

ACTON BOARD OF HEALTH

PUBLIC HEARING

PROPOSED TOBACCO BYLAW

11/30/92

MEMBERS PRESENT: Bill McInnis (Chairman)
Cordelia Alfaro
James Barbato
Jonathan Bosworth
Peter Vaillancourt (Associate)

STAFF PRESENT: Doug Halley (Health Director)
Sheryl Ball

OTHERS PRESENT: David Murdock
Dennis March
George Kennedy
James Teebagy
Francis Oliveto
Jackelen Oliveto

Harriet Kodis
Marc Berman
Martha Wood
Thomas Damon
Virginia Tompkins
David Tompkins
Brad Krevor
Jack Mendosa
Evelyn Olschewski
Robert Guba
Nancy Tavernier
Todd Fenniman
Michael O'Keefe
Charles Picariello
Wally Casper
Edward Coughlin
Michael Speciner
Camille Karam
F. Erickson
Cathy Flaherty
Norm Lake

SALE AND USE OF TOBACCO AND SMOKING PRODUCT BYLAW:

The meeting opened at 7:32 P.M.

Mr. McInnis presented a summary (see attached) of the proposed bylaw to the public. The main points of this bylaw are to stop access of sales of cigarettes to minors and to regulate harmful affects of smoke to the non-smoking public. Questions and comments were raised by the audience. One major question was made regarding Violations and Penalties, Section D which states that an establishment caught twice within twelve months selling cigarettes to minors will have their tobacco permit revoked. Another concern raised by the audience was in relation to "sting operations". Some members of the audience expressed concern and support regarding "sting operations".

All other concerns were addressed and the Board stated that they would review these concerns at their next Board meeting on December 7, 1992.

The meeting closed at 10:00 P.M.

TOWN of ACTON

Board of Health

Town of Acton

**Sale and Use of Tobacco and Smoking Products
Bylaw**

Proposed by:

The Acton Board of Health:

TOWN of ACTON

Background

Board of Health

- The Police Department (Youth Officer) requested the Board of Health consider restrictions on tobacco sales to prevent purchase by minors. Current laws and regulations have not proved effective.
- Studies show most adult smokers had their first cigarette as a minor.
- The Federal Environmental Protection Agency and the State Department of Public Health have issued reports describing the health risks from environmental tobacco smoke.
- The Board of Health contacted the State Department of Public Health for assistance. The State provided model regulations.
- Based on the model regulations, the Board drafted and endorsed this bylaw. Acton would become the 72nd Town in the State to enact regulations regarding sale or use of tobacco.

TOWN of ACORN

Purpose of Bylaw

Board of Health

- Reduce the number of minors who smoke, and who become smokers as adults.
- Provide legal means to motivate tobacco vendors to enforce the restriction on sales to minors, and to prevent sales of tobacco by vendors shown to repeatedly violate this restriction.
- Provide the Town the data necessary to monitor and control the sale and use of tobacco.
- Provide some protection to the general public from environmental tobacco smoke.
- Consolidate existing Town bylaws, Town policy, and School Department policy regarding the sale and use of tobacco.

TOWN of GEDON

Board of Health

Effect of Bylaw

The Bylaw has three main sections:

- 1) Regulation of over-the-counter vendors to discourage sales to minors.
- 2) Restrictions on vending machines to discourage sales to minors.
- 3) Restrictions on smoking in public places.

• All provisions of this bylaw may be varied by the Board of Health where the Board finds strict application would cause a manifest injustice. All variance hearings will be public, and all variances will be in writing with a copy available to the public.

• Passage of this bylaw should not have a significant impact on those adults who choose to smoke.

TOWN of GEECE

Vendor Regulation

Board of Health

- Requires vendors to obtain a Tobacco Sales Permit.
- Requires all permit holders to train all employees regarding the provisions of this bylaw.
- Prohibits sales to minors and requires photo identification for persons not obviously over 18 years old.
- All permit holders will be inspected at least annually for compliance to this bylaw, and the terms of their permit. Permit fees will cover the cost of the inspections.
- Documented violations of this bylaw 2 times in twelve months will result in a public hearing by the Board for revocation of the permit.
- Bylaw authorizes compliance monitoring through attempted purchases by minors under Town supervision.

TOWN of ACTON

Vending Machine Regulation

Board of Health

- Requires vending machines to be equipped with a device which prevents a sale unless released by a person designated to ensure no sales are made to minors.
- Vending machine must be in plain view of the person designated to supervise it.
- Only exception is vending machines located where minors are excluded by law.

TOWN of ACTON

Smoking in Public Areas

Board of Health

- State law currently prohibits smoking in many public areas, such as retail food stores, theaters, elevators, child care establishments, etc.
- Town policy prohibits smoking in municipal buildings.
- School Board (Acton and Regional) policy prohibits smoking in school buildings.
- This bylaw prohibits smoking in the areas listed above, plus other areas open to and used by the general public. Examples of areas not already covered by existing state or Town rules are: hotel lobbies, museums, shopping malls.
- Restaurants are required to reserve 75% of their seating as non-smoking area. This represents the approximate percentage of the population which is non-smoking.
- Passage of this bylaw will replace the Acton Clean Indoor Air Bylaw, which sets aside 25% of the seating capacity for non-smokers.

TOWN of AETON

Schedule

Board of Health

- . Prohibitions on smoking in public areas takes effect immediately.
- . Seating requirements for restaurants takes effect immediately.
- . Tobacco Sales Permits are required within 120 days of implementation.
- . Lockout devices are required on vending machines within 6 months of implementation.

Respectfully Submitted,

Sheryl Ball

Sheryl Ball
Health Secretary

Wm. McInnis

William McInnis
Chairman