

Lowell Tobacco Control Monthly Report

December/2019

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Lowell

Inspections

I've conducted 21 routine inspections so far this month. During these inspections All retailers inspected were in compliance with the new state law restricting the sale of vaping products.

Pricing Surveys

Eleven pricing surveys conducted this month, so far.

Compliance Checks

I've conducted 28 compliance checks on cigarettes in Lowell with a 16-year-old youth. No sales.

Permit Renewal Process

As of December 19th, I've processed 111 tobacco permit renewal applications out of 116 total number of retailers. One hundred and nine permits have been issued and mailed. The remaining 2 applications are pending the payment of taxes owed to the city.

Governor Signed New Law: An Act Modernizing Tobacco Control

On 11/27/19 Governor Baker signed the above bill into law, which among other things, prohibits the sale of all flavored tobacco and vaping products, including menthol cigarettes, except at "smoking bars". Portions of the law that applies to vaping products went into effect immediately. The restrictions on the sale of other flavored tobacco products will go into effect on June 1, 2020. Violations of the new law are subject to fines ranging from \$1,000 to \$5,000. *See attached article*

Emergency Ban on the Sale of Vaping Products Lifted

The temporary ban that had been in effect since September was lifted on December 11th. On the same day, the Massachusetts Public Health Council promulgated new regulations to help enforce the new state law. The regulations give Boards of Health the authority to enforce the provisions of the new state law without the need to adopt local regulations containing similar provisions. *See attached article*

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LAW

Massachusetts Governor Signs Law Severely Restricting Flavored Tobacco, Vape Products

November 27, 2019 · 3:32 PM ET



VANESSA ROMO



The newly signed law is set to take effect on June 1, 2020. A temporary blanket ban on all vaping products will remain in place until Dec. 11.

Steven Senne/AP

Massachusetts Gov. Charlie Baker on Wednesday signed sweeping legislation to restrict the sale of flavored tobacco and vaping products, making his state the first to enact such stringent controls.

The new law, which is set to take effect on June 1, 2020, is not a blanket ban. Instead, it limits the sale of flavored nicotine vaping products, including menthol, "to licensed smoking bars where they may only be smoked on-site." The same restrictions apply to all other flavored tobacco products, including menthol cigarettes and flavored chewing tobacco.

Baker did not offer details on how the state intends to enforce the law.

The legislation, titled An Act Modernizing Tobacco Control, also imposes a 75% excise tax on e-cigarettes — meant to reduce their appeal to young people by making the products too expensive for minors.

"It's pretty clear there isn't going to be a federal policy on this anytime soon," Baker said at the signing. "So in the absence of that, we had to act."

Baker declared a public health emergency in September and issued a four-month ban on all vaping products, following mysterious lung illnesses and deaths nationwide that were linked to vaping. The temporary blanket ban was set to expire in late January, but on Wednesday, the governor said it will end on Dec. 11.

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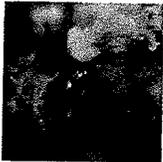
"In light of the growing health crisis associated with e-cigarettes and vaping, our administration implemented a temporary ban on the sale of e-cigarette and vaping products to provide time for legislative and regulatory bodies to better understand what's making people sick and act to protect the health of Massachusetts residents," Baker said in a statement emailed to NPR.

**BUSINESS**

How Vaping Snuck Up On Regulators

He went on to add that the temporary ban will remain in place "as the Department of Public Health develops permanent regulations that will ensure risks are known to consumers, clarify what interventions DPH can take to address clear risks identified by the developing science, and ensure sellers are not skirting the new law and selling to kids."

The Centers for Disease Control and Prevention says 47 people have died from unknown lung disease related to e-cigarettes as of Nov. 20. Since then, nearly 2,300 cases of lung injury associated with the use of e-cigarette or vaping products have been reported to the CDC in 49 states, the District of Columbia, as well as Puerto Rico and U.S. Virgin Islands. The only state that hasn't yet reported any illnesses is Alaska.

**SHOTS - HEALTH NEWS**

Vitamin E Suspected In Serious Lung Problems Among People Who Vaped Cannabis

Researchers have identified a vitamin E compound often used as an additive to THC, the psychoactive ingredient in marijuana, as a possible cause of the lung injuries. While vitamin E is a common dietary supplement and is also found in lotions, it can be extremely harmful when it's vaped in high concentrations, New York Health Commissioner Howard Zucker recently told NPR.

It ultimately causes an inflammatory process in the lung, Zucker said. "The body is trying to fight off a foreign substance deep in the lung," he added.

Vaping businesses in Massachusetts have been protesting the temporary ban and the threat of looming restrictions since they were first proposed.

"The people that were applauding the governor the loudest were the criminals and gangs that already operated in the states illegal black market," Jon Shaer, executive director of the New England Convenience Store & Energy Marketers Association, told NPR.

The industry group campaigned for months to stop the inclusion of menthol and mint tobacco products in the newly signed legislation, arguing it will have detrimental effects on public safety because consumers will be pushed out of the regulated market and turn to illicit sellers. Shaer also said the new law will have a disproportionate impact on communities of color because they consume more menthol and mint products than any other demographic.

Meanwhile, anti-smoking advocacy groups welcomed the Massachusetts law.

"Absent strong action from the federal government, we urge states and localities to follow Massachusetts' lead," Harold Wimmer, national president and CEO of the American Lung Association, said in a statement.

Wimmer also praised parts of the law requiring retailers to contribute to tobacco cessation and prevention programs. "This law is a major win for the residents of Massachusetts and will positively impact statewide tobacco use rates, tobacco related death and disease, and tobacco related health costs."

He added: "Clearing the market of all flavored tobacco products is critical to addressing the youth e-cigarette epidemic."

HEALTH

Trump Administration's Efforts To Ban Most Flavored Vaping Products Have Stalled Out

LISTEN · 3:28

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Transcript

In September, President Trump indicated support for a national ban on flavored vapes because those products are known to attract teens to vaping but he later moved away from that position. Last week, he hosted a "listening session" on e-cigarette use by minors that included representatives from the vaping and tobacco industries as well as public health advocates.

Trump expressed skepticism at the meeting that such a ban is the right move, noting how Prohibition spurred a black market for alcohol. He suggested the administration might instead raise the legal age to buy e-cigarettes to 21 from 18.

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FILE – In this Friday, Oct. 4, 2019 file photo, a woman using an electronic cigarette exhales a puff of smoke in Mayfield Heights, Ohio. Massachusetts lawmakers have approved the nation's toughest restrictions on flavored tobacco and vaping products, including menthol cigarettes. The ban was passed by the Senate early Thursday, Nov. 21, before the legislature broke for a holiday recess. It had earlier been passed by the state House of Representatives. (AP Photo/Tony Dejak)

By **ALEXI COHAN** | alexi.cohan@bostonherald.com | Boston Herald

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Gov. Charlie Baker's controversial vape ban that was prompted by mysterious vaping-related lung illness was lifted Wednesday after a vote from the Public Health Council.

The sale of all unflavored nicotine vapes can continue at Massachusetts retailers as long as they stick to some strict new regulations, but flavored tobacco products have been banned in the Bay State since Baker signed An Act Modernizing Tobacco Control last month.

Critics said in banning all vapes by emergency executive order Sept. 25, Baker acted without any scientific health data. Subsequent studies by the Centers for Disease Control have found most vaping injury and death appear to be linked to oils associated with marijuana vapes. In Massachusetts, vape business owners said they were put out of business arbitrarily, forced to close their doors and losing income.

In Massachusetts, there have been three deaths associated with vaping. Nationwide, dozens have died and thousands have been sickened.

The Public Health Council voted unanimously to lift the ban on nicotine vape products and to implement regulations from a new tobacco control law.

The sale of marijuana vapes is still halted due to a Cannabis Control Commission quarantine on the products. Medical marijuana card holders can still access flower vapes.

The new tobacco regulations require vape shops to post warnings about the dangers of vaping and place vaping products behind the counter.

"What the regulations do is allow a regulatory and legal framework to limit the access to these products, put in place warnings and signages so people can understand their risk and, importantly, limit access for youth and young people," said DPH Commissioner Dr. Monica Bharel.

The regulations also prohibit the sale of out-of-package tobacco or vaping cartridge refills and require that all vaping liquid containing nicotine be packaged in child-resistant packaging.

Herald wire services contributed to this report.