

Board of Health
Meeting Minutes
December 30, 2019
Ashland Town Hall
Select Board Meeting Room
101 Main Street, Ashland, MA

*Diane Mortensen, Chair
Judi Teller, Clerk
Mark Oram, Agent/Director*

*Chris Daniele, Vice Chair
Ronald Etskovitz, Member
Koduvayur Narayana, Member*

Members Present:

Diane Mortensen, Judi Teller, Ron Etskovitz and Koduvayur Narayana

Members Absent:

Chris Daniele

Others Present:

Mark Oram, Health Agent/Director
Laura Clifford, Administrative Secretary
Brandon Gallagher, Speedway
Piyush Patel, Lucky Farm
William Goldberg, Main St. Wine & Spirit
Mariam Asaad, Ashland Convenience
Che Patel, Che's Liquors

Call Meeting to Order - 6:00 PM

Ms. Mortensen called the meeting to order at 6:00 PM and noted the meeting was being recorded by WACA-TV.

Review requests from tobacco vendors to extend the ban of sale of menthol tobacco products from January 1, 2020 to the state's date of ban: June 1, 2020

Ms. Mortensen explained that we are meeting tonight after the Board had received multiple requests from local tobacco vendors to consider changing the effective date of our tobacco regulations from January 1, 2020 to June 1, 2020.

Mr. Oram noted that Framingham Board of Health met recently to vote on Tobacco Regulations which included a set of changes. They voted to include two effective dates at the end of the Regulation: January 1, 2020 and June 1, 2020, which coincide with the Governor's state proposal. Mr. Oram noted that he made a draft with similar changes to Ashland's Regulations for the Board to review; including the addition of two separate effective dates, and highlighting under "Definitions, Characterizing Flavors", the removal of all flavors other than the taste of menthol. Effective June 1st, menthol would be removed from Characterizing Flavors, this would be in concurrence with the Governor's proposal. Mr. Oram recognized that the concurrence would be efficient for the vendors; at the same time, the Board has worked hard and gave a large grace period, noting that the change at the State level was unexpected.

Ms. Mortensen read the following statement by Board of Health Vice Chair, Chris Daniele, which stated: "A date conflict has made it impossible for me to attend tonight's meeting I am concerned however, I think most who have seen or attended our meetings and public forums know my stance on the tobacco

regulations, for which I have spent a considerable amount of time over the last 2 years working with. I do feel very strongly though that if our Board decides to alter the effective date of the new tobacco regulations, then we will have wiped away the really hard work we have accomplished as a board, as a town, and as a part of the Commonwealth. Our decision was primarily based on making Ashland safer for our youth, changing the effective date of the regulations would in my opinion be a statement to the town from their Board of Health saying that it was okay if we jeopardize that safety for a few more months."

Mr. Oram noted that he spoke to the Tobacco Control Agent who indicated she would be going out to speak with tobacco vendors regarding the Regulations.

Two formal requests had been made to the Board; Ms. Mortensen read each one for the record.

"Dear Ashland Board of Health Members, On behalf of Ashland's tobacco retailers, I write to ask you to consider extending the ban of sale of menthol tobacco products from January 1, 2020 to the state's date of ban: June 1, 2020. Please do not interpret this email as a disregard for our public health and safety. We are the first in the community to prevent any tobacco sales to minors. We ask you to adopt the state's ban date of June 1st so that we are allowed to remain as an option for our 21+ tobacco customers -- so that we remain as a choice of retail for them. If the original January 1st ban date remains in effect, Ashland retailers will not have an "even playing field" with surrounding towns. For six months, we will not even be an option for a significant amount of our customers who will bring their business outside of town. The extension will also allow us more time to deplete our inventory of menthol products and will eliminate any confusion customers may experience. Thank you for your consideration on this matter. Respectfully, Laura Gaied, Clocktown Liquor"

And,

"Please reconsider the BOH decision to ban sales of flavored tobacco products as of January 1st, 2020. As the board knows the state of Massachusetts has a deadline of June 1st, 2020 for the sales of flavored tobacco products, this makes Ashland the only town that will be banning ahead of the state issued ban. If Ashland keeps the January 1st deadline, this ban places the Ashland businesses at a significant disadvantage against surrounding towns and cities that are all following the state ban. Please note as of yesterday December 19, 2019, the city of Framingham BOH also has agreed to revise their deadline from January 1st, 2020 to June 1st 2020. Other towns and cities (Arlington, Medway, Sturbridge) that were considering having town meetings about the ban have now moved to adopt the June 1st deadline. Thank you for your consideration. Best Regards, Piyush Patel"

Ms. Mortensen noted it was important to address these requests, and added she is in favor of helping businesses and allowing the change in date to June 1, 2020; she noted that if vendors should be following the law (not selling to minors) regardless. Ms. Mortensen also noted it can create confusion for patrons coming into Town, and would keep an even playing field. Mr. Narayana agreed it is only a short period of time, and noted that the vendors show their intention is to comply at the June 1st date. Mr. Narayana acknowledged the great deal of work by Vice Chair Daniele. As an aba member it is a fair and just request, she wishes we got it sooner, and if they are following the law, it shouldn't affect our youth. Mr. Etskovitz agreed that it is a fair request and would keep local businesses from being at a disadvantage.

Motion: Ms. Teller made a motion that this Regulation that was going to go into effect January 1, 2020, still go into effect January 1, 2020, except Section C, Characterizing Flavors Definition, that will eliminate the word "menthol" and this noted change shall take effect June 1, 2020. Mr. Etskovitz seconded the motion. Mr. Oram clarified that only menthol would be left in, all other flavors have been removed.

June 1, 2020, menthol will be removed, with two effective dates in one Regulation. Ms. Mortensen noted that she did discuss this with Town Counsel, who also advised this be adopted.

Vote: 4-0. Motion approved.

Ms. Mortensen noted that she is going to have Town Counsel review the changes. Once they are approved, vendors will be sent notices regarding the date change, this was a late notice request and asked vendors to let others know of the change. The Tobacco Control Agent will also be going out soon to review the Regulations with the vendors.

Mariam Asaad from Ashland Convenience asked for clarification regarding other flavors (wintergreen); the Board clarified it is only menthol that can be sold up to June 1, 2020.

Adjournment

Motion: Ms. Teller made a motion to adjourn. Mr. Narayana seconded the motion.

Vote: 4-0. Motion approved. The meeting adjourned at 6:18 PM.

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ASHLAND BOARD OF HEALTH
DOCUMENTS REVIEWED AT THE 12/30/2019 MEETING
(All items stored in the Board of Health files unless otherwise noted)

1. Letter/Statement to the Board from Board of Health Vice Chair, Chris Daniele
2. Letter/Statement to the Board from Laura Gaied, Clocktown Liquors
3. Letter/Statement to the Board from Piyush Patel, Lucky Farm
4. Draft Regulation of the Ashland Board of Health Restricting the Sale of Tobacco and Nicotine Products and Delivery Systems, Effective January 1, 2020 and June 1, 2020
5. Video recording of the Meeting is available on WACA-TV

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