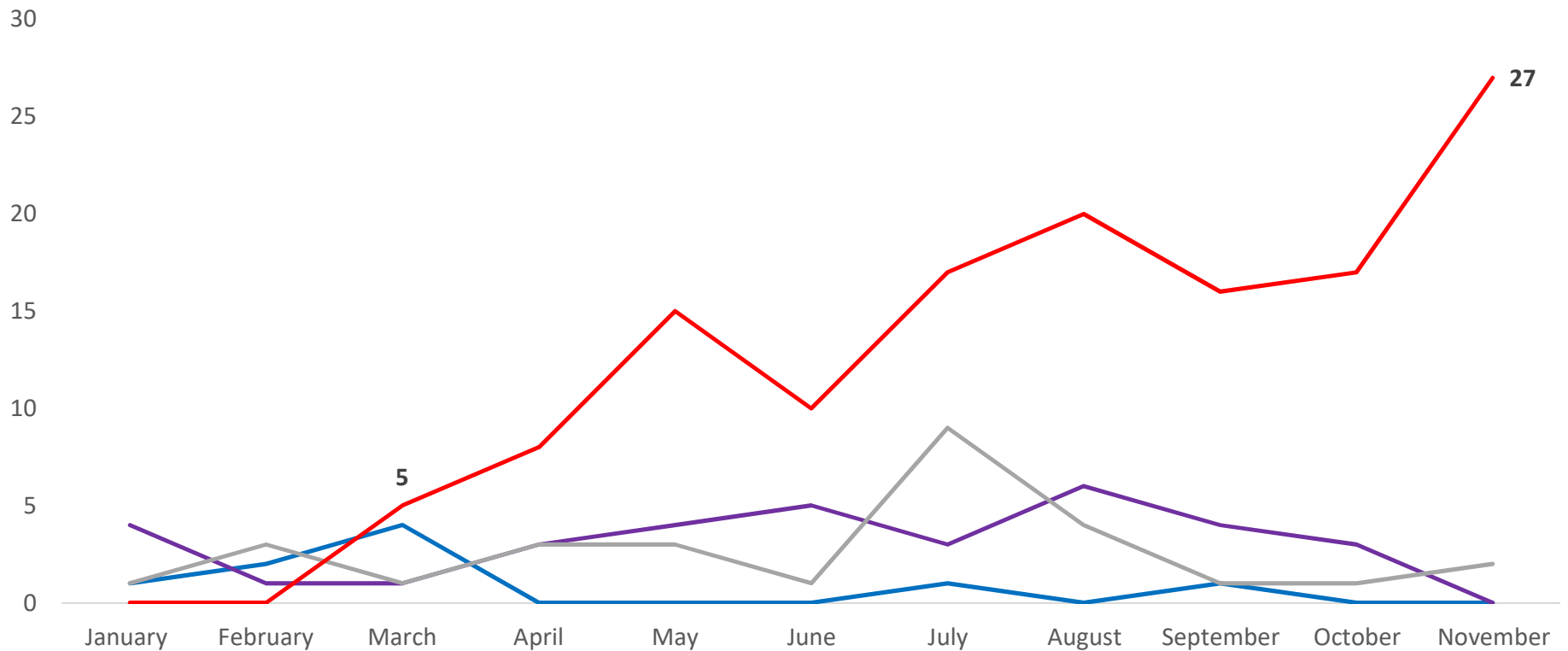
Presented on 12/3/2020 by MDPH



COVID-19 Call Volume

Complaints by Category 2020

Food Housing Nuisance COVID



Needham COVID Update: Week of Nov. 13, 2020

By Trevor Ballantyne

Needham Times
USA TODAY NETWORK

In a burst of positive news Monday, a COVID-19 vaccine being developed by Cambridge-based Moderna appears to have an efficacy rating of nearly 95 percent based on preliminary analysis.

The company called the results "a pivotal moment," and it will seek emergency use authorization in the coming weeks, the State House News Service reported.

The Department of Public Health reported 1,961 new COVID-19 cases on Monday, the first time in a week that the new daily case count has been below 2,000.

"I can't emphasize enough how important it is -- and I know it sounds like I'm lecturing, and I probably am -- but how important it is for people to truly wrap their head around this concept that the innocent act of small gatherings is where COVID is finding its greatest opportunities to spread," Gov. Charlie Baker said last week.

Needham's COVID-19 cases

With new cases on the rise in the state, town leaders in Needham will hold a joint meeting next week to discuss the town's ongoing response to the pandemic.

On Thursday of last week, the state's Department of Public Health reported 20 new COVID-19 cases in Needham, bringing Needham's total case count to 495, and marking the third week in a row the town's case total has increased by more than 30.

Local case data is published by the state on Thursday of each week; after the print deadline for this publication. Set for Nov. 19 at 4 p.m., members of the Needham Select Board, School Committee, Board of Health, and Finance Committee will attend, according to information provided in

the town's recent COVID-19 update. The meeting will be broadcast live on the Needham Channel and a Zoom-link to join the meeting will be posted to the Town's website.

COVID-19 in Needham schools

After adding six new COVID-19 cases between Oct. 27 and Nov. 6, the Needham Public Schools COVID-19 dashboard showed one additional case added over the last week.

Of the 20 cumulative COVID-19 cases reported by the school district as of Nov. 15, 75% were reported after Sept. 26, the date when students began in-person learning under a hybrid model.

So far, no COVID-19 cases have been reported among students, staff, and teachers at Mitchell Elementary School and the district's Central Administration building.

COVID-19 deaths in Needham

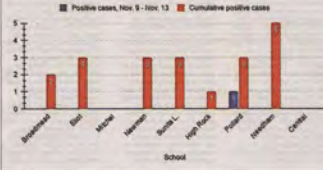
Data made available by the Town Clerk's office on Friday showed 14 COVID-19 deaths among Needham residents; an increase of three from the number of deceased last reported by the town on Oct. 20.

According to data released by DPH on Thursday, deaths among residents of three Long Term Care facilities represent 64.3% of the total COVID-19 deaths reported by the Town.

As of Nov. 12, the DPH COVID-19 data for Long Term Care Facilities includes 21 deaths at the long-term care facility at Wilewood of Needham; 20 deaths of Wilewood Rehabilitation and Healthcare Center; and 10 deaths of the Pines Ridge-Skilled Nursing Facility at North Hill.

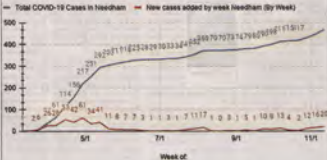
State House News Service reporter Katie Lomenzo contributed to this report. The chart displaying COVID-19 cases in Needham was changed to show a standard case chart for cumulative and new weekly cases.

Needham Public Schools: COVID-19 cases by building; Nov. 9 to Nov. 13, and cumulative.



New and cumulative COVID-19 cases by Needham Public Schools buildings. (TREVOR BALLANTYNE)

Total and weekly COVID-19 Cases in Needham, as of Nov. 12, 2020



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COVID contact numbers a concern

Youth trends worry officials, health director warns against participating in too many extracurricular activities

By Trevor Ballantyne
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means its two week average daily incidence rate, per 100,000 residents, is below 4 – Needham's rate is 2.4 as of Oct. 29 – up from 2.2 reported on Oct. 22.

Despite the positive local case trend, the town's Public Health Director Timothy McDonald on Tuesday cautioned residents and specifically warned students over

said via Zoom at a meeting of the Select Board.

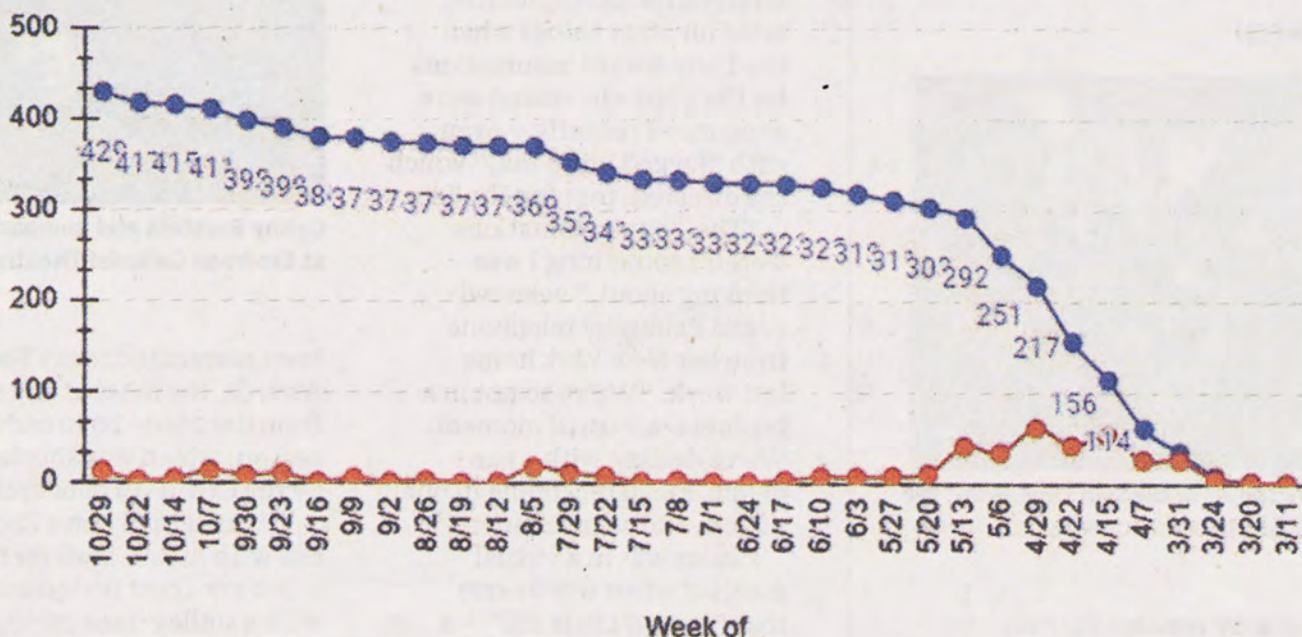
Contact tracing efforts in Needham have identified seven clusters of cases since mid-September after the town had no reported clusters since early May, the Public Health Director said. Under the state's definition, "clusters" are defined

case of COVID have 15 or more contacts – which is a very high number." He added, the department is concerned about students who are playing on "multiple teams in multiple sports – all in the fall."

"Someone is going from a hockey practice to a soccer practice to a lacrosse practice, to a

Needham COVID-19 cases as of Oct. 29, 2020

● Total COVID-19 Cases in Needham ● New cases added by week Needham (By Week)



Data provided by the state's Department of Public Health. [GRAPHIC/TREVOR BALLANTYNE]

COVID

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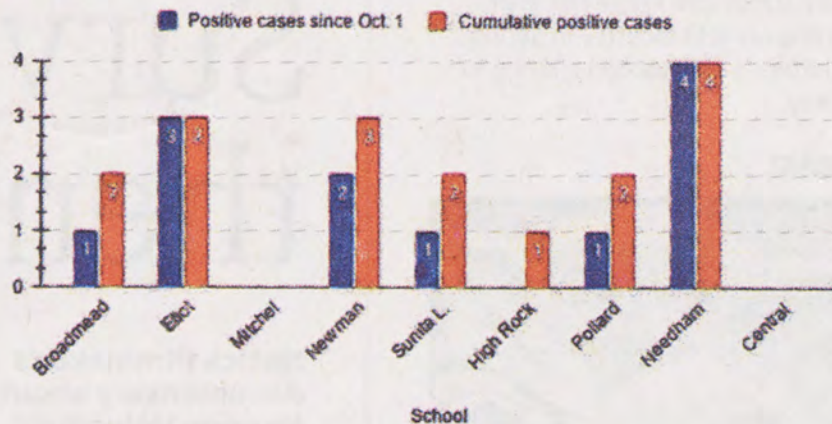
COVID-19 in Needham Public Schools

Since in-person classes began on Sept. 29, the school has identified a total of 12 confirmed COVID-19 cases in seven different schools, according to the public school district's COVID-19 dashboard. The cumulative positive case total for the school system is 15; including five confirmed cases added between Oct. 26 and Nov. 2.

Only one school, Mitchell Elementary has reported no positive case and no positive cases have been identified among staff working at the district's Central Administration Building.

The case information is available through a Needham Public Schools COVID-19 Dashboard unveiled by the town in early October. Cases can

Needham Public Schools: Confirmed COVID-19 cases as of Oct. 29



Data provided by Needham Public Schools. [GRAPHIC/TREVOR BALLANTYNE]

be viewed through the dashboard by school building and a date range can be set using the drop down menu in the upper-left-hand-corner.

COVID-19 death total increases

The total number of COVID-19

deaths among Needham residents increased to 81, according to data released by the town on Thursday -- an increase of four deaths since the office of the Town Clerk last released the figure through a review of death certificates on Oct. 15.

COVID surges in town

State data shows 50 new cases in Needham; highest weekly increase since April

By Trevor Ballantyne

Wicked Local

USA TODAY NETWORK

The state's Department of Public Health reported 50 new COVID-19 cases among Needham residents last week, bringing the town's total confirmed cases to 532 as of Nov. 27.

Local COVID-19 case totals

and rates are released weekly by DPH on Thursday, but they came on Friday last week as a result of the holiday.

The Nov. 29 report showed the highest weekly increase in new cases in Needham since the state reported 63 in its April 29 update for cities and towns -- on that day, DPH reported 1,063 new confirmed cases for a total of 60,265 statewide.

On Monday, almost exactly 10 months since the first case of COVID-19 was confirmed in

Massachusetts on Feb. 1, a total of 218,329 people in Massachusetts have been diagnosed with COVID-19 and at least 10,512 people have died, a fatality rate of roughly 4.8 percent.

According to death certificates filed with the Town Clerk's office, 84 Needham residents have died as of Nov. 13; no change since the town previously reported the statistic on Oct. 29.

Increasing to 15.4 last week, the 14-day average Daily Incidence Rate for COVID-19 in Needham,

calculated per 100,000 residents, more than doubled from the prior week's report. The new figure moves the Town from "Green" to "Yellow" in the risk category, based upon an assessment system introduced by Gov. Baker in early November.

Needham's 14-day positivity rate rose to 1.45 from .87 the week prior, also moving the Town into the "Yellow" category for that statistic.

See UPDATE, B1



**File photo:
COVID-19
information
in Needham.**

[WICKED
LOCAL PHOTO/
TREVOR
BALLANTYNE]

UPDATE

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Needham Public Schools: COVID-19

Across the state, public schools in Massachusetts reported a total of 482 new COVID-19 cases last week, including 276 among students engaged in hybrid or in-person learning and 206 among staff with access to district buildings.

The number of cases, reported to the Department of Elementary and Secondary Education by school districts, education collaborative, and special education schools from Nov. 19 through Nov. 25, is lower than the 652 logged the previous week. Methuen had the most new student cases, reporting 15 last week after documenting 12 new cases the previous week.

Operating under a hybrid-model, Needham Public Schools added 3 new COVID19 cases last week after reporting 13 the week prior.

As of Nov. 30, the school district's cumulative case total is 38. Half of the cases are concentrated in Needham High School and Pollard Middle School, the buildings with the highest populations of students and staff.

COVID vaccine update

On the vaccine front, Cambridge-based Moderna announced on Monday that it was requesting emergency use authorization of its COVID-19 vaccine from the U.S. Food and Drug Administration and the European Medicines Agency.

Moderna has said its mRNA-based vaccine for COVID-19 appears to have an efficacy rating of nearly 95 percent based on preliminary analysis.

Providing an update on Needham's COVID-19 response on Nov. 19, Needham Public Health Director Timothy McDonald discussed vaccine distribution preparations in Needham that he said began in May and recent flu shot clinics were used as training for COVID vaccine distribution.

"We have been planning for COVID vaccination for a long time," he said.

"There are a number of unknowns, our plans are in progress and are constantly subject to revision as we get more information from the federal government] or the state about how it will roll out, and when it will roll out, which is a big question mark from the state and local perspective."

Reporting by the State House News Service contributed to this article.

PUBLIC MEETING 12/10/20
LEGAL NOTICE

At a public meeting to be held on December 10, 2020, the Needham Board of Health of the Town of Needham, County of Norfolk, Massachusetts, acting under the authority of Chapter 111, Section 31 of the Massachusetts General Laws will be considering revisions to Article 1, Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham in the interest of, and for the preservation of, the public health. This summary shall serve as notice to all.

Revise Article 1, "Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham", which was last revised in November 2018, to retire 4 open tobacco permits and also consider adopting the state fine schedule.

The revisions will take effect on January 1, 2021

AD# 13926448
Needham Times 11/26, 12/3/20

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