



# City of Worcester Board of Health Meeting Agenda

Monday, March 18, 2024, 6:30 p.m.

25 Meade St. - (Room 109)

## Board Members

Frances Anthes, Interim Chair  
Chareese Allen, Vice Chair  
Gary Rosen  
Leopoldo Negrón Cruz

## Contacting the Division of Public Health

**Address:** 25 Meade Street, 2<sup>nd</sup> floor  
Worcester, MA 01610

M-F, 8:30 am-5:00 pm

**Phone:** (508)799-8531

**Email:** [health@worcesterma.gov](mailto:health@worcesterma.gov)

**Website:** <http://www.worcesterma.gov/public-health>

The Board of Health is committed to ensuring that its public meetings are accessible to all. Should you require interpretation, auxiliary aids, services, written materials in other formats, or reasonable modifications in policies and procedures, please contact the Public Health Division a minimum of 2 business days in advance of the scheduled meeting.

Hay disponibles servicios de interpretación y otras adaptaciones con solicitud previa.

تتوفر الترجمة الفورية وغيرها من وسائل التيسير عند الطلب المسبق.

अनुवाद र अग्य आवासह अ-म अनरोधपचात उपलब्ध हुन्छ।

Interpretação e outras adaptações estão disponíveis mediante solicitação prévia.

Përkthimi dhe akomodime të tjera janë në dispozicion me kërkesë paraprake.

Kasa nkyerasese ene akwanya afoforo da ho ma won a won be bisa ato ho.

Phiên dịch và các hỗ trợ khác có sẵn theo yêu cầu trước.

## Division Staff

Soloe Dennis, Director Division of Public Health  
Ian L. Wong, Deputy Director Division of Public Health  
Aidan Giasson, Principal Clerk and Typist

## Upcoming Meetings

TBD

This Worcester Board of Health meeting will be held **in-person** at the date, time and location listed above. Meeting attendees will additionally have options to participate remotely by joining online or by phone:

- Use the following link to join the meeting via computer <https://teams.microsoft.com/j/meetup-join/> or
- Call +1 1 469-998-7682 (Access Code: 212 479 032#) for the Board of Health.

*Note: If technological problems interrupt the virtual meeting component, the meeting will continue in-person.*

Application materials may be viewed by appointment at Division of Public Health, 25 Meade Street, 2<sup>nd</sup> floor, Worcester, MA 01610 between 8:30 a.m.-5:00 p.m. – Monday through Friday.

For more information concerning this meeting, please contact the Division of Public Health by email ([health@worcesterma.gov](mailto:health@worcesterma.gov)) or phone at (508) 799-8531 Please send **written comments**, requests for reasonable accommodation, or requests for language interpretation 2 business days or more in advance of the meeting.

Las solicitudes de intérpretes para personas con dominio limitado del inglés deben hacerse a más tardar 2 días hábiles antes de la reunión. Para obtener más información en relación con esta reunión o enviar comentarios o preguntas por escrito antes de la reunión, contacte a: [health@worcesterma.gov](mailto:health@worcesterma.gov) or (508) 799-8531

## Call to Order – 6:30 P.M.

## Tobacco Violation Hearing

### 1. Smoke Vibes, 256 Park Avenue, Worcester MA 01609

## Adjourn



The City of  
**WORCESTER**  
Public Health



Worcester Division of Public Health  
Central Massachusetts Regional Public Health Alliance  
Michael P. Hirsh, MD, Medical Director  
Soloe M. Dennis, MS, MEP, Director  
25 Meade Street, Worcester, MA 01610-2715  
P | 508-799-8531 F | 508-799-8572  
health@worcesterma.gov

July 11, 2023

Smoke Vibes INC.  
Mousa Bcharah, Owner  
256 Park Avenue  
Worcester, MA 01609

**Re: Sale to a Person Under Minimum Legal Sales Age- 1<sup>st</sup> Violation**

Dear Owner,

On June 27, 2023, the Worcester Division of Public Health (WDPH) conducted youth tobacco compliance check throughout the city of Worcester, including at the business located at **256 Park Avenue, Worcester, MA** (the "store"), resulting in violations of Massachusetts General Laws, Chapter 270 Section 6, relative to sales to minors. During the inspection, Cherry Tangri, WDPH Tobacco Inspector witnessed the sale of a flavored nicotine product (crave 5% guava ice) to a minor. The owner was notified of such violation after the sale.

**M.G.L Chapter 270, Section 6(b)** prohibits the sale of tobacco products to a person under the age of 21. Tobacco retailers are required to verify the age of a purchaser by means of a valid government-issued photographic identification, as set forth in the Department of Public Health's regulations at 105 CMR665.000 related to Minimum Standards for Retail Sale of Tobacco.<sup>1</sup>

**Accordingly, you are hereby notified of the violation of MGL Chapter 270, § 6(b) relevant to the sale of tobacco to a person under the age of twenty-one (21). Enclosed find a ticket in the amount of \$1,000.00<sup>2</sup> that must be paid to the City of Worcester clerk within 21 days of date of this notice.**

You will be notified by the Board of Health regarding a hearing date related to the violation of the Store's City of Worcester Tobacco Permit. The Board of Health has the right to suspend the tobacco permit for a period of up to 30 consecutive days.

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<sup>1</sup> **Section 665.020: Identification Requirements**

(A) Unless otherwise specified in 105 CMR 665.000, each person selling or providing tobacco products 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 of age or older, as verified by said person's proof of identification.

<sup>2</sup> MGL Chapter 270, § 6(d) "A person who violates this section shall be punished by a fine of \$1,000 for the first offense, \$2,000 for a second offense and \$5,000 for a third or subsequent offense", as codified in the Worcester Board of Health Regulations – Section H, "Violations."

Please be advised that any additional violations will result in additional fines stated above.  
Periodic, unannounced inspections will occur.

Should you have any questions concerning this matter, please contact Cherry Tangri at 508-799-8531 x 33180 or [tangric@worcesterma.gov](mailto:tangric@worcesterma.gov).

Respectfully,

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line that extends to the right.

Soloe Dennis, Director

Cc: Worcester Board of Health



The City of  
**WORCESTER**  
Public Health



Worcester Division of Public Health  
Central Massachusetts Regional Public Health Alliance  
Michael P. Hirsh, MD, Medical Director  
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P | 508-799-8531 F | 508-799-8572  
health@worcesterma.gov

October 23, 2023

Smoke Vibes INC.  
Mousa Bcharah, Owner  
256 Park Avenue  
Worcester, MA 01609

**Re: Sale to a Person Under Minimum Legal Sales Age- 1<sup>st</sup> Violation**

Dear Owner,

On June 27, 2023, the Worcester Division of Public Health ("WDPH") conducted a youth tobacco compliance check at the business located at **256 Park Avenue, Worcester, MA** (the "Store"), resulting in a violation of state and local law related to sales of tobacco to a minor.<sup>1</sup> During the compliance check a WDPH Tobacco Inspector witnessed an employee of the Store make a sale of flavored tobacco product to a minor.<sup>2</sup>

**Accordingly, the Board of Health voted on warning for the tobacco permit suspension for your establishment in the board of health meeting on October 2, 2023.**

Should you have any questions concerning this matter, please contact Cherry Tangri at 508-799-8531 x 33180 or [tangric@worcesterma.gov](mailto:tangric@worcesterma.gov).

Respectfully,

Soloe Dennis, Director

Cc: Worcester Board of Health

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<sup>1</sup> Worcester General Revised Ordinances, Chapter 8, Section 3(c), Tobacco Sales to Persons Under the Minimum Legal Sales Age prohibited: (1) No retailer shall sell, or attempt to sell, or otherwise attempt to distribute a tobacco product to a minor; Massachusetts General Laws, Chapter 270, Section 6(d), relative to sales to minors: "A person who violates this section shall be punished by a fine of \$1,000 for the first offense, \$2,000 for a second offense and \$5,000 for a third or subsequent offense."

<sup>2</sup> Worcester General Revised Ordinances, Chapter 8, Section(c): (6) Identification: Each Retailer selling or distributing tobacco products shall verify the age of the purchaser by means of valid government-issued photographic identification showing the purchaser is not a minor. Verification is required for any person under the age of twenty-seven.



The City of  
**WORCESTER**  
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Worcester Division of Public Health  
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March 01, 2024

Smoke Vibes  
Mousa Bcharah, Owner  
256 Park Avenue  
Worcester, MA 01609

**Re: Sale of Flavored Tobacco 2<sup>nd</sup> Violation**

Dear Owner,

On February 9, 2024, an execution of search warrant was conducted at your business located at **256 Park Avenue, Worcester, MA** (the "store"), resulting in violations of *Massachusetts General Laws, Chapter 270 Section 6, relative to sale of flavored tobacco products*. This investigation was conducted by the Commonwealth of Massachusetts Attorney General's Office, Worcester Police Department (WPD), Department of Revenue (DOR), and the Worcester Division of Public Health (WDPH). An inspection of the store resulted in recovering numerous flavored tobacco products including cigars, blunt wraps, vape products, and Delta 8/ THC vape products behind the counter. The ongoing criminal investigation may result in charges against you, Mousa Bcharah, the owner.

**M.G.L Chapter 270, Section 6, and the Board of Health Regulation related to Restricting the sale of Electronic Nicotine Delivery Systems and Flavored Tobacco Products adopted in 2020**, prohibit the sale of flavored tobacco and electronic nicotine delivery systems.<sup>1</sup>

**Accordingly, you are hereby notified of the aforementioned violations relevant to sale of flavored tobacco products. Enclosed find a ticket in the amount of \$2000 <sup>2</sup> that must be paid to the City of Worcester within 21 days of the date of this notice. Please deliver payment to: Worcester City Clerk, 455 Main Street, Worcester MA 01608.**

**Additionally, you are hereby notified that the Board of Health will hold a public hearing related to the violation on Monday, March 18, 2024 at 6:30 PM in room 109, 1<sup>st</sup> floor, 25**

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<sup>1</sup>105 CMR 665.010, Section "(D) No person shall sell, distribute cause to be sold or distributed, or offer for sale to a consumer located in the Commonwealth a flavored tobacco product or tobacco product enhancer, except for a smoking bar for on-site consumption..."

<sup>2</sup> MGL Chapter 270, § 6(d) "A person who violates this section shall be punished by a fine of \$1,000 for the first offense, \$2,000 for a second offense and \$5,000 for a third or subsequent offense", as codified in the Worcester Board of Health Regulations – Section H, "Violations."

**Meade Street, Worcester, MA 01610. You can also attend the meeting virtually by Teams. The login details are below:**

**Join on your computer, mobile app or room device**

Meeting ID: 297 552 141 879

Passcode: sKRML9

[Download Teams](#) | [Join on the web](#)

The Board of Health may modify, suspend, or revoke the permit upon the finding of a violation of any applicable federal, state, or local law, rule or regulation of the Board of Health. You have the right to have legal counsel present at the hearing. Please be advised that this hearing will proceed whether or not your legal representative is present.

Please be advised that any additional violations will result in additional fines stated above. Periodic, unannounced inspections will occur.

Should you have any questions concerning this matter, please contact Cherry Tangri at 508-799-8531 x 33180 or [tangric@worcesterma.gov](mailto:tangric@worcesterma.gov).

Respectfully,

A handwritten signature in black ink, appearing to be 'Soloe Dennis', with a long horizontal line extending to the right.

Soloe Dennis, Director

Cc: Worcester Board of Health