

BOARD OF HEALTH
Community Room, JFK Middle School: 100 Bridge Road
February 21, 2019 Minutes

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

BOH Members Absent: None

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

Staff Absent: None

Meeting opened February 21, 2019 at 5:33 pm by Joanne Levin

I. Public Comment Session: No Public Comments

II. Review Minutes

A. Meeting Minutes from January 17, 2019.

Motion: Approved as amended: Motion made by Suzanne Smith to approve the minutes with the inclusion of amended language under section (V.) Department Updates-Smoke Free Downtown, seconded by Cynthia Suopis. All were in favor (5-0).

III. Discussion:

A. Tobacco

Health Director Merridith O’Leary invited Cheryl Sbarra, Senior Staff Attorney, Director of Policy and Law, Massachusetts Association of Health Boards (MAHB) to provide the Northampton Board of Health Members with information regarding adding menthol and mint to the definition “Characterizing Flavor” in the Regulation of the City of Northampton Restricting the Sale of Tobacco Products and Nicotine Delivery Products. The Board Members also requested input regarding possibly changing its current regulation to restrict electronic nicotine delivery systems (ENDS) to adult only (21 plus) (Tobacconist Establishment) stores.

Attorney Sbarra advised the Board that the most common product in the school system that officials are confiscating are the JUUL product and the mint-flavored JUUL pod is used by most youth. She also noted that the Food & Drug Administration (FDA) is considering banning menthol as well.

Attorney Sbarra informed the board that Somerville passed a regulation restricting ENDS and menthol cigarettes to adult only stores, Needham has passed a regulation removing all flavors including menthol to adult-only stores, and Ashland is proposing limiting menthol to adult only stores as well. Attorney Sbarra advised that if the City of Northampton decided to go in that direction, the Public Health Advocacy Institute of Northeastern University Law School has agreed to provide legal defense to municipalities who are facing a lawsuit.

Dr. Levin raised a question about legally restricting all tobacco and nicotine products to adult only stores. Attorney Sbarra stated that we would have to shore up the language in our regulation which she would help with. She remarked that Westminster attempted a complete ban on the sale of tobacco and nicotine products years ago but was unsuccessful due to a lack of outreach in the community. If we intended a similar ban, we would need to do significant community outreach.

After much discussion it came down to several scenarios that the Board is considering:

1. To eliminate the menthol and mint flavor exemption (i.e.: limit menthol cigarettes and mint-flavored ENDS to adult-only establishments)
2. To restrict all ENDS (including tobacco flavor) and menthol cigarettes to adult-only stores, which would only leave unflavored cigarettes available in convenience stores (i.e.: an approach similar to that of Somerville)
3. Restricting the sale of all tobacco and nicotine to adult-only stores
4. Ban all tobacco and ENDS (Tobacco-free Northampton)

Further discussion will ensue at the next Board of Health Meeting. Director O'Leary will talk with the Mayor regarding this and we will wait to hear from Attorney Sbarra in regard to legal representation from Northeastern University Law School if we were to proceed with option number three.

B. Microblading

Melissa McArdle was scheduled to discuss the Body Art Regulation requirement for microblading, however she did not attend. If she re-connects with the Health Department we can revisit this topic next time.

IV. Review:

2013 Food Code-105 CMR-590

Director O'Leary has requested that the review of the 2013 Food Code be tabled until after she attends the State Department of Public Health training on February 28, 2019.

V. Department Updates:

- 2018-2019 Influenza report was given to the Board Members for review. Jennifer Meyer, Public Health Nurse will be attending a Board Meeting forthcoming to discuss the findings of the flu season.

Meeting Closed: Motion to Close Meeting: Motion made to close the Board of Health meeting by William Hargraves, seconded by Suzanne Smith, all in favor (5-0)

Meeting closed at 7:37 PM.

The next scheduled Board of Health Meeting: March 21, 2019
Melissa Roberts-Cote, BOH Clerk

BOARD OF HEALTH

Date: February 21, 2019

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
- January 17, 2019_Minutes
- Northampton Board of Health Body Art Establishment Regulation for Body Artist: Section 12
- Boston Guidelines for the Implementation and Enforcement of Public Health Commission's Body Art Regulations Amendment
- Food Establishment Regulation
- 2018-2019 Northampton Influenza Update