

**BRAINTREE BOARD OF HEALTH**

**MINUTES**

**June 19, 2014**

**IN ATTENDANCE:** Dr. Philip Nedelman, Chairman  
Dr. Arthur Bregoli, Clerk

**ALSO PRESENT:** Marybeth McGrath, Director of ML & I

Dr. Nedelman called the meeting to order at 7:00 pm.

**MINUTES:**

**Motion By:** Dr. Bregoli to approve the meeting minutes of May 15, 2014.  
**Second By:** Dr. Nedelman

**NEW BUSINESS:**

**1) Public Hearing (continued): Propose draft Rules & Regulations Governing the Sale and Distribution of Tobacco Products and Nicotine Delivery Products.**

Present: D.J. Wilson, Director of the Tobacco Control Program with the Massachusetts Municipal Association.

**Motion By:** Dr. Bregoli to re-open the public hearing  
**Second By:** Dr. Nedelman

Mr. Wilson advised the Board that since the May 15, 2014 meeting, Newton and Malden have increased their age for sale of tobacco directly from 18 years old to 21 years old. Melrose also increased their age for sale of tobacco from 18 years old to 21 years old.

He also advised that New York City went 18 to 21 on May 19, 2014.

He advised that Weymouth has implemented changes in their tobacco sales regulations that will become effective on January 1, 2015, as follows: ban tobacco sales in pharmacies and health care institutions, expand requirements on e-cigarettes, ban blunt wraps. He is uncertain about any changes in the age for sale of tobacco.

Further, he advised that now 70 cities and towns have banned blunt wraps, 57 that have done the minimum pricing for cigars. Cigars are still a problem statewide. The latest

data nationwide shows that we are at the lowest level for use of tobacco by youth, but by type, a very high increase in cigar use by youth. Cigarette use by youth has gone down. Likely, due to the fact that cigarettes do not come in flavors and the cigarette tax, whereas cigars do come in flavors and only cost around forty-nine cents per cigar.

Pharmacies are going well. It appears that nationwide CVS Pharmacies are still supposed to voluntarily go tobacco free in October 2014.

Dr. Nedelman asked about the statistics data on the increase of sale of tobacco from 18 to 21.

Mr. Wilson advised that no almost 10% of the state has expanded regulations that increase the sale of tobacco from 18 years old to 21 years old. He also advised that 50% of the state has expanded regulations to ban the sale of tobacco products in pharmacies, and expanded regulations to ban e-cigarettes sales.

Dr. Nedelman asked if Mr. Wilson has heard about any other pharmacies going tobacco free, other than CVS.

Mr. Wilson advised that he has not.

Ms. McGrath asked Mr. Wilson if there have been any issues with Stop and Shop, where they have a pharmacy within the store enclosure regarding bans on pharmacies offering tobacco.

Mr. Wilson advised there have been no issues in those Stop and Shop locations with pharmacies. They have complied with the bans.

Ms. McGrath asked where he mentioned 10% of the state has gone from age 18 to 21, which have been significant sized communities, does he see at some point the state imposing a statewide regulation.

Mr. Wilson advised that at this point he does not see the state stepping in, but rather local cities and towns continuing to take local action. He advised that the matter is being put forth before the City of Cambridge town council.

**Motion By:** Dr. Bregoli to close the public hearing.

**Second By:** Dr. Nedelman

Ms. McGrath summarized the proposed changes in the regulation for the Board, as follows:

- the proposed regulation provides more current and detailed statistics regarding smoking and tobacco;
- the proposed regulation defines a minor as any person under the age of 21 for the purposes of the sale and distribution of tobacco products and nicotine delivery products;

- the proposed regulation bans the sale of tobacco products and nicotine delivery products in health care institution, including pharmacies and educational institutions;
- the proposed regulation bans blunt wraps;
- the proposed regulation provides more stringent requirements for the sale of cigars.

Ms. McGrath advised that this regulation is just for the sale and distribution of tobacco products and nicotine delivery products. She will be preparing a draft environmental tobacco smoke regulation to address, in addition to tobacco, prohibiting the use of nicotine delivery products in restaurants.

Dr. Nedelman and Dr. Bregoli asked Ms. McGrath to move forward on preparation of that proposed draft regulation for the restaurants.

**Motion By:** Dr. Bregoli to accept the final draft of the Rules and Regulations Governing the Sale and Distribution of Tobacco Products and Nicotine Delivery Products to be effective October 1, 2014.

**Second By:** Dr. Nedelman

Ms. McGrath advised that the next step for her is to publish the vote by the Board regarding this regulation in a local newspaper, send a copy of the regulation to the state, and send a cover letter with the regulations to all of the tobacco vendors. She will accomplish that as soon as possible and before the effective date of October 1, 2014.

**INFORMATIONAL:**

**2) Future Board of Health meeting dates (July-December 2014).**

**Motion By:** Dr. Bregoli to adjourn the meeting at 7:19 pm.

**Second By:** Dr. Nedelman