

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**

July 11, 2023

MEMBERS PRESENT: Jeremy Schiller, Chair, Sara Moore, Paul Kirby, Datanis Elias

MEMBERS EXCUSED: Geraldine Yuhas

OTHERS PRESENT: David Greenbaum, Health Agent, Joyce Redford, Director North Shore Tobacco Control Program

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:03pm

**2. Approval of Minutes
(June 13, 2023)**

S. Moore motioned to approve the minutes. P. Kirby 2nd.

All in favor, Motion passed by a vote of 3 to 0.

3. Discussion on proposed amended language Regulation #24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products.

J. Schiller asked J. Redford to review the highlighted sections of the proposed draft regulations as it was his understanding that the only change was changing the fines for the items Salem banned that the State did not. J. Redford reviewed the updated sections of the regulations, informing the Board that the statement of purpose has not changed significantly but was updated and included in the regulations. She continued to explain that some of the definitions have changed, and she wanted to highlight those changes, for instance, what constitutes a “blunt wrap”. Joyce stated that rolling papers are not currently in the regulation and wanted to ask the Board if they wanted this to be included in the amended regulations. She advised the Board that since the flavor ban industry has flooded the market with flavored wraps. These are considered “flavor enhancers” that are not covered by state law, this language would be unique to Salem. Peabody and Ipswich have adopted this language and Rockport will be holding a public hearing in August to potentially adopt this language. This is a decision the Board must make whether they want this included in the regulation. Joyce informed the Board that Netty Wrap, has threatened a lawsuit if Boards of Health move forward with this restriction. J. Schiller asked if the data regarding restricting flavor enhancers is that it is marketed towards kids? Joyce responded yes and that it is their intention. Joyce explained that the legal argument Netty Wrap is making is that it states on the packaging, for use with cannabis. There was further discussion regarding flavored wraps, rolling paper, and other flavorings that are currently on the market. P. Kirby asked for clarification on the differences between the green and yellow highlighting. J. Redford offered explanations between the yellow and green highlighting. J. Redford discussed the dual cap on tobacco licenses. Explaining that Salem currently has fifty (50) tobacco licenses available, and the proposal

is to create a dual cap allowing no more than three (3) of the fifty (50) licenses to be adult only establishments. Joyce explained that there have been compliance issues with two of the three existing adult only establishments. These compliance issues are not unique to Salem, they exist across the state with adult only establishments. Joyce advised the Board that adult only establishments are exempt from state prohibiting self service displays. She wanted to bring this to the attention of the Board so that they were aware of this exemption if they decided to review this as part of the amended regulations.

Joyce discussed the current differences between the state and local fine structures. This update would change the fines for three things, cigar pricing and packaging, tobacco sold in an educational institution and blunt wraps. The fines would become the same as state fines for all local violations.

Discussion took place regarding the language of these exemptions explicitly stating all fines would fall under the state fine schedule. P. Kirby asked if state law sets a minimum. J. Redford stated that was correct.

D. Elias raised a concern about the language in the fine schedule regarding violations of 3 or more, stating this could be confusing for a fourth and subsequent violations. It was decided that in the case of a fourth violation the tobacco sales permit could be permanently revoked.

Further discussion took place regarding additional clerical that were identified for correction in the final amended regulation.

Discussion ensued regarding the prohibition of smoking bars and language that could be construed as allowing smoking bars in the City. This language will be clarified.

Additional discussions took place regarding any additional edits that may need to be changed at the public hearing and how they would be handled. These minor edits will be addressed during the discussion of the final draft of the amended regulation.

D. Greenbaum advised the Board that Bunghole Liquors has still not paid their outstanding fines. He will draft a letter to the owner requiring payment and setting dates for the 7-day suspension to be served.

J. Redford advised the Board she has not gone to the store on Essex Street regarding their sale of Delta-8 products, but the federal government has informed the manufacturers that they should stop producing Delta-8 products.

Discussion took place regarding proposed regulations prohibiting the sale of synthetic marijuana and the sale of cannabis outside a Cannabis Control Commission licensed establishment. J. Redford explained that had these regulations been in place the Board of Health would have local authority to regulate synthetic marijuana and cannabis where it is not already regulated. She will forward regulations the City of Beverly recently adopted.

4. Chairperson Communications

NONE

5. Public Health Announcements /Reports/Updates

D. Greenbaum advised the Board regarding closed beaches that are currently closed. Beaches were tested again, and he anticipated additional closures due to the heavy rainfall.

He further advised the Board he would be out of the office August 17th to August 27th, returning on August 28th.

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| 6. Administrative Report | Copy available at BOH office. |
| 7. Council Liaison Updates | NONE |
| 8. New Business/Scheduling of Future Agenda Items | NONE |
| 9. Items that could not be anticipated prior to the posting of the agenda. | NONE |

MEETING ADJOURNED: **P. Kirby motioned to adjourn. D. Elias 2nd.**

Motion passed by a vote of 4 to 0.

Meeting Adjourned: 7:42 PM

Next regularly scheduled meeting is Tuesday, September 12, 2023, at 7:00pm at City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA

Respectfully submitted,

David Greenbaum
Health Agent