

BOARD OF HEALTH
Hearing Room, Second Floor, City Hall: 210 Main Street
January 16, 2020 Minutes

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

BOH Members Absent: None

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

Staff Absent: None

Meeting opened January 16, 2020 at 5:32 pm by Joanne Levin

I. Public Comment Session: Several individuals spoke during Public Comment Session.

II. Review Minutes

A. Meeting Minutes from November 7, 2019.

Motion: Approved as amended: Motion made by Suzanne Smith to accept the minutes as amended, seconded by Cynthia Suopis. All were in favor (4-0).

B. Meeting Minutes from December 5, 2019.

Motion: Approved: Motion made by Laurent Levy to accept the minutes as written, seconded by Cynthia Suopis. All were in favor (4-0).

III. Discussion: Regulation of the City of Northampton Board of Health restricting the Sale of Tobacco Products and Nicotine Delivery Products.

The Board invited Cheryl Sbarra, J.D., Director for Policy and Law for the Massachusetts Association of Health Boards (MAHB), to discuss the new state laws. Attorney Sbarra indicated that certain sections of the new laws became effective immediately while some of the new laws will be effective on June 1, 2020. Attorney Sbarra advised that the new state laws have banned vaping products effective immediately while the tobacco products with a characterizing flavor will be banned effective June 1, 2020. Attorney Sbarra stated that the new state laws would include a new fining structure with fines of \$1000.00 for the first offense, \$2000.00 for second offense, \$5000.00 for third offense. It is unclear which offenses result in these fines and there will be a hearing held on January 17, 2020, for clarification by the Department of Public Health. Attorney Sbarra did acknowledge that all of the pending legal cases against various communities because of their tobacco regulations are currently on hold. The MAHB will be providing a training in March to local Boards of Health to assist with how to proceed with the enforcement of the new law going forward.

Amendment 1: Updating the definition of “Characterizing Flavor” to un-exempt mint, menthol and wintergreen would determine that mint, menthol and wintergreen are flavors and subject to the policy.

Motion: Motion made by Suzanne Smith to approve amendment 1, seconded by Cynthia Suopis at 7:00 p.m. All in favor (4-0)

Amendment 2: Updating the definition Tobacconist will further clarify and delineate what conditions a tobacconist would need to meet to avail itself of advantages to policies where tobacconist are exempt.

Motion: Motion made by Laurent Levy to approve amendment 2 as written, seconded by Suzanne Smith at 7:15 p.m. All in favor (4-0)

Amendment 3: Adding a policy that will restrict the sale of all vape product to tobacconists, where you have to be 21 to enter the store.

Motion: Motion made by Suzanne Smith NOT to approve amendment 3, seconded by Cynthia Suopis at 7:23 p.m. Vote (3-0-1 Abstain-Levy)

Amendment 4: Adding a policy that will restrict the sale of all tobacco products to Tobacconists.

Motion: Motion made by Suzanne Smith to NOT approve amendment 4, seconded by Cynthia Suopis at 7:24 p.m. Vote (3-0-1 Abstain-Levy)

Amendment 5: Reducing the number of retail permits to reflect our current number issued (at the time of the effective date of the regulation).

Motion: Motion made by Suzanne Smith NOT to approve amendment 5, seconded by Laurent Levy at 7:21 p.m. Vote (4-0)

Amendment 6: Updating out of package sales to mimic suggested language of the model regulation. This is to allow cities and towns, the ability to enforce the AG regulations that ban in-store vape juice mixing and requires child-resistant packaging. It is not new law, just allowing for local enforcement.

Motion: Motion made by Laurent Levy to approve amendment 6 as written, seconded by Suzanne Smith at 7:22 p.m. All in favor (4-0)

IV. Variance Request: Stanislava Yufa requesting a variance from the city of Northampton Board of Health Body Art Establishment Regulation; Section 13 Apprenticeship Standards.

Director O'Leary addressed the Board regarding Stanislava Yufa and the Variance to the Body Art Regulation. Ms. Yufa was in an apprenticeship program for several years and completed it, and was licensed in New York for a little over 2 years and has completed the pre-requisites of blood borne pathogens, CPR, And First Aid. The Body Art Regulation for the City of Northampton under Section F, requires 3 years of actual experience and proof of uninterrupted licensure.

Motion: Motion made to approve the variance request, conditional on pending information from Ms. Yufa's mentor. Director O'Leary will contact and verify information. Motion made by Laurent Levy, seconded by Suzanne Smith at 8:06 p.m. All in favor (4-0)

V. Department Updates:

- The Pesticide Use Committee had a double reading of the resolution at the City Council and the resolution was passed on March 7, 2019 declaring that all non-school City grounds will be pesticide free.
- NaloxBoxes have been installed throughout the city, two in City Hall, 1 unit in the Municipal Building, Memorial Hall, Northampton Police Department, James Building, Lilly Library and Forbes Library. We contracted with NaloxBox to be a distributor, allowing us

to purchase more NaloxBoxes for our partners in Hampshire, Franklin, Hampden and Berkshire Counties using grant money and with this collaboration it will reduce the cost of the NaloxBox significantly. The only downfall is that the Health Department must monitor these boxes daily to make sure they are fully supplied.

- Northampton Health Department (NHD) was awarded the NACCHO Grant, which will participate in a new mentorship program. NHD will mentor Local Health Departments (West Springfield, and East Longmeadow and 2 Health Districts in Washington State,) to pair together and establish a network that can learn from each other and share tools and resources on overdose prevention.
- The Bureau of Substance Abuse Services (BSAS) funding will be ending in June 30, 2020. A Request for Proposal (RFP) was advertised for the BSAS-Prevention-Overdose to Action Grant (BSAS-OD2A) which will assist the needs of individuals with opioid use disorders. The Center for Education Services (CES) applied for the grant and it was awarded. CES will be giving the money to the Northampton Health Department as the sub-recipient allowing for the work to continue with Hampshire HOPE.
- The Health Department will be seeking a Data Base Manager to develop a comprehensive, customized database system that is web/mobile friendly. This manager will integrate multiple agencies and information from tracking, outreach & overdose, clinical information, and a wide variety of other information while maintaining a proficient level of knowledge with facilitating data sharing agreements. The manager will design a database to document and analyze information, track progress and notify partners through automated notification systems.

Meeting Closed: Motion to Close Meeting: Motion made to close the Board of Health meeting by Suzanne Smith, seconded by Cynthia Suopis, all in favor (4-0)

Meeting closed at 8:35 PM.

The next scheduled Board of Health Meeting: Tuesday February 25, 2020
Melissa Roberts-Cote, BOH Clerk

BOARD OF HEALTH

Date: January 16, 2020

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
- November 7, 2019 Minutes
- December 5, 2019 Minutes
- Pride: Letter to Board
- Miscellaneous Letters regarding Tobacco Ban
- Partial Body Art Regulation