



## TOWN OF SHREWSBURY

Richard D. Carney Municipal Office Building  
100 Maple Avenue, Shrewsbury, Massachusetts 01545

DATE: July 26, 2019  
TO: Board of Health  
SUBJECT: Board of Health Meeting Minutes  
ATTENDANCE: Stephen Vigeant, Jennie Fishman

ALSO IN ATTENDANCE: Kristen Las – Assistant Town Manager  
Hannah Kane – State Representative  
Lori Gaspie – 56 Riverlin Street, Millbury  
Dale Magee – 28 Oak Ridge Way, Shrewsbury  
Alex Zequeira, 378 Main Street, Shrewsbury  
Dan Connelly – 52 Wave Avenue, Wakefield  
Ann M. Jones – 24 Colton Lane, Shrewsbury  
Sandra M. Fryc – 21 Pheasant Hill Drive, Shrewsbury  
Beth Casavant – 16 Clear View Road, Shrewsbury  
Melanie Petrucci – 1 Tory Drive, Shrewsbury  
Jonathan Kelly – 14 Taft Road, Shrewsbury  
Tina Grosowsky – UMass Medical School, Worcester  
Christine Mowry – Shrewsbury Youth & Family Services (SYFS)  
Jane Lizotte – Shrewsbury Public Schools (SPS)  
Justin Oll, Barbara Therrian, DJ Orr – 604 Hartford Turnpike, Shrewsbury  
Cheryl Sbarra – Massachusetts Association of Health Boards (MAHB), Boston  
Jason Palitsch – 16 South Street, Shrewsbury

NOT IN ATTENDANCE: Representation of the Central MA Regional Public Health Alliance (CMRPHA)  
Dr. George Abraham – Board of Health member

### AGENDA

1. **Call to order.** The public hearing was called to order at 8:12 a.m. by Stephen Vigeant after some basic ground rules were established.
2. **The Shrewsbury Board of Health conducted a public hearing to discuss the following revision to the current Tobacco Regulation:**

- a. **Tobacco Flavor Restriction**

At this time, Steve Vigeant asked the audience if there were any public comment.

Hannah Kane – 32 Main Circle, Shrewsbury

Hannah introduced herself to the Board as a Shrewsbury resident and as a State Representative. She thanked the Board for the opportunity to speak about this topic which she is very passionate about. There is compelling testimony on the usage of these flavored tobacco products. Six (6) kids to every one (1) adult is using tobacco flavored products. The tobacco industry is targeting the youth in an effort to promote long-term use. One JUUL contains the same amount of nicotine as an entire pack of cigarettes. There is significant push back from the retailers who sell these products. One issue is that JUUL is being presented as a cessation product versus smoking cigarettes. JUUL is not a cessation product. The tobacco industry went to court to prevent the Food and Drug Administration (FDA) from moving forward. She urged the Board to pass the proposed regulations. However, if the Board was uncomfortable with the transpiring litigation surrounding menthol and wintergreen, perhaps, pass

the proposed regulations with that section removed. Restricting the sale of tobacco flavored products to adult-only retail establishments is the next step.

#### Sandy Fryc - 21 Pheasant Hill Drive, Shrewsbury

Sandy introduced herself to the Board as both a resident, a mother, and as a member of the Shrewsbury School Committee. She feels that teenagers will be tempted to try any tobacco product that is available through a retailer. Recently she attended a concert and couldn't help but notice the number of young people and teens that were vaping. These devices are very small, making it easy to carry and conceal. She feels that we need to provide vape product information and ensure that these products are only sold in adult settings to include adult only stores, vape shops, and cigar bars.

#### Christine Mowry – Shrewsbury Youth and Family Services (SYFS)

Christine introduced herself to the Board as the Executive Director of SYFS. She explained that tobacco usage is well documented. Since 2011, the number of high school students using tobacco products has increased from one-point eight percent (1.8%) to eighteen percent (18%). A 2018 report concluded substantial evidence of the usage for combustible tobacco products. It's a risk factor. Three hundred percent (300%) of youth is more likely to use them than not. Forty percent (40%) of adults were never smokers before e-cigarettes came into play. E-Cigarettes contain nicotine but only thirteen percent (13%) are aware of this fact. Nicotine is a powerful substance. Eighty Five percent (85%) of High Schooler's friends use two (2) or more vapes per day. That is equivalent to two (2) packages of cigarettes per day. This usage leads to other addictions. The simplest way to tackle this issue is to limit access. Forty three percent (43%) of high schools have tried these products because of the flavors. At a recent training, Middle School students could easily identify all the different flavors. She receives calls daily from parents with concerns. She urged the Board to pass the proposed regulations.

#### Beth Casavant – 16 Clear View Road, Shrewsbury

Beth introduced herself to the Board as a resident, Selectmen, and as a parent. She wants to keep nicotine out of the hands of the youth. When she was a teenager, she learned about the harmful effects of tobacco to include blackened lungs. She feels that we are now facing a crisis that is far less visible. These products are fruit and candy flavored, are odorless, and easy to hide. Most parents are unaware that these tobacco flavored products contain the same amount of nicotine as one (1) pack of cigarettes. If you walk into any convenient store, these products are highly visible to entice youth. She would like the Town of Shrewsbury to restrict the sale of these products to over the age of twenty-one (21) establishments. Her hope is for the Board to move ahead with the regulations restricting the fruit and candy flavors and maybe revisit a menthol and wintergreen restriction at a later date. Recently, she took her thirteen (13) year old daughter for a physical. Her daughter was asked a series of questions that included vaping which was not discussed three (3) years earlier with her other daughter. Her daughter shared with the physician that she needs to learn about nicotine patches. On today's News, there were twelve (12) teens diagnosed with severe lung damage from vaping. Every day, this issue becomes more serious. She appreciated the Board's time.

#### Alex Zequeira, Worcester

Alex introduced himself as a City of Worcester resident but has a vested interest in the Town of Shrewsbury, as he is the Headmaster of St. John's High School, 378 Main Street, Shrewsbury. He is in support of the proposed regulations and passing them. In his twenty-six (26) years of education, he has never seen such an acute situation form within such a short period of time. There was an article in The New York Times that spoke about a House subcommittee staff member claiming that JUUL "deployed a sophisticated program to enter schools and youth camps to target schools and convey its messaging directly to teenage children," recruited thousands of online influencers to market its vaping devices to youths and targeted children as young as eight (8) years old in summer camps. He is in favor of limiting access but also believes that adults should have the ability to make their own decisions. We need to guide the youth. He is in support of passing the proposed regulations.

#### Cheryl Sbarra – Massachusetts Association of Health Boards (MAHB), Boston

Cheryl introduced herself to the Board. Typically, her colleague, DJ Wilson, attends these meetings but she is here instead providing an update on litigation. The Public Health Advocacy in Northeastern Law School has been assisting Cumberland Farms and the Coalition of responsible retailer members. Every preliminary injunction that has been filed against the plaintiffs, plaintiffs has lost. The Judge consistently says that they aren't likely to have success. The Judge feels the regulations are reasonable and rational. There has been an outstanding track record so far in these cases. Going to court is a classic tobacco industry strategy. The Board of Health has legal authority to address tobacco issues. This regulation does not prohibit an adult from using e-cigarettes. The last thing we want is to undo a quarter of a century's worth of work in reducing tobacco use. The proposed regulations would restrict the

youth from being exposed to these products and purchasing them.

Jane Lizotte – Shrewsbury Public Schools

Jane introduced herself to the Board as the Assistant Superintendent of Sherwood Middle School. She is here today along with Jonathan Kelly and Ann Jones of the Shrewsbury Public Schools. They strongly believe that we need to protect the children by advocating for their well-being. We are all in this together and we need to do the right thing. The right thing is to limit and restrict these tobacco products because children watch us closely. We model what we want them to do and not do. This is a community issue and feel strongly that the children need to be exposed to the healthiest environment possible. We need to restrict access to these products that are not intended for children. We are their advocates and we want to support, protect, and help them make the right decisions. This is the right decision. She thanked the Board and looks forward to further conversation.

Jonathan Kelly – 14 Taft Road, Shrewsbury

Jonathan introduced himself to the Board as a Shrewsbury resident and as the newly appointed Principal of Sherwood Middle School, Shrewsbury. He's had a lot of experience with kids over the years. It's hard to watch students use these tobacco products and witness the consequences. It's apparent that it's out of the youth's control because they are addicted. We want to help them make good choices. He's had difficult conversations with students and parents over last six (6) years. The tobacco usage is not starting in high school, it's much earlier. He has three (3) children of his own. As school leaders, we need to help and partner together so that these products are not available to the youth. We want to assure that they do not become addicted and end up with life-long issues. Please help support our children.

Dr. Magee - 28 Oakridge Way, Shrewsbury

Dr. Magee introduced himself to the Board. He is a retired Dr. and a member of the school committee. He is concerned about flavored products being targeted to the youth. Flavors such as cherry, candy, and toffee are not appealing to adults but they are to kids. Half of the tobacco products on the shelves are flavored versus cigars. For new users, tobacco smoke is irritating. The body says to not inhale. Menthol dulls the senses and causes rapid addiction to nicotine. A large majority of younger groups have started smoking these products. We have had the opportunity to survey both Middle School and High School kids. The survey showed that while cigarette smoking is going down in use this is more than being made up for by e-cigarettes and flavored tobacco products. A significant number of students do not realize there is a health risk. When students were asked how they get the products, the answer was from a friend or a parent. Having a regulation for just over the age of twenty-one (21), isn't adequate because an adult can get it for them. It's not just the appeal to youth, it becomes rapidly addictive. He supports the proposed regulations and hopes they pass.

DJ Orr – Colbea Enterprises, LLC, 604 Hartford Turnpike, Shrewsbury

DJ introduced himself to the Board. He represented Colbea Enterprises, LLC d/b/a Seasons Corner Market here in Shrewsbury with an opposing view. He expressed that his business is not part of the tobacco industry marketing these products towards kids. He's one hundred percent (100%) in agreement with the prior speakers. As a father and someone who lives in the community, he acknowledges that there is an epidemic. He agreed with Dr. Magee. Kids are getting their hands on these products through someone they are affiliated with. His establishment employs parents and kids that sell gas, milk, and eggs to legal adults. He's personally opposed to tobacco but argued that you can't educate to legislation. He felt that hard-working retailers doing the best they can and who have spent money to ensure their employees do not sell to underage folks are getting blamed for this issue. Shrewsbury retailers are selling these products to adults. Adults giving these products to children is an educational issue, not a selling issue. Legislation will not kill his company but it might close some single mom and pop shops. He pleaded not to go this way. Kids are getting these products from the internet and through adults. Massachusetts is one (1) out of five (5) states that cannot legally hold kids accountable. If a thirteen (13) year old smokes JUUL in front of the Police Department, that person wouldn't be accountable; however, the retailer would be. He thanked the Board for allowing him to share his perspective.

Tina Grosowsky – UMass Medical School, Worcester

Tina introduced herself to the Board. She works for The Central Massachusetts Tobacco-Free Community Partnership supporting communities' efforts to reduce smoking and exposure to secondhand smoke. She was glad to hear that physicians are asking their patients questions. The Board of Health looks at the health perspective versus the business aspect. No stores have closed because of this restriction. Two (2) weeks ago, she went to 7-Eleven and observed the products behind counter. The JUUL company / vaping industry had pulled all their products from the shelf when the Food and Drug Administration (FDA) requested them to do it. There is now a new product out called FRUYT. It's a fruit-flavored pod labeled as JUUL compatible. JUUL removed their

products but other companies have now moved in. We need to be forward-looking as new products are being introduced all the time. The FDA recently approved heat-not-burn device. These products heat tobacco to a precise temperature, producing an aerosol containing nicotine. This makes it differ from cigarettes, e-cigarettes, or vaping devices that use chemical liquids. We know the short-term effects of JUUL; however, we don't know the long-term effects because the product simply has not been around long enough. She commended the Board for looking at this issue. It's imperative that each Town has this regulation from the Board of Health so that the State can see the populations interested in this restriction.

There were no further comments at this time. The Board thanked everyone for coming and all feedback will be taken under advisement. No votes will be taken today. A formal vote will take place at the next Board of Health meeting which will be tentatively held on Friday, August 30, 2019 at 8:00 a.m. in the New Selectmen's Meeting Room at the Richard D. Carney Municipal Office Building, 100 Maple Avenue, Shrewsbury, MA 01545. The Chairman asked if there was a motion to adjourn.

**3. Adjourn.** Jennie Fishman made a motion to adjourn the meeting at 8:45 a.m. Seconded by Steve Vigeant. Unanimously approved 2-0.

**4. Correspondence:**

Proposed additions to the current Tobacco Regulations – not dated  
Letter of Support from Thomas Moore, 62 Beverly Hills Drive - dated July 26, 2019  
Letter of Support from State Representative Hannah Kane – dated July 26, 2019  
Email of Support from Rachael Missall, 23 Cypress Avenue – dated July 24, 2019  
Letter of Support from Casey Burns, Director Coalition for a Healthy Greater Worcester – dated July 11, 2019  
Letter of Support from Dr. Dale Magee, 28 Oak Ridge Way – dated July 26, 2019  
Letter of Support from Jason Costa, Director of Athletics – Shrewsbury High School – dated July 25, 2019  
Letter of Support from Tina Grosowsky, Project Coordinator – Central MA Tobacco Free Community Partnership – dated July 26, 2019  
Email of Non-support from Gehan Wassef and Amir Hanna, 7-Eleven, Shrewsbury – dated July 26, 2019

Respectfully submitted,

*Kerry M. Stockwell*

Kerry M. Stockwell, Administrative Assistant to the Board of Health