

**BOARD OF HEALTH**  
**Hearing Room, Second Floor, City Hall: 210 Main Street**  
**April 18, 2019 Minutes**

**BOH Members Present:** Joanne Levin; Suzanne Smith; Cynthia Suopis; William Hargraves; and Laurent Levy

**BOH Members Absent:** None

**Staff:** Merridith O’Leary, Director and Melissa Roberts-Cote, BOH Clerk

**Staff Absent:** None

**Meeting opened April 18, 2019** at 5:31 pm by Joanne Levin

**I. Public Comment Session:** No Public Comments

**Motion:** Motion made by Joanne Levin, to open Public Comment for a second time during the meeting seconded by Cynthia Suopis at 6:18 pm. All in favor (5-0)

**II. Review Minutes**

**A. Meeting Minutes from February 21, 2019.**

**Motion: Approved as amended:** Motion made by Suzanne Smith to accept the minutes as amended, seconded by Laurent Levy. All were in favor (5-0).

**III. Discussion:**

**A. Draft Regulation of the City of Northampton Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products**

The Board discussed the two draft versions of the Regulation that Restricts the Sale of Tobacco Products and Nicotine Delivery Products that were drafted based on the recommendation by Cheryl Sbarra, J.D. Director Policy and Law at Massachusetts Association of Health Boards.

In the first version it was recommended to remove the menthol, mint and wintergreen under the definition of characterizing flavors. The second change would restrict all of the Electronic Nicotine Devices to Tobacconist Establishments in Northampton only.

In the second version would restrict all tobacco, nicotine and Electronic Nicotine Devices to Tobacconist Establishments in Northampton removing tobacco completely from the retail stores.

Dr. Levin asked if any community has made these changes to which Director O’Leary advised that Somerville changed their regulation effective April 1, 2019, Needham will be effective July 1, 2019, Brookline is sometime in May 2019 and Ashland is January 2020. There are local communities that are working with their Board to make changes similar such as Amherst, Buckland and Shelburne. There is a current law suit by Fletcher Tilton Attorneys at law with Somerville Board of Health that is not about the regulation but about the public notification.

The removal of menthol, mint or wintergreen is viewed as important. In 2016-2017 we had explosion of JUUL increasing the vaping use by youth to 71 % and that 61% were vaping menthol. Dr. Levin inquired about if there was any local data which Director O’Leary stated that the Youth Risk Behavior Survey (YRBS) done by Strategic Planning Initiative for Families and Youth (SPIFFY) is available and she will forward it to the Board.

The Board will move forward with a public forum on May 23, 2019

**B. Regulation of the City of Northampton Board of Health Prohibiting Smoking in the Workplace and Public Place**

The Downtown business district maps were reviewed with the Board. The Board had a discussion about the following topics:

- Smoking areas locations
- Maps locating Smoking area
- Support from the downtown business owners
- Receptacles

The Board discussed to add in the draft regulation under Section D. “Smoking Prohibited” letter K. to reflect: “Northampton Central Business District or in areas of Florence zoned General Business District in areas of Florence zoned General Business District, as delineated on the Northampton Zoning Map (§350-3.4)”. Suzanne Smith has agreed to write some language for Section D. to reflect open spaces areas to be included in this section for the next meeting. Director O’Leary will work with the Cheryl Sbarra, J.D., Director of Policy and Law at the Massachusetts Association of Health Boards (MAHB) and the city solicitor for Sections E. “Enforcement under #1. Under Section D. there would be a # 4 to show exemption for the designated smoking areas, which Suzanne Smith will also write language for this #4. On the May 23, 2019 at the next Board of Health meeting the draft regulation will be reviewed and if the draft is agreed upon a hearing will be scheduled.

**C. Massachusetts Adoption of the 2013 Food Code**

Massachusetts has adopted the 2013 Food Code in October of 2018. Director O’Leary pointed out one of the changes from the 1999 Food Code to the 2013 Food Code was the definition of an Establishment. The definition as written does not require inspections to Food Establishments that do not sell Potentially Hazardous Foods (PHF) as well as does not require permitting. Director O’Leary felt these Establishment should be inspected and permitted for a variety of reasons. A letter has been drafted to the Establishment Business Owners as to the specifics of the City Draft Food Establishment Regulation. The Board of Health has reviewed the Draft Food Establishment Regulation and passed a motion to have a hearing on May 23, 2019.

**Motion:** Motion made by Suzanne Smith, to accept Food Establishment Regulation with one edit seconded by Laurent Levy at 7:55 pm. Hearing Date set for May 23, 2019. All were in favor (5-0).

**Department Updates:**

- The Northampton Health Department for the past three years has been managing the Regional Medical Reserve Corp (MRC). They have been conducting regional sheltering trainings, exercises and drills for the past three years. About 1 year ago there was a Meningitis B outbreak and the MRC called volunteers in to conduct an Emergency Dispensing Site (EDS) where over 11,000 people needed to be vaccinated. The MRC was recognized at the National Conference with the Community Response Award for greatly contributing to the large-scale Emergency Dispensing Site in response to the Meningitis B Outbreak in Western Mass.

- The Northampton Health Department has been tracking and vaccinating Hepatitis A since the outbreak that occurred in the eastern part of the state back in early winter 2018. Northampton had their first Hepatitis A case about 3 weeks. The Health Department in attempt to increase health care awareness will be conducting clinics for Hepatitis A vaccine. They have made hand sanitizers with public notification cards available to the public identifying when and where the Hepatitis A vaccine clinics will be conducted in conjunction with Tapestry Health.
- Cannabidiol-Hemp (CBD) Advisory: In recent months there has been an explosion of CBD products for sale in the Northampton Markets. In December of 2018 there was a lengthy process through Congress, which made industrial CBD and its derived products now legal on a federal level which is overseen by Massachusetts Department of Agriculture (MDAR) who will license and oversee CBD products. Under the federal law MDAR states products must be tested by an approved Massachusetts laboratory as determined by MDAR to ensure standards that are set by MDAR are met, to date no licenses has been issued and there are no products ready for sale. Director O'Leary is acting under the 2013 Federal Food Code which was adopted by Massachusetts this year to remove CBD infused foods from the establishments that fall under her preview as this is a violation of the 2013 Federal Food Code which falls under the umbrella of the Health Department.

**Meeting Closed: Motion to Close Meeting:** Motion made to close the Board of Health meeting by Laurent Levy, seconded by Suzanne Smith, all in favor (5-0)

**Meeting closed at 8:20 pm.**

The next scheduled Board of Health Meeting: May 23, 2019  
Melissa Roberts-Cote, BOH Clerk

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## **BOARD OF HEALTH**

Date: April 23, 2019

**Hearing Room, Second Floor, City Hall, 210 Main Street**

### **Meeting Document List**

The following documents were available to the Board of Health during their scheduled meeting.

These documents are available for review at the:

**Northampton Health Department, 212 Main Street, Northampton, MA 01060**

- Meeting Agenda
- February 21, 2019 Draft\_Minutes
- Draft Version 1 Regulation of the Restricting the Sale of Tobacco Products and Nicotine Delivery Products
- Draft Version 2 Regulation of the Restricting the Sale of Tobacco Products and Nicotine Delivery Products
- Correspondence: Fletcher Tilton-Attorneys at law
- Correspondence: Henry C. Cropsey, Esq.
- Correspondence: Michael Siegel, MD, MPH
- MAHB (Massachusetts Association of Health Boards) Restricting all Tobacco Product Presentation
- Draft Regulation for the City of Northampton Prohibiting Smoking in the Workplaces and Public Places
- Draft Regulation for the City of Northampton Food Establishment
- Draft Letter to the Northampton Food Establishments regarding the new City Food Establishment Regulation
- Hep A Outbreak document
- CBD (Cannabidiol-Hemp Advisory)
- Health Department Operational Budget Report