



**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:** April 23, 2018  
**RE:** WORCESTER BOARD OF HEALTH PUBLIC HEARING  
REGULATION TO RESTRICT THE SALE OF TOBACCO PRODUCTS  
**START TIME:** 6:30 PM  
**LOCATION:** WORCESTER CITY HALL  
455 MAIN STREET, WORCESTER, MA 01608  
ESTHER HOWLAND CHAMBER, 3<sup>RD</sup> FLOOR

Members present: David Fort, Chair, Edith Claros, PhD, Vice Chair, Jerry Gurwitz, MD, Abigail Averbach and Joanne Calista WDPH Staff: Karyn Clark, Director of Public Health, Megan DeNubila, Public Health Prevention Specialist and Michele Williams, Principal Clerk

Public Hearing opens at 6:37pm

Edith Claros, PhD, Vice Chair – introductions of BOH members and WDPH Staff. Reads information to the attendees on the purpose of the hearing and rules relating to 2 minute testimony, and stating name and residence.

James Broadhurst – President, Worcester District Medical Society – I strongly support the proposed regulations. I am concerned about the flavored vaping devices. This is the latest way of creating dependency in the next generation of smokers.

Teiko Okia – Worcester North High School Sophomore – I strongly support the proposed regulations. I am a member of the Friendly House 84 Chapter, which is a statewide Youth Tobacco Prevention Movement that aims to make Massachusetts healthier. The industry targets youth with cheap flavored cigars, which contain nicotine.

Francine NtENZwenimona – Worcester North High School Freshman – I strongly support the proposed regulations. I am a member of the Friendly House 84 Chapter. Flavored tobacco is the number 1 reason why youth have tried these products.



Richard Vrusho – Manager, Star Dollar, 363 Chandler St –I oppose the flavored tobacco regulations. Taking flavored tobacco out of convenience stores will not stop youth from buying them. Youth are now vaping.

Dennis Lane – Coalition for Responsible Retailing – Most retailers do a great job keeping tobacco away from youth. Banning flavors does not solve the problem. Youth can go online and buy these products. Vaping is becoming an epidemic with youth in schools. Cities and Towns that have banned flavored tobacco products have not solved the vaping issues in youth.

Nicolas John – R Street Institute - I respect the Board and the intention of this regulation. I urge this Board to consider e-cigarettes and vapor products the safer alternatives to the most harmful and widely used combustible tobacco product that will remain on all store shelves if this legislation is adopted.

Dr. Jan Yost – President, Health Foundation of Central Massachusetts – The use of tobacco is the number 1 preventable cause of premature death. Changing norms, resulting from health policies that increased taxes on tobacco and restricted where smoking is permitted, reduces the number of smokers. The tobacco industry has responded by targeting it's marketing to young people by introducing cheaper fruit and candy flavored products that are readily available at gas stations and convenience stores. Our Public Health regulations must keep up with the tobacco industry.

William Kiritsy – Olympic Wine and Spirits, 345 Grafton St. – I oppose the flavored tobacco regulations. Adults should have the right to purchase a legal product. I don't understand why a liquor store that sells to 21+ cannot sell flavored tobacco products.

William Bruce – Region Manager, Global Partners – We take the idea of keeping tobacco away from youth very seriously. We have a robust compliance program policy that provides our employees with the training they need to sell age restricted products within the laws. This training is done twice a year. We ask that you reconsider the flavor ban.

Casey Burns – Director, Coalition for Healthy Greater Worcester – This is a Regional Coalition of individuals, nonprofit organizations, members of the business community, large anchor institutions and others with a mission to bring people together to improve the health of our community. Our overall goal is Health Equity. We do this through our Community Health Improvement Plan (CHIP). The CHIP supports this regulation, there is a strategy addressing flavored tobacco as identified by the community.

Rich Watts – Yatco Energy – I oppose the flavored tobacco regulations. We think that by directing the sales of flavored tobacco to smoke shops only is the wrong way to go about it. It would be better if this was thought out more. We do a great job on enforcing the sales of tobacco to minors.

Tarek Jatim - Yatoc Energy – I oppose the flavored tobacco regulations. I urge the Board to work with us, Worcester retailers, to find a reasonable way to minimize the sale of tobacco to minors. Anyone 21+ should be able to go anywhere and buy tobacco products. I don't think this is the way to fix the problem.

Stuart Loosemore - Worcester Regional Chamber of Commerce – The Chamber fully supports the idea of restricting sales and access to minors, as do the retailers that are present tonight. We ask

the Board to work with the retailers for the best practice to keep these products out of the hands of minors. Recommends instituting PUP laws.

Sam Webbe – District Manager Nouria Energy – We have a program policy that provides our employees with training that’s needed to sell age restricted products to minors. We card everyone under the age of 35. We are asking the Board to work with us to be able to come up with a solution to find a way to minimize the sale of tobacco to minors.

Hassan Dewbele – General Manager, Yatco Energy – I believe that if you ban the sale of flavored tobacco, customers will go to other towns. We will lose business. We ask that you reconsider the flavor restriction ban.

Ken Farbstein – Public Health Advocate – The website of the Surgeon General confirms this: “E-cigarette use poses a significant and avoidable health risk to young people in the United States. Besides increasing the possibility of addiction and long-term harm to brain development and respiratory health, e-cigarette use is associated with the use of other tobacco products that can do even more damage to the body. Even breathing e-cigarette aerosol that someone else has exhaled poses potential health risks.” Town of Needham has not had one business close as a result of this regulation.

Hassan Yatim – Yatco Energy – I would like the Board to reconsider the flavored tobacco restrictions. I don’t think it will solve any issues for youths. They will buy online or in other towns.

Tina Grosowsky – Central Mass Tobacco Free Community Partnership - We strongly support the proposed regulations. The industry is supporting the retail industry to argue against these regulations, which are said to protect our youth. The youth are our future for the City of Worcester. I believe this will help the City move forward to a healthier future.

Cheryl Sbarra, JD – Senior Staff Attorney, Massachusetts Association of Health Boards – Tobacco use is the leading cause of preventable death in the United States. Convenience stores are where kids go after school to buy snacks, and this is where they see these products. I strongly support the proposed regulations.

Jonathan Shaer – Director, New England Convenience Stores – 96% compliance rate in 2017. Retailers are doing their job at making sure we don’t sell to minors. Towns such as Andover, Marshfield, Pembroke and Needham have banned flavored tobacco products. It did not help. These towns have vaping issues in schools. These minors are purchasing tobacco products online. If you are serious about keeping these products out of the hands of youth, you should institute purchase, use and possession PUP laws like you have for alcohol.

Morris Bergman – City Councilor – I have some concerns regarding the draft regulations. I believe it’s important for the city to be consistent. This should be statewide on flavored tobacco; otherwise it will not be effective. It is not going to stop youth from having access to flavored tobacco.

David Fort, Chair: Thank you for being here tonight. I appreciate your attendance and your views. Youth tobacco use and environmental tobacco smoke is something the Board has been discussing

over two years now. We have had many presentations from both sides of the issue. Our role is to protect the public's health, guided by the Community Health Improvement Plan (CHIP) which contains tobacco flavor restriction as a strategy.

**David Fort makes a motion to decide whether or not to vote tonight on the regulations. This was second by Jerry Gurwitz, MD. The motion passed unanimously.**

Abigail Averbach: Thank you for being here tonight. We have been discussing this issue for the last couple of years. We have heard from many in the community and present here tonight. My interest in restricting flavored tobacco from convenience stores is because they are frequented by youth. This is where they go after school to buy snacks and they are seeing the flavored tobacco. It is our job to do what we can to ensure that youth are not getting access to tobacco.

**David Fort makes a motion for the Worcester BOH to adopt the regulations to restrict flavored tobacco products into adult only establishments and the regulation to prohibit the sale of single cigars that cost less than \$2.50, along with a requirement that packages of 2 or more cigars be sold for at least \$5.00. The motion passed unanimously. 5 - yes, 0- nays**

David Fort, Chair: This will take effect on January 1, 2019.

Motion to adjourn: Joanne Calista, second by Abigail Averbach

**Adjourn: 7:52pm**

**Next meeting:**

**May 7, 2018 at 6:30pm**