



CITY OF WORCESTER, MASSACHUSETTS
Department of Health & Human Services
Division of Public Health

Matilde Castiel, MD
Health & Human Services
Commissioner

Karyn E. Clark
Public Health
Director

DATE: SEPTEMBER 26, 2016

RE: WORCESTER BOARD OF HEALTH MEETING MINUTES

START TIME: 6:30 P.M.

LOCATION: WORCESTER DIVISION OF PUBLIC HEALTH
25 MEADE STREET, CONFERENCE ROOM 109
WORCESTER, MA 01610

1. Welcome & Introductions	Meeting called to order 6:42 pm. Members present: David Fort, Chair, Edith Claros, PhD, Vice Chair, Abigail Averbach, Jerry Gurwitz, MD. Absent: Joanne Calista. WDPH Staff: Karyn Clark, Director
2. Approval of the September 12, 2016 Minutes	Motion to approve the minutes made by Jerry Gurwitz, MD. Second made by Abigail Averbach. Approved.
3. Review and approval of the Worcester Board of Health Operating Procedures	Karyn Clark informed the Board that the City's Law Department was unable to finalize the edits requested by the BOH from the previous BOH meeting and that the document would more than likely be forthcoming at the next BOH meeting.
4. Board discussion of Draft Tobacco Regulations	David Fort, Chair, began the discussion on the draft tobacco regulation - the BOH has discussed and considered the various policies over a period of many months. The BOH has done



some research and also has heard from business owners. Relative to the draft regulation on the prohibition of smoking on outdoor patios and bars, the Massachusetts Smoke Free Workplace Law (Ch 270 Sec 22) cites smoke migration into the workplace as a violation of this law. Mr. Fort indicated that a new policy does not need to be created to address this issue if a state law already exists. Therefore, if an establishment that has windows open / removed during the warmer weather that has a patio directly adjacent to the opening, the business owner and the patron must follow the law – they would not be able to smoke on the patio when the windows are open because the smoke would migrate back into the establishment. Dr. Claros, Vice Chair, agreed with this and stated that a state law already exists and everyone must follow it, there is no need to create a local regulation that would address the same issue. She stated she reviewed MGL and its inclusive of what the BOHs concerns were. Dr. Gurwitz asked Ms. Clark to elaborate more on this and how would WDPH staff work with business owners on this issue. Ms. Clark indicated that the state smoke free workplace law is already cited in the City’s tobacco ordinance and that she would work with her staff to educate restaurant owners, their staff and patrons on this law. Mr. Fort, read the executive summary of the state law and noted that proper signage is required and there is a fining structure for those who violate the smoke free work place law. Mr. Fort stated that the BOH wants to work with local businesses but also consider how to best protect the public’s health. Ms. Averbach asked if the BOH needed to make a statement on this issue and Mr. Fort, Chair, stated the law is straightforward. The BOH is not being punitive, just following the existing law. The public’s health is paramount. Ms. Clark stated that WDPH staff will use the fall and winter months to work with restaurant owners who have outdoor patios and bars to create and distribute appropriate signage as well as educate them on the local and state laws including the fining structure. Ms. Averbach inquired if employees know what recourse they have if they wanted to

5. Date and Topics for Next Meeting
6. Adjourn

file a smoke free workplace law complaint. Ms. Clark stated that the office does receive calls from workers from time to time and WDPH staff is required to respond by conducting an investigation and inspection, educate management, provide a copy of the law and can and will issue warnings or citations to the employer if necessary.

Mr. Fort also discussed the remaining draft pieces of the tobacco regulation that address flavored tobacco products and minimum packaging of cheap cigars. Mr. Fort stated that he would like to see if the recently passed regulation that raised the minimum sales age to purchase tobacco products to age 21 (T21) from age 18 (in effect September 1, 2016) will have an effect on reducing smoking rates. He would like to have the BOH review sales rates and data on flavors and cheap cigars in one year to see if T21 addresses those particular pieces. Ms. Averbach concurred and thought this might be part of an omni-bus bill, but it wasn't the case. Wasn't sure how good the data will be to see if T21 would impact the sale of cheap, flavored cigars or flavored tobacco products but also would like to review the data in one year. Mr. Fort stated that WDPH has access to the sales data and that this will conclude the discussion on tobacco until a year from now.

Mr. Fort stated the next BOH meeting is slated for October 17, 2016 at 6:30 PM. The BOH discussed what agenda topics they would like to know more about, specifically on the opioid crisis; data discussion, what is being done to stop the demand of heroin, prescriber education, the state's prescription monitoring program (PMP – this will be held for a future meeting and an invite will be made to Dr. Dennis Dimitry / Massachusetts Medical Society), information on the new police program working with those who have overdosed to help them connect to resources and treatment and programs the WPH is working on. The BOH members asked Ms. Clark to contact the Worcester Police Department and WDPH staff and ask them to attend the next meeting to discuss the above topics. The BOH also would

like to have a list of CHIP “shovel ready” initiatives or policies to discuss, time permitting at the October meeting. Near future topics would include exploring access to care and mental health services. It was also noted that the BOH SOP needs to include the 3 min rule for public speaking, Ms. Clark will follow up with the Law Department on this. Judy Warren from Ch 12 city government channel was present to test the mics, the next BOH meeting will be taped as will all the BOH meetings moving forward.

The meeting adjourned at 7:28 PM.