

**BOARD OF HEALTH**  
**JFK Middle School, Community Room, 100 Bridge Road, Florence**  
**May 23, 2019 Minutes**

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

**BOH Members Absent:** William Hargraves

**Staff:** Merridith O’Leary, Director

**Staff Absent:** Melissa Roberts-Cote, BOH Clerk

**Meeting opened May 23, 2019** at 5:31 pm by Joanne Levin

**I.** The Board of Health Chair, Joanne Levin convened the meeting and explained that the original structure of Public Hearing was cancelled, but people were welcome to talk at the Public Comment session on the proposed amendment of the “Regulation of the City of Northampton Board of Health Prohibiting Smoking in workplaces and Public Places” or any other subject. Those wishing to speak about nicotine sales will have another opportunity to speak later in the meeting.

**II. Public Comment Session:** The public comment session was well-attended. While there were several speakers in favor of the proposal regarding smoke-free downtown, numerous speakers suggested that the proposed regulation banning smoking in the business Districts could result in the Police targeting the homeless/houseless.

**III. Review Minutes**

**A. Meeting Minutes from April 18, 2019.**

**Motion: Reviewed and Approved:** There was a motion to accept the minutes which was seconded. All were in favor (4-0).

**IV. Discussion:** Discussion of the proposed amendment of the “Regulation of the City of Northampton Board of Health Prohibiting Smoking in Workplaces and Public Places” The Chair asked for opinions/reflections/comments from the Board of Health members.

- a. Cynthia Suopis asked the Board to review the literature on the health effects of outdoor second hand smoke, review the lack of signage on our current ban on smoking in parks and recreational areas and review the protocols for enforcement of the proposed regulation. She suggested we start with Pulaski Park and address enforcement of non-smoking, that we address the lack of signage in all parks, and that we consider convening a committee of impacted individuals such as business owners, downtown workers, and to be sure to include smokers. She also concluded that the proposed regulation may be premature without first having further work conducted by the Board.
- b. Laurent Levy noted that there was, in his opinion, a parallel between the proposed smoking regulations and the open container laws, and that he was wondering why a smoking restriction could be considered more controversial than a restriction on the consumption of alcohol in public. He also noted that several public comments had

brought up the argument that there were more important health issues to tackle than smoking regulations. While this may be true, he indicated, that does not mean the Board of Health should disregard health concerns related to smoking.

- c. Suzanne Smith stated that she encounters smokers on the street frequently and has to walk through smoke while on the sidewalk. While some citizens have raised concern about those who may be homeless, she is not concerned about who is smoking, rather that they are smoking and putting others at risk. She recalled that Chief Kasper reported in a previous public forum on this topic that the police has no interest in ticketing the homeless. It is also important to remember there will be designated smoking areas.

#### **V. Public Forum: Proposed changes to the City of Northampton Board of Health Restricting the Sale of Tobacco Products and Nicotine Delivery Products.**

- a. Karen Jarvis-Vance, RN, Director of Health Services for the Northampton Schools. Vaping has exploded. Nicotine is addictive, so it is appropriate to restrict it. Tobacco use is also rising—if we can restrict access to vaping, we may impact tobacco use. What do we know works? Laws and social norms, and restricting access. Where do kids get their vapes? Local stores, people of age, internet. Only 2-4% of youth use fake IDs for obtaining alcohol. On-line MA data shows that mint and menthol are very popular flavors. #1 is mango, #2 is menthol
- b. Heather Warner, SPIFFY Coalition Coordinator. She quoted the 2017 data on use in Northampton from the 2017 Northampton Youth Data report put out by SPIFFY. 2019 use is coming soon.

What do you vape? Most said Juul. Juul contains 5% nicotine juice, higher than the limit allowed in Europe. 2% product to come out soon.

Pilot of “catch my breath” program. 4 parts. Presented to 7<sup>th</sup> graders at NHS and Smith Vocational.

Consider integrating this program into health class? Use for violators?

- c. Kate Kelly, Northampton Area Pediatrics. She has seen accidental ingestion of nicotine juice by young children. Some teens move from e cigs to cigarettes. Teens get products from siblings, some put other things in vape pens.
- d. Drew Carlson, Ray Cross. Convenience store 1 Pleasant St. Have had 98% compliance. Rely on ancillary sales. 30-50% of sales are nicotine products, it would be huge transition, may need to change to kitchen
- e. Hamid- Jim’s Variety in Florence, 15 west Farms Road. When we went from age 18-21, kids went to Easthampton. 40-50% of sales are tobacco products. 20% profit margin. Would likely need to shut down.
- f. Director O’Leary in response to a question: there are 26 tobacco licenses in use now, 4 are available. There are 35- 40 convenience stores in Northampton.
- g. Mark Boss, Lawyer for Fletcher-Tiltan, a Convenience Store Trade Group- spoke against the proposal.

**VI.** The chair closed the meeting suggesting that continued discussion on the proposed regulation restricting smoking in the business district would occur at the next Board of Health Meeting scheduled for June 27, 2019

**Meeting Closed: Motion to Close Meeting:** Motion made to close the Board of Health which was seconded, all in favor (4-0)

**Meeting closed at 7:05 pm.**

The next scheduled Board of Health Meeting: June 27, 2019

Melissa Roberts-Cote, BOH Clerk

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## **BOARD OF HEALTH**

Date: May 23, 2019

**J.F.Kennedy Middle School, Community Room, 100 Bridge Road, Florence**

### **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
- April 18, 2019 Minutes
- Draft Regulation of the City of Northampton Board of Health Prohibiting Smoking in Workplaces and Public Places
- Letter-Fletcher Tilton, Attorneys at Law
- Commonwealth of Massachusetts Superior Court Document supplied by Fletcher Tilton
- Letter-New England Convenience Store & Energy Marketers Association
- Letter-Attorney James B Winston
- Letter-Pride-CEO Robert Bolduc
- Survey of Signage in Parks and Recreation Areas in Northampton May 21-22, 2019