

Board of Health

Public Hearing

January 16, 2025

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TOWN OF LUDLOW

Member Present: Kelly Lamas, Chair; Adrienne DeSantis, Secretary, Antonio Tavares, Member

Also Present: Paulina Matusik

Meeting was called to order at 5:02 PM by Ms. Lamas and the Pledge of Allegiance was performed.

Ms. Lamas explained that this public hearing was initially rescheduled from December 17, 2024, and that this public hearing is to review and to hear comments relative to the proposed amendments of the board of health regulation, entitled "Restricting the Sale of Tobacco Products." Ms. Lamas also explained that she is going to read a statement regarding this public hearing, and then they will open the public hearing and proceed. In the statement that she read, the process, the regulations and the rules were explained.

Ms. Lamas read the prepared stated as follows:

This public hearing is to discuss proposed tobacco control regulations for the town of Ludlow. The copies of the proposal have been made available at the Board of Health office, online and at the Town of Ludlow. The Ludlow Board of Health is a three-member board that is elected for three-year staggered terms. The duty of the Board of Health is to promote and protect the public health of the residents of the Town of Ludlow. The Board derives its authority from Massachusetts state legislators specifically, our authority is under general law Chapter 111: Section 31, which states – Board of Health may make reasonable health regulations. The members of the Ludlow Board of Health are as follows: myself, Kelly Lamas, Chair; Adrienne DeSantis, Secretary; and Tony Tavares, Member. Paulina Matusik is the Health Director for the Town of Ludlow Health Department. The Health Director is an employee of the Town of Ludlow. Her duties are to carry out the wishes of the Board and assist in the enforcement of our regulations and deal with the day-to-day operations of the Board of Health. With the exception of Title V regulations, it is not legally required for the Board of Health to hold a public hearing on proposed regulations before then. Even though all proposed regulations are addressed at meetings to which the public is always invited. However, because of the broad interest in tobacco control every effort has been made to provide a public forum. As the purpose of the public hearing is to collect information and opinions, the Board will not ask for a vote from the audience. The Board will determine after the public hearing if they will be voting on the proposed regulations at the end of this public hearing or at the next scheduled meeting. This meeting will be public; however, the Board will not provide time for further public testimony unless a board member has a specific question to which an audience member can offer some clarification. After the public hearing the board will except written testimony for a number of days until said date. So, they will determine that after the public hearing letters could then be mailed, emailed or delivered to 488 Chapin Street (Town Hall). If the proposed regulation is passed the regulation will be posted at the Board of Health office and online and will be publicized in some reform in the Ludlow Register within two weeks of passage.

Before the Board begins taking testimony and in the interest of time it was asked, that everyone adhere to the following ground rules – any person wishing to make comments, should sign in and the sign in sheet is located on the table next to the first microphone. Before addressing the Board of Health please be familiar with the proposed regulation. There is a draft on the town website, and it was mailed to all tobacco retailers. When addressing the Board of Health, everyone must first identify themselves by name, address and any professional affiliation that person may have that impacts their comments. Identify the section or proposed policy of the proposal the person wishes to comment on. Please limit comments to two minutes so that other members of the audience will have a chance to speak. Please be considerate of the person speaking whether people agree or disagree with that person and refrain from commenting out of turn.

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A written comment period for those who are unable to attend or do not wish to testify at the public hearing will be allowed. The Board will determine how long written testimony will be accepted; this will be discussed after the public hearing is closed.

Lastly, any person showing verbal disrespect to those speaking will be asked to leave the public hearing.

Ms. Lamas thanked everyone for their anticipated cooperation.

**Ms. Lamas:** I will now need a motion to open the public hearing.

**Ms. Desantis:** I motion that we begin our public hearing in regard to tobacco products.

**Ms. Lamas:** Do I have a second?

**Mr. Tavares:** Second

**Ms. Lamas:** All in favor 3-0. So, public hearing has been opened at 5:07 PM. I am just getting my timer going. We have the sign in sheet already, so I will ask, you can go in order of the sign in sheet or whoever is willing to start is more than welcome to do so.

**Woman:** Can you first explain what you are trying to do, umm, and then we can take it from there.

**Ms. Lamas:** So, we just discussed that, so we are discussing the proposed regulations. Umm, they have been posted on the website, in the Register. So, there is, the draft is to align with the state. Ludlow updated their tobacco regulations in 2018, since 2018 the state has updated their tobacco regulations so a good portion of what we have in the draft is to align with the state.

**Cathy Cooper:** And what are those regulations?

**Ms. Lamas:** Do we have copies for folks?

**Ms. Matusik:** Yeah

**Ms. Lamas:**

The changes as proposed:

- (1) Changing maximum number of tobacco products sales permits from 20 to 16.

- We currently have sixteen active tobacco permits in town, umm, and we have not had applications for permits in minimum of five years.
- (2) Banning smoking bars

- That is to align with the state

- (3) The possibly of proposing limit on oral nicotine pouches to limit to 6mg sales.

**Cathy Cooper:** What are nicotine pouches, sorry

**Ms. Matusik:** The definition

- (4) Changing the fining structure to align with the state
- (5) Changing the suspension/violation period of this finding structure
- (6) Adding retail density, so that includes:

- (1) No tobacco sales permit shall be issued to any new applicant for a retail location within 1,000 ft. of an existing retailer.

- Everyone that has an active tobacco permit, it does not impact them.

- (2) Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school.

- Again, everyone that has an active tobacco permit is within this radius.

**Ms. Matusik:** Umm, if to explain oral nicotine pouches on page 5, highlighted in green – oral nicotine pouches preproportioned pouches containing nicotine and other ingredients intended to be used between the cheek and gum to deliver nicotine.

**Ms. Lamas:** Ok, so right now, umm, we will hold off on questions. We asked for public hearing and public comments. There is a sign in sheet, I do want to abide by the guidelines we have set forth for this public hearing. So, if you would like to speak or address, this is the time for you to share who you are, your affiliation related to the regulations and any comments you have and if you have specific comments about the proposed regulations that is your time. The Board is not here to respond to any comments or questions moving forward. And if a board member has a specific question for you or anyone who provides testimony or comment then they will ask that question.

**Robbie:** Just before we start, is this still applicable to what we're talking about – cigars, tobacco leaf, and kids roll your own, electronic nicotine device or are we talking specifically what you just talked about, because there is a lot of confusion in town and with people and with business owners. We don't know if the highlighted stuff is what you're going after or

**Ms. Lamas:** Everything in yellow are state law changes, anything in green is what we are adopting as a town. So, the yellow is state law, we have to align with state law.

**Robbie:** So, what is tobacco leaf, kids roll your own packages, what is that considered as. What is the definition of that?

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**Ms. Matusik:** So, for public comment, umm, I can take down these questions and get back to you but just for public comment, it's to address your concerns with the Board, it's not for a back and forth.

**Ms. Lamas:** I am going to pause; this is a public hearing for public comment only. These draft regulations have been out for well over a month at this point. The Health Department - I am still speaking, I am still speaking Mr. Starzyk, ok - We are here to hear comments about the draft regulations, there are some that align with the state and those we have to align with the state regardless. Umm, and those again, like I said, are highlighted in yellow and the town to adopt for the Board of Health is in green.

**Ms. Cooper:** Those are the ones in green?

**Ms. Cooper:** Those are the ones in green?

**Ms. Lamas:** Yes, those are the ones in green.

**Ms. Cooper:** And so, we can comment on it, but are you going to listen to our comments

**Ms. Lamas:** That's why we are here today, yes ma'am.

**Robbie:** Cigars, you're talking about all cigars?

**Ms. Lamas:** Do you want to step up and speak sir and offer your name, sir, thank you

Robbie: My name is Robbie, I own the Ludlow Smoke Shop on 246 East Street, and I don't understand what cigars, I don't understand where this is coming from, I really don't know. I have two minutes and will try to be as precise as I can. If this is to protect kids, I think there are other ways to protect kids. Today the FDA came out with a report that ZYN pouches are ok, they are not affecting kids, I'm sure you probably looked at it, it's in your line of domain. The next thing I want to talk about, cigars, kids don't smoke cigars, these are twenty dollars, fifteen dollars, seventeen-dollar cigars. People who go out, go with their friends on the golf course, they want to smoke, they take it with them. Ah, we are giving out money to Connecticut, that's where people are going to get flavored cigars, we are not Northampton, we are not Easthampton, Springfield is across the border. Springfield is not doing any of this as far as I know. You want to ban stuff, let's talk about flavored alcohol, Blueberry, Blackberry, Peach all kinds of different stuff. You want to talk about nicotine pouches, you take that away from us, already take out flavors, you took out other stuff that we can't do. We are good citizens, we are trying to make a business, we are trying to pay our taxes. And what's happening is that is taken away from us. You can buy a machine that makes Fentanyl for six hundred bucks, put it in your basement, sell it to your kids. Drug dealers go to the court in Springfield and come out the next day with a slap on the wrist. I'm a businessman trying to feed my family, I am not trying to hurt anybody and this is what ends up happening. I have to pay thirty-five dollars every time anybody overdoses in McDonald's parking lot. I have to pay thirty-five bucks, it's going out of my pocket, it's going out of my taxes, I'm paying twice. What else do you want to ban, I read this multiples times. Roll your own kits, is that for people who live on the trailer parks and can't afford fifteen dollar cigarettes, that's what we want to take away from them? What else do you wanna do? You want us to sell chips and soda, now they want to tax soda, and they want to tax sugar. I'm a little bit upset, I'm not with you, I don't know anyone of you, it's not targeted at

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anybody, but the state is doing this. A carton of Marlboro or Newport's in New Hampshire three years ago before the ban happened was sixty-four dollars, now people are going from Massachusetts to New Hampshire paying a hundred bucks for a carton of Newport's. These people are gonna to retire in three to four years, it's gonna to take me a hundred years to retire at the pace we are going at.

**Ms. Lamas:** Thank you, what was your name again, sorry.

**Robbie:** Robbie

**Ms. Lamas:** Robbie, Thank you, Robbie.

**Mr. Starzyk:** You mind if I stand up?

**Ms. Lamas:** Sure

**Mr. Starzyk:** My name is Robert Starzyk, I'm the chairman of the Ludlow Business Action committee based out of Munsing Street, Ludlow, Massachusetts. Now I am gonna give you a couple of questions that our legal team was very much interested in. One of these statements here is maximum number of tobacco products sales permits - at any given time there should be no more than sixteen tobacco product sales permits issued in Ludlow. I mean here is the killer, any permit holder who has failed to renew their permit within thirty days, so say you forget, ok say you forget to fill your permit you forget to get it in the mail - shall be treated as a first-time permit applicant. Do you understand what that means, that means, you're gone, and you know that there will be a list a mile long.

**Robbie:** This is going to get us upset, speed up, do something try to talk to them.

**Mr. Starzyk:** What's going on is basically what has been going on for four years in this country. Where people who have no idea what the hell, they're doing are trying to make decisions for people who have been in business for a long time. Now in this particular case when we talked to our legal team, we're not gonna be going after the town, we will be going after individuals, this will come down to individuals, so there will be individual suits if this goes forward. I would highly recommend you get your act together and you make definitions of exactly what your are trying to ban. If people who are selling this stuff don't even know what you're talking about, ok, and you're putting it into print, say this is what the state said, this is what, no, in a legal court of law you're gonna get obliterated, ok, I love this town, I don't want anything to hurt this town, I don't want anything to hurt the town government or anybody here. But please do not come in here and try to dictate to people who know what they have been doing when you have no idea what you're talking about. Thats all I have to say at this moment we'll let the legal team handle the rest.

**Ms. Lamas:** Thank you

**Mr. Mir:** Yes, my name is Awais, I am the owner for the USAVE Food Store. I just purchased that for store for a year ago. And almost I spend four hundred thousand dollars up there, I already own a restaurant. I heard too many people is say cigarettes is gonna ban. And that is too many things is gonna be banned so if its gonna be banned, I take the loan from the bank for forty thousand dollars, so, I'm going to be bankrupt, what I' m gonna sell?

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**Robbie:** This is the land of the free, man

**Mr. Mir:** What I'm gonna sell? Just like when asked, we pay tax, the town is send us a bill. Two weeks ago, I, last month, I buy the coffee machine for twelve thousand dollars, just people from the town hall is walk in, and say you can not sell the coffee – for what, because that machine is for instant coffee and not to hang there and you can put it there and killing people. So, I don't understand what I'm gonna do. I have a kids, for three kids definitely - he's my brother (he pointed toward Robbie) he say we are feeding. We are not doing illegal here, we no do anything illegal. We try to feed our family, pay the tax, pay the rent, pay the mortgage, that's it. So, we are not angry for that, what are the made decision, we are not gonna be angry for that.

**Ms. Lamas:** Thank you

**Ms. Cooper:** I have a comment.

**Ms. Lamas:** Sure, do you want step up, say your name.

**Ms. Cooper:** I don't wanna be on camera, but ok – My name is Cathy Cooper, I'm a resident. I'm just really confused, I just heard about this. Um, I don't understand all the legal issues, I'm concerned as a resident what is this going to do, these poor businesspeople, they pay taxes and if we take away tobacco products and all of that. There is a law that they can't sell to underage kids, so I don't see why that's not sufficient enough. So now you're trying to ban everything and that's gonna affect their sales which affect the taxes which will come down to me as a resident because I'll have to pay more taxes because you're not getting the taxes from the businesses. I'm just like totally, totally confused, you guys do, umm I believe, like spot checks on, umm, liquor stores and umm, stores like there's that there not selling to minors. So why are you trying to pull their products off from their shelves, and like somebody mentioned about people with the prices of cigarettes now, they roll their own cigarettes because its so expensive to buy. Yeah, I'm sure everybody would love to quit but they don't have that option. And now you're going to force them to buy a pack of cigarettes they can't afford, there doing the rolling because it's so much cheaper. But then you're going to pull it all from their shelves that they can't sell it in our own town that I would rather give my money to the stores in our town than to another place. I'm just I'm hoping your just not gonna move forward and your gonna listen to residents and I think the residents should be the ones that are voting on this and asking for it to be passed or not.

**Ms. Lamas:** Thank you, Cathy

**Ms. Lamas:** Anyone else for public comment?

**Mr. DeBarge:** Hi, everyone, my name is Derek DeBarge I'm a member of the Board of Selectman in town. Umm, I'm here for the retail stores as well simply because we rely on tax money to move forward in this town and I'm also of the belief that you know I'm also a free choice kind of guy so my question would be, and I know I can't ask it cause that's not the format that you chose to have for your meeting but what what's next? I mean, is, is a, is a soda with double sugar next, is is twice the caffeine next? What is it that the Board is gonna decide is not better for twenty-one thousand people in Ludlow without free choice. I, I, think when we're going to just a milligram level that is actually going to hurt our businesses, an your talking about a milligram level, and I, to be honest with you I didn't even know, umm, the depth of the green all of it, I read it one time, but I didn't know

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the depth of it, so it does to your point sir (Mr. DeBarge was speaking to Robbie) go deeper. So, my question going forward, I guess for your next meeting would be what's next, what are you gonna choose next to cut out from our stores that people can't come in an purchase and go to another community and purchase and give that community their tax money and umm and their patronage.

**Robbie:** Which is already happening by the way, sorry to cut you off.

**Ms. Cooper:** If it's a state law, it's a state law, but we don't need added...

**Mr. Starzyk:** It's not a state law

**Ms. Cooper:** No, I know but we don't need added things

**Ms. Lamas:** Thank you, Derek

**Ms. Lamas:** Ok, anyone else?

**Mr. Mir:** For also the people, the town for the Ludlow people, and now people is getting calm because doesn't mean the people is agreed to ban that. So, ninety nine percent we are on the front line, we are taking too many customer, every customer, ninety nine percent people which one he is not agree, too many customer everybody, he say we are not agree, we are not agree, and he's always complaining about that and now people of Ludlow didn't come, it doesn't mean that everybody is gonna be agreed, it's fine, no nobody agreed.

**Robbie:** Can I say one more thing? I don't know you and I don't know who you are. I got no problems with you, you have a job to do we appreciate that but this is not about right and wrong anymore this is about righter and wronger. This is going to destroy us as a community, you can't tell me I put a fence, and then my two neighbors don't have a fence. Your go to Springfield for God's sake, you buy Heroin for four dollars, you buy a pill of ecstasy for three dollars. I know this is not, this is not what were talking about but your turning good businesspeople, what do you want me to do after my business is gone, you want me to go sell drugs. You want me to go buy, you know, a drug machine and sell it. I mean what else do you want me to do.

**Ms. Lamas:** Robbie, thank you, thank you.

**Robbie:** What else to you want me to do?

**Ms. Lamas:** I understand

**Robbie:** I Invested so much money in this place and the state already banned everything. Today you have a report from the FDA that ZYN that just came out three hours ago that ZIN is ok but not in this state. But we take illegal immigrants and take one from our...

**Ms. Lamas:** Ok, I'm gonna ask, I'm gonna ask, I'm gonna ask you to end that commentary, thank you, thank you Robbie.

**Robbie:** This is not, something is not right here

**Ms. Cooper:** It's not right

**Robbie:** This is not right

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**Ms. Lamas:** Is that all we have for public comment based on the sign in sheet?

**Robbie:** And I would like to make one more comment, if you can please

**Ms. Lamas:** Our comment period...

**Robbie:** ...move these from five o'clock to six o'clock cause people are still at work. There are a lot of people that wanted to show up but they can't make it at five o'clock. I know you have time constraints, and you have other commitments but just to be fair for everybody, for people to show up, five o'clock doesn't work for a lot of people. Thank you very much.

**Mr. Starzyk:** I have one las thing

**Mr. Starzyk:** When I first found out about this I had to fly back from Florida, and I found out the meeting was here. I talked to them on the phone the night before the meeting was supposed to go on. As soon as after I talked to them, they cancelled that meeting cause in when I've seen these things happen in other towns. The idea is to try to push laws and b\*\*\*\*\* (explicit language) things by unelected...

**Ms. Lamas:** Ok, excuse me sir, Mr. Starzyk I'm going to ask you to sit down and pause, stop your comments...

**Mr. Starzyk:** Excuse my language, by not allowing people to get to the meeting because they don't know about it ...

**Ms. Lamas:** Enough

**Mr. Starzyk:** ...if no one knows about the meeting and no one shows up, they just wash this stuff right through ok that is why these meetings are set at five o'clock. We have to stop allowing...

**Ms. Lamas:** Thank you, Mr. Starzyk

**Mr. Starzyk:** ...individuals to take our rights a little bit at a time to the point where there is nothing left. And if this was their jobs on the line, I'm they had a completely different perspective about what's going on here. Excuse me!

**Ms. Cooper:** I have a comment on...

**Ms. Lamas:** We are done with public commentary at this time, thank you.

**Ms. Lamas:** Umm, if there is no one else, umm, for public comment that was not yet spoken. There's two other gentlemen in the room, I don't know

**Ms. Cooper:** My comment...

**Mr. Mir:** Because he is insinuating, his boss is out of country that's why he is sending (and pointed to the two gentlemen sitting on each side of him).

**Ms. Lamas:** No, that's fine, I just, I didn't know if there with you or not so

**Ms. Cooper:** My comment is on your notification kinda to go by what he said (she pointed to Mr. Starzyk) cause when we came in, when I came in tonight, I went to, well, I saw a sign on room 1 and

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it said, umm, I don't know what it said it said something about the door go to the clerks office near the elevator, uh, we walked, that's on the first floor never said anything about second floor or third floor. So, we walked the floor so I said lets go up to the second floor and we went into the office directly across and I just yelled hello, hello and some guy answered and I said where's the meeting? No everybody went home I said no, it's 5 o'clock there's a meeting and he says ah I don't know maybe its up in the Board of Selectmen meeting. So kinda to follow what he's saying even if a resident came, they can't find where the meeting is. You gotta do better on, on notifying people where the meeting is cause nothing says third floor.

**Ms. Lamas:** Ok, thank you, thank you everyone

**Mr. Mir:** And please, we respect for town hall but please we spend lot of money paying too much and we don't want to be bankrupt.

**Ms. Lamas:** Yup, ok, do we have a motion to close public hearing, since there is no more further comments?

**Man:** speaking unable to make out what he was saying

**Ms. Lamas:** Excuse me

**Man:** Not a lot of people know that

**Ms. Cooper:** Their probably annoyed, went back out to their car

**Man:** lady outside, I ask her, what, are you ready to leave, they told someone else outside and said...

**Ms. Lamas:** Do we have a motion to close public hearing, Board?

**Ms. Cooper:** Will be notified here, what actions your gonna be taken?

**Ms. Lamas:** You can hang around; we will be chatting after we close the public hearing. We will deliberate amongst ourselves. You can sit and listen in. Umm, I don't know what we'll decide as a board in this moment today.

**Ms. Cooper:** How long is your meeting?

**Ms. Lamas:** Like, do you have a motion to close the public hearing?

**Mr. Tavaras:** I make a motion to close the public meeting on the 16, January 16<sup>th</sup> at 5:30 PM.

**Ms. Lamas:** A second?

**Ms. DeSantis:** Second

**Ms. Lamas:** All in favor 3-0

**Ms. Lamas:** Public Hearing has closed at 5:30 PM

Ms. Matusik wanted to clarify, now that they were able to respond back to some of the comments. Letters were sent out to all establishments regarding the original date and the tobacco regulation updates and posted in the Register. Second letters were sent out, and were posted on their

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website, they spoke with the new media, who were also present to make sure the public hearing will be on the news. She also explained that there were two Board of Health meetings that addressed the tobacco regulations that were held on March 26, 2024, and November 19, 2024. The Board of Health's intentions were not intended to deter, upset or anger anyone and they do understand that this is their business, their livelihood.

The letters that were sent out along with the information most affect the businesses in town. She explained that she did not receive any questions or comments and stated that she is in the office Monday through Friday and available to the public every single day and stays after hours if needed, that is why there is a Health Director. There are staff within the department that are in the office Monday through Friday and the department is there to serve the public. The Board meets once a month. Ms. Matusik's request to the Board would be to wait on making a decision because there seems to be a lot of questions, she would be happy to write questions down and pass them on to the Board or give her email and phone number. If anyone wanted to speak with her, she would give out her phone number and/or email. She noted that she does not make the decisions, the Board does.

Ms. Matusik also wanted to clarify the statement regarding the Health Department going into an establishment in regard to the coffee machine. It is permitting season, and they require certifications of all establishments that are permitted through the Health Department, they hold everyone accountable and to the same standard.

Ms. Lamas explained to everyone that there are six changes, from her knowledge from their meetings with Lisa Goodnight who was present from the State and as a Board, they are the only changes changing from 2018.

Ms. Lamas asked Ms. Matusik if rolling papers just applies to Marijuana? Ms. Matusik read the definition of **Rolling Papers: sheets, rolls, tubes, cones, wraps, or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine.**

Ms. Lamas explained that the definition is from the state and are under Mass General Law Chapter 111, Section 31, their authority comes from the state, if there are state tobacco regulations Ludlow as a town, Springfield as a city, East Longmeadow, Palmer every single community in the state must align with the state tobacco regulations. That is the state law, and they are aligning with the state.

Ms. Matusik clarified that the rolling papers are highlighted in green, which is a local Board decision, and asked if the Board wanted to take questions from the people in attendance?

Robbie explained that the rolling papers are for people that cannot afford cigarettes, that roll their own tobacco and feels this has nothing to do with kids. There should be a way to protect kids without destroying a business and/or businesses. He also questioned why they should give their business to Connecticut or New Hampshire. And hopes that Ms. Goodnight is listening for her to bring their concerns back to Boston.

Ms. Cooper asked where the line is drawn if you're banning the papers, is it sugar products, is it liquor? She stated that there are laws to protect the people and parents to protect their children. People need to be held accountable.

Mr. Tavares thanked Robbie for speaking and felt that he had a lot of good things to say and wanted to explain that the Board is listening, changing the maximum number of tobacco sales permits to sixteen benefits the tobacco businesses, because that would mean that no one can open a tobacco business next to theirs, and noting that Mr. Tavares is a business owner himself for over thirty two years, and the last thing he would want to do is hurt any business in the town of Ludlow.

Robbie explained that people who smoke the blunts, wraps and flavored tobacco are going to other cities, towns and states and feel that they will not come back to his store to buy his milk or chips. People that are making the laws should be in the streets to see how businesses and people are struggling.

Mr. Starzyk stated that the only laws that are legal are those passed through congress and for a state it would be the state legislator. He wanted to know if the regulations highlighted in yellow are they dictates from a department and stated that if they are dictated by the legislator, they are not legal. And feels that the regulations in green, the Board of Health decided all on their own, and have nothing to do with the state.

Ms. Lamas explained that the legislator has granted all Boards of Health in the state of Massachusetts authority to create regulations.

Ms. Lamas expressed to everyone that what they are looking for as a Board are their questions, concerns and written testimony. The meeting is recorded, and the administrative assistance will take the minutes and include everyone's questions. The Board will not decide and/or vote on any of the regulations at this time, but they will decide on a deadline for written testimony to be submitted. As a Board they will review the information that was gathered for their next meeting on February 6, 2024.

Robbie wanted to know if the regulations had changed because the original draft had a twenty-one plus smoke shop. Ms. Lamas explained that from her recollection that does not impact any of the tobacco permits.

Robbie wanted to know if his establishment was twenty-one plus, why can't he sell flavor, he understands it's state law, but why can't he sell what the state is trying to ban if his establishment is twenty-one plus, and it is not affecting kids? He also feels everybody needs to work together.

Ms. Cooper feels that these regulations will affect the residents as well as the businesses.

Ms. DeSantis expressed that as a Board, they are aware of the pulse of the community with their staff, the selectman, the committees and other organizations that work very closely with them and feel they are very in touch with this town and noted they are all residents of Ludlow. She feels this is a very delicate situation because it not only involves finances but also the human aspect of future generations and how they are going to be tailoring nicotine products. The Board did not make these decisions lightly, they are not there to hurt the town, to put anyone out of business or close doors, which is why they support changing the maximum number of tobacco product sales permits from 20 to 16 to keep their businesses open and understanding there will be nicotine in the town of Ludlow. The Board along with the state made some decisions and inclusions but feels that the public hearing was very helpful, they need to hear the antidotes and the heartfelt heartbeat of the businesses. She noted that Mr. Tavares who is on the Board as a member is also a business owner

and he brings to the table the pulse of business and explained that it is a fine walk because they are talking finances and behaviors. Ms. DeSantis thanked everyone in attendance for their input because the Board needed this to complete their discussions, which is why they hold public hearings.

The Board decided to keep the time open until January 31, 2025, to submit written testimony.

Ms. Lamas wanted to clarify a few things regarding the draft regulations. On page two to page five – those are the definitions and precludes the actual regulations. Everything in green are the redefined definitions that were made by the state or as a town. She gave a couple of examples noting that when reading the regulations, the definitions can be referred to.

Examples:

(I) **Sale of Flavored Tobacco Products Prohibited**

- Some language has been changed to reflect the town of Ludlow.

(J) **Nicotine content in Electronic Nicotine Delivery Systems**

- Vaping, Jules, etc.

(K) **Prohibition of the Sale of Blunt Wraps** - No person or entity shall sell or distribute blunt wraps in Ludlow.

- This has been there since 2018
- Which is why it's not green

Ms. Lamas explained that they all have the rolling papers – only the definition has changed. And going through each section, some of the language has been changed based on the conversations the Board has had with Ms. Goodnight on March 15, 2024, and November 19, 2024. She further explained that the reason the language was changed is because legally, it can be vague and interpreted in different ways. A lot of the changes were just to tighten up the language so there is understanding and clarification of how the regulations should be interpreted.

Ms. Matusik explained that she looked through the regulations on rolling papers. She noted that it's defined in the regulations. It is not stating you cannot have it.

If and when someone is fined, everyone is on the same page and will understand.

On page ten – nothing is highlighted, everything stays the same.

On page eleven – **Violations** – are in yellow and state law. The Board went through this and thought about what would make the most sense from the perspective of a business owner for a first-time offense.

On page twelve – **Policies and Fees** – given the fine structure, the Board intended to give business owners the benefit of the doubt for the first two times. For the third offense, there is further language on this.

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Ms. Lamas feels that a lot of the confusion is reading the definitions. When someone is reading the regulations as they are written and if they don't know what entails a blunt wrap, the definitions are there to refer to. Noting that nothing in the definition section is banned.

The Board is updating the definitions of what is being used in the regulations, the 2018 regulations have definitions that are old that the Board will be changing. Anything after the definition section is what's being changed in terms of tobacco sales if anything is proposed.

Ms. Lamas explained that for **Cigar Sales Regulated** - No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at \$2.90 or more.

Robbie explained to the Board that single cigars can be purchased in Springfield for \$1.00 because Springfield is not part of the Coalition and noting that Springfield is not far, it's right over the bridge. He feels everybody should be on the same playing field.

Ms. Lamas explained that the Board did talk a lot about the businesses and not impacting them. They were thinking about the retail density; they googled where the permits were to make sure they didn't take away from what was already out there.

Ms. Lamas did note that the only thing that would be different is the oral nicotine. This is still yet to be determined because they want to get feedback and everyone has until January 31, 2025, to submit any questions and/or comments.

Robbie is questioning the proposal to limit oral nicotine pouches to 6mg. He stated that Connecticut sells ZYN at a fast rate, and this hurts his business because it cannot be sold in Massachusetts.

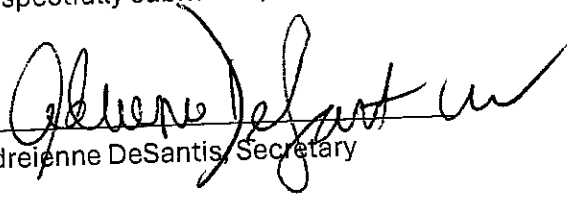
Mr. Tavares wanted to know if Robbie would be ok with selling the oral nicotine pouches in 3mg and 6mg. Robbie questioned why would he be ok with this because people can buy the 9mg in Springfield which is a three-minute drive and if the 9mg is taken away from them, he asked for them to please remember there is a gas station three minutes away where it can be bought which also means that will be where they will buy their milk and eggs. Their businesses are already hurting from the menthol ban and the flavor ban.

Ms. Lamas thanked everyone for attending and hopes that they were able to clarify some things for them. And asked as a Board, if there are any further questions or comments to send them to the Health Department by January 31, 2025, so the Health Director and Board will be able to read them and respond. Ms. Lamas explained that Ms. Matusik will be reaching out to the businesses especially the two that were in attendance.

The Board will meet on February 6, 2025, to review the draft regulations and any follow-up comments or questions. The Board may decide to make another edit or vote to approve depending on the business owners' questions and concerns and hoping to alleviate them.

A motion was made by Mr. Tavares to close the meeting on the 16<sup>th</sup> of January at 6:12 PM, seconded by Ms. DeSantis. All in favor 3-0.

Respectfully submitted,



Adreienne DeSantis, Secretary

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