

From: [Silbaugh, Katharine](#)
To: [Susan Albright](#)
Cc: aldermanalbright@gmail.com
Subject: Re: NFG URGENT ACTION ITEM!
Date: Tuesday, July 8, 2025 4:04:41 PM

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Wonderful! Thank you so much. Please spread around with other Newton supporters.
Sent from a handheld device

On Jul 8, 2025, at 2:59 PM, Susan Albright <salbright@newtonma.gov> wrote:

I signed up!
I'll be driving up from the Cape on Monday morning.

susan

From: Silbaugh, Katharine <silbaugh@bu.edu>
Date: Tuesday, July 8, 2025 at 2:25 PM
To: Susan Albright <salbright@newtonma.gov>, aldermanalbright@gmail.com
<aldermanalbright@gmail.com>
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Hi Susan -- I don't know whether your Newton email address still works but you were so instrumental in passing NFG in Newton, and I hoped you'd sign up to testify (in person or online) for next Monday's hearing on Statewide NFG at the state house. The deadline for online is tomorrow. Info below. Best, Kate.

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Calling all MA NFG supporters: PLEASE sign up to testify at the MA legislatures first hearing on NFG (top 2 bills in this list). Sign up by Thursday of THIS week to testify online. Letters also accepted. THIS IS THE HIGHEST PRIORITY to show STRONG AND WIDESPREAD SUPPORT. Best—Kate.

Hearing Notice - Joint Committee on Public Health - July 14th @ 1PM

The Commonwealth of Massachusetts
JOINT COMMITTEE ON PUBLIC HEALTH
STATE HOUSE, BOSTON 02133

Joint Committee on Public Health

Representative
Marjorie C. Decker
Room 130, State House

TEL. (617) 722-2130

House

1643

Senator
William Driscoll, Jr.
Room 507, State

TEL. (617) 722-

NOTICE OF PUBLIC HEARING

Date of Hearing: Monday, July 14, 2025

Time: 1:00 p.m. - 5:00 p.m.

Location: A1

The Joint Committee on Public Health will conduct a hybrid public hearing in Hearing Room A1 on July 14, 2025, from 1:00 p.m. to 5:00 p.m. on bills relating to children's health, tobacco, health information technology and professional licensure and scope of practice.

Individuals testifying should limit their remarks to 3 minutes. All panels should limit their testimony to a total of 6 minutes.

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		(SEN)
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H2485	An Act concerning the cardiac health of children and student athletes	Livingstone, Jay D. (HOU)
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H2481	An Act prohibiting the sale of dextromethorphan to minors	Linsky, David Paul (HOU)
S1617	An Act prohibiting the sale of dextromethorphan to minors	Rausch, Rebecca L. (SEN)
H2468	An Act for healthy kids, healthy futures	Kilcoyne, Meghan K. (HOU)
S1571	An Act for healthy kids, healthy futures	Lewis, Jason M. (SEN)
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H2434	An Act improving pediatric cancer research	Giannino, Jessica Ann (HOU)
S1602	An Act improving pediatric cancer research	O'Connor, Patrick M. (SEN)

H2430	An Act including Krabbe Disease in newborn screening	Garry, Colleen M. (HOU)
H2419	An Act relative to local boards of health and the sale of legal tobacco products in the Commonwealth	Frost, Paul K. (HOU)
H2379	An Act relative to tobacco harm-reduction	Cahill, Daniel (HOU)
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H2361	An Act relative to ensuring quality healthcare for children	Arena-DeRosa, James C. (HOU)
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S1624	An Act relative to personal health information portability and accessibility	Tarr, Bruce E. (SEN)
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S1510	An Act relative to the definition of podiatry	Dooner, Kelly A. (SEN)
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Chair Marjorie C. Decker

Joint Committee on Public Health

ATTN: Ramla Hagi

[24 Beacon St., Room 130](#)

[Boston, MA 02133](#)

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If you have any questions, you may email Ramla.Hagi@mahouse.gov and Matthew.Murphy@masenate.gov.

Sincerely,

Matt Murphy, J.D.

Legislative Director

Office of Senator Bill Driscoll Jr.

E: matthew.murphy@masenate.gov

P: 617-722-1643

Sent from a handheld device

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Legislative Director

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From: [Lawrence Perry](#)
To: [Reilly Ellis](#)
Cc: [Colleen Leger](#); [Sean Leahy](#); [Stacey Lane](#); [Laila McGeorge](#); [Gerard Cody](#); [Chin, Wesley](#); [Wendy Machmuller](#); [Myers, Abbey](#); [aatkins@norwoodma.gov](#); [Olsen, Lauren](#); [Charlotte Breef-Pilz](#); [Ekman, Diana](#); [Hannah Buckley](#); [Roland Lankah](#); [gabrielle_dean@psbma.org](#); [Kylee Foley](#); [Edward Gilbert](#); [Shin-Yi Lao](#); [Lisa Heyer](#); [Karen Koretsky](#); [spatton@stoughton-ma.gov](#); [John Kleschinsky](#); [Shemeka Hill](#); [wlouis@baystatecs.org](#); [Patrick St Martin](#)
Subject: Re: Q3 Meeting Next Week
Date: Tuesday, December 30, 2025 10:14:42 AM

You don't often get email from lperry@stoughton-ma.gov. [Learn why this is important](#)

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Ironically, the highest number of smoking complaints appear to be from citizens & business owners opposed to the NFG proposal.

Larry

On Tue, Dec 30, 2025 at 10:00 AM Reilly Ellis <rellis@brooklinema.gov> wrote:

Hello Metro South-West Tobacco Collaborative,

I hope you all are continuing to have a great Holiday Season!

I look forward to seeing all of you at our Q3 meeting next Tuesday, January 6th from 10am to 11am. The address, parking information, and directions on navigating the Arlington Community Center for those attending in-person are included below for your convenience.

I also wanted to remind my Health Department folks to please be prepared to speak a bit about the smoking complaints your department receives from residents, even if just to share that you don't often receive them. Are the complaints mostly around people smoking in multi-family housing, or general complaints of smoking in public? How do you respond to these complaints? This can include any smoking and vaping complaints, not just tobacco-specific instances.

I hope you all are staying warm, and have a wonderful New Year!

Q3 Physical Location

27 Maple St. Arlington (Arlington Community Center)

A parking lot is behind the building, but fills up quickly. The closest street parking can be found on Maple St. and Academy St.

Enter the building from the U-shaped drive-way and take the elevator or stairs to the second floor. There you will find the Health and Human Services conference room.

Thank you all,
Reilly

Reilly Ellis, MPH

(they/them/theirs)

Regional Tobacco Collaborative Coordinator

Arlington, Belmont, Brookline, Newton, Norwood, Randolph, Stoughton, Watertown

Brookline Department of Public Health And Human Services

rellis@brooklinema.gov | (857) 390-4881

--

Lawrence Perry

Board of Health Agent & Town Sanitarian

Engineering Department (2nd floor)

10 Pearl Street

Stoughton, MA 02072

[781-341-1300](tel:781-341-1300) ext. 9271

[781-341-1086](tel:781-341-1086) FAX

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rellis@brooklinema.gov | (857) 390-4881

--

Lawrence Perry

Board of Health Agent & Town Sanitarian

Engineering Department (2nd floor)

10 Pearl Street

Stoughton, MA 02072

[781-341-1300](tel:781-341-1300) ext. 9271

[781-341-1086](tel:781-341-1086) FAX

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From: [Susan Albright](#)
To: [anthony ishak](#)
Cc: [Silbaugh, Katharine](#); [Katharine Silbaugh](#); [Mark Gottlieb](#); [Jaclyn Norton](#)
Subject: Re: Tobacco-free by-law
Date: Thursday, January 9, 2025 8:46:37 AM

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<wmachmuller@brooklinema.gov>
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Hi Kate and Anthony,

I just received a call from Newton City Council member, Susan Albright. She wanted to speak with someone about “strategies” used to get the warrant article passed [at Town Meeting]. She has a City Counsel meeting tomorrow night; she just found out it is on the agenda.

I thought she would be best served by speaking with you as the co-petitioners of the article. I didn’t want to give out your contact info without your approval, so here is hers:

Susan Albright
City counselor
617-312-7093

Best regards,

Wendy Machmuller
Brookline Department of Public
Health & Human Services
[11 Pierce St., Brookline, MA 02445](https://www.brookline.ma.us/11-Pierce-St.-Brookline-MA-02445)
617-730-2307, FAX 617-730-2296
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The public comment part is over. Whoever you got to talk to alan lobovits did a great job. I walked out with Steven (who spoke vehemently against the change) and david micley. They thought they had alan and were surprised at his vote

I will not be surprised if this is put on 2nd call and discussed once again in full council. You both spoke so well I'll try to emulate that at the next meeting.

Sorry you had to listen to such a long meeting. I'm so glad I'm not on that committee. My "friend" Janet sterman took the opportunity to take another shot at me. Nice that the two opponents to the docket item came to my rescue.

Is anyone talking to Watertown and Waltham? I know some councilors in Watertown. I could reach out if no one else has.

Thanks again for your help. Btw the full council meeting is Jan 21. I'll be calling my colleagues to make sure we have a good majority.

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is hers:

Susan Albright

City counselor

617-312-7093

Best regards,

Wendy Machmuller

Brookline
Department of Public
Health & Human
Services

[11 Pierce St.,
Brookline, MA
02445](mailto:wmachmuller@brookline.org)

617-730-2307, FAX
617-730-2296

wmachmuller@brooklinema.gov

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<062024 Programs Services .pdf>

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From: [anthony ishak](#)
To: [Susan Albright](#)
Cc: [Katharine Silbaugh](#); [Katharine Silbaugh](#); [Mark Gottlieb](#); [Jaclyn Norton](#); [Katharine Silbaugh](#)
Subject: Re: Tobacco-free by-law
Date: Thursday, January 9, 2025 5:17:54 PM

You don't often get email from [REDACTED] [Learn why this is important](#)

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We don't have current discussions with the W towns, but our small group will discuss it at the next meeting. I especially want to get to Wellesley next since that would complete Sen. Creem district and allow us to get her support for the state bill. We can then update you.

I was surprised that there were zero retailers there. Will letters still be accepted?
How many votes would you guess you have at this time?
Anthony

On Jan 9, 2025, at 9:37 AM, Susan Albright <salbright@newtonma.gov> wrote:

The public comment part is over. Whoever you got to talk to alan lobovits did a great job. I walked out with Steven (who spoke vehemently against the change) and david micley. They thought they had alan and were surprised at his vote

I will not be surprised if this is put on 2nd call and discussed once again in full council. You both spoke so well I'll try to emulate that at the next meeting.

Sorry you had to listen to such a long meeting. I'm so glad I'm not on that committee. My "friend" Janet sterman took the opportunity to take another shot at me. Nice that the two opponents to the docket item came to my rescue.

Is anyone talking to Watertown and Waltham? I know some councilors in Watertown. I could reach out if no one else has.

Thanks again for your help. Btw the full council meeting is Jan 21. I'll be calling my colleagues to make sure we have a good majority.

Get [Outlook for iOS](#)

From: Silbaugh, Katharine <silbaugh@bu.edu>
Sent: Thursday, January 9, 2025 9:22:52 AM
To: Susan Albright <salbright@newtonma.gov>
Cc: anthony ishak <[REDACTED]> Katharine Silbaugh <[REDACTED]> Mark Gottlieb <mark@phaionline.org>; Jaclyn Norton <jnorton@newtonma.gov>
Subject: Re: Tobacco-free by-law

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

It was great to see how much thinking councilors had done already coming in.
Thank you! Will there be public comment at the full council vote? Thanks—Kate
Sent from a handheld device

On Jan 9, 2025, at 8:46 AM, Susan Albright
<salbright@newtonma.gov> wrote:

Thanks to all of you for your help. Next step full council vote. I'll start calling people we only need a majority ie 13 votes. hope to do better than that. you guys were great.

Get [Outlook for iOS](#)

From: anthony ishak <[REDACTED]>
Sent: Tuesday, June 18, 2024 1:00:06 PM
To: Susan Albright <salbright@newtonma.gov>
Cc: Silbaugh, Katharine <silbaugh@bu.edu>; Katharine Silbaugh <[REDACTED]> Mark Gottlieb <mark@phaionline.org>; Jaclyn Norton <jnorton@newtonma.gov>
Subject: Re: Tobacco-free by-law

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Yes I will send a letter of support.

On Jun 18, 2024, at 12:19 PM, Susan Albright
<salbright@newtonma.gov> wrote:

Attached is the agenda for the meeting. The Zoom link is in the top paragraph. If you want to send a letter to the Committee you can send it to the Chair Josh Krintzman. You can send it by email via the clerk for that Committee - Jaclyn Norton. I've cc'd her on this email so she will know a letter might be coming

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: Silbaugh, Katharine <silbaugh@bu.edu>
Sent: Thursday, June 13, 2024 4:56 PM
To: anthony ishak <[REDACTED]>
Cc: Susan Albright <salbright@newtonma.gov>; Katharine Silbaugh <[REDACTED]> Mark Gottlieb <mark@phaionline.org>
Subject: Re: Tobacco-free by-law

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Reading will vote tonight. With Brookline that will bring us to 7 communities.

Sent from a handheld device

On Jun 13, 2024, at 3:33 PM, anthony ishak <[REDACTED]> wrote:

No update, we continue to add communities that are starting the process.
Please let us know what we can do to help so it takes effect by January!

On Jun 13, 2024, at 11:00 AM,
Susan Albright
<salbright@newtonma.gov>
wrote:

Thanks for checking in. It hasn't come back to committee again yet. the problem is that I chair a different committee that meets at the same time. We will probably get back to it in

the fall.

I'm on a local radio show tonight that wants to talk about the issue. Do you have any new approvals to report?

Susan

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: anthony ishak

<[REDACTED]>

Sent: Tuesday, June 4, 2024 11:14 PM

To: Susan Albright

<salbright@newtonma.gov>

Subject: Re: Tobacco-free by-law

[DO NOT OPEN

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Hi Susan

I was checking in to see if there is an update over the past few weeks. As an update from my side: we met with Chelsea's Board of Health today and they are interested in implementing this idea. Winchester, Malden, Stoneham, Wakefield, and Melrose have already approved it to take effect January 1, 2025. Reading has their hearing for a vote next week.

Thanks
Anthony

On Apr 11, 2024, at 8:23 AM, Susan Albright

<salbright@newtonma.gov>
wrote:

And I thank you for
taking the time to
join us! Digital
Letters should be
addressed to the
Chair of the
Programs and
Services
Committee -
Councilor Josh
Krintzman. If
they use this
email address it
will go to the
whole Council:
citycouncil@newtonma.gov.
The docket
number is 149-
24. Snail mail
letters can also be
sent to Josh - via
Council Clerk of
the Programs and
Services
Committee Jaclyn
norton. The
address of city
hall is 1000
Commonwealth
Ave. Newton
02459;

I'm probably not
the best
spokesman for

the docket item
as I don't have the
facts and figures
at my fingertips -
but hopefully
common sense
will prevail. We
have already
heard from
several
convenience store
owners and
operators as well
as the statewide
lobbying group.

I was shocked by
the comments of
Alan Lobovitz -
while he is a new
councilor only
elected since
January - he is a
retired
pediatrician. He
came down on the
right side of the
issue but why on
earth did he need
to ask questions
like - how bad can
it be to smoke
only a few
cigarettes - you
would think a
pediatrician
would know the
facts why we need
to keep young'uns

away from
smoking in the
first place.

I'll tell our
attorney to share
his draft with you
all - and if you
could review it i'd
appreciate that.

Thanks again for
all your help
Susan

Susan Albright,
Newton City
Council
Councilor-at-Large,
Ward 2

From: Anthony Ishak

<[REDACTED]>

Sent: Wednesday,
April 10, 2024 10:09
PM

To: Kate Silbaugh

<[REDACTED]>

Cc: mark@phai.org
<mark@phai.org>;
Susan Albright
<salbright@newtonma.gov>

Subject: Re:
Tobacco-free by-law

[DO NOT OPEN
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safe.]

Thanks for the

opportunity to attend
your meeting and I'm
optimistic about
Newton joining the
NFG movement!

Can you let us know:

1. How we can
support you?
2. Where can people
send in letters of
support? I have
colleagues and
friends who live in
Newton--with
children--who would
be supportive.

On Tuesday, April 9,
2024 at 10:13:39 PM
EDT, Kate Silbaugh

<[REDACTED]

wrote:

Hi Susan—

Thanks for
reaching out. I can
talk tomorrow
before 10:30, or
11:15-1:00, and
2:00-6:00. I'm at
[REDACTED] I'm
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I wrote a short op
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policy, it's here if
helpful:

<https://commonwealthbeacon.org/opinion/sjc-can-fuel-spread-of-brookline-tobacco-law/>

It upsets retailers
but it is truly a slow
phaseout that gives

them years to
adapt.

Best, Kate Silbaugh

[REDACTED]

On Tue, Apr 9,
2024 at 5:40 PM
anthony ishak

<[REDACTED]>

wrote:

Thanks for the
introduction,
Wendy (blind
CCed here.).
Susan –In follow-
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from today I
have copied Kate
Silbaugh who
was a primary
petitioner with
me and Mark
Gottlieb from
PHAI who
provided legal
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of policy
knowledge for
our bylaw
proposal.
I'm happy to
attend your
meeting
tomorrow
evening in
support of this
bylaw proposal.
In addition to our
conversation,
I've included
some information
below that might
be helpful for
background.

I am a Town
Meeting Member
in the Town of

Brookline and was a co-primary petitioner in 2020 for a by-law to phase out tobacco sales by freezing the age of purchase to anyone born before 1/1/2000. This essentially prevents new people from getting addicted without taking away the rights of those already of age and minimizing impact to retailers (many of which are owned by non-white people) since it slowly phases it out allowing them to adjust their business models over years. This might be more politically tolerable as compared to an outright ban (though from a health perspective the latter would probably be preferred). The concept is known as the Tobacco Free Generation policy and was originally proposed in Singapore (more info: [The tobacco-free](#)

[generation proposal](#)), but we were the first municipality/country/state to implement it. PHAI at Northeastern provided pro bono legal support for the Town and the State Judicial Court upheld it last month 9-0 ([Massachusetts Supreme Judicial Court Upholds Tobacco-Free Generation Law](#)) essentially opening the gate for other towns to implement this policy. Since the SJC decision Stoneham and Wakefield have implemented it using 1/1/2004 as their date and Melrose is deliberating it.

Time magazine interviewed us in 2021 so it is on the radar across the country with Mass leading the way: <https://time.com/6126252/brookline-tobacco-free-generation-law/>

On
Apr
9,
2024,
at
1:42 PM,

Wendy
Machmuller
<wmachmuller@brooklinema.gov>
wrote:

Hi
Kate
and
Anthony,

I just
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a call
from
Newton
City
Council
member,
Susan
Albright.
She
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to
speak
with
someone
about
“strategies”
used
to
get
the
warrant
article
passed
[at
Town
Meeting].
She
has
a
City
Counsel
meeting
tomorrow
night;

she
just
found
out it
is on
the
agenda.

I
thought
she
would
be
best
served
by
speaking
with
you
as
the
co-
petitioners
of
the
article.

I
didn't
want
to
give
out
your
contact
info
without
your
approval,
so
here
is
hers:

Susan
Albright

City

counselor

617-
312-
7093

Best
regards,

Wendy
Machmuller

Brookline
Department
of
Public
Health
&
Human
Services

[11](#)
[Pierce](#)
[St.,](#)
[Brookline,](#)
[MA](#)
[02445](#)

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2307,
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From: [anthony ishak](#)
To: mark@phai.org; [Susan Albright](#)
Cc: [REDACTED]
Subject: Re: Tobacco-free by-law
Date: Tuesday, April 9, 2024 5:40:58 PM

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Thanks for the introduction, Wendy (blind CCed here.).

Susan –In follow-up to our phone conversation from today I have copied Kate Silbaugh who was a primary petitioner with me and Mark Gottlieb from PHAI who provided legal support and a lot of policy knowledge for our bylaw proposal.

I'm happy to attend your meeting tomorrow evening in support of this bylaw proposal. In addition to our conversation, I've included some information below that might be helpful for background.

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I thought she would be best served by speaking with you as the co-petitioners of the

article. I didn't want to give out your contact info without your approval, so here is hers:

Susan Albright
City counselor
617-312-7093

Best regards,

Wendy Machmuller
Brookline Department of Public Health & Human Services
11 Pierce St., Brookline, MA 02445
617-730-2307, FAX 617-730-2296
wmachmuller@brooklinema.gov

From: [Susan Albright](#)
To: [anthony.ishak](#); mark@phai.org
Cc: [REDACTED]
Subject: Re: Tobacco-free by-law
Date: Tuesday, April 9, 2024 6:28:00 PM

Dear Anthony

Thanks very much for your help with our docket item. I look forward to your participation at the meeting tomorrow night. Below is the agenda for the meeting.

Thanks again,
Susan

<https://www.newtonma.gov/home/showpublisheddocument/118547>

Susan

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: anthony.ishak <[REDACTED]>
Sent: Tuesday, April 9, 2024 5:40 PM
To: mark@phai.org <mark@phai.org>; Susan Albright <salbright@newtonma.gov>
Cc: [REDACTED] <[REDACTED]>
Subject: Re: Tobacco-free by-law

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To: [anthony.ishak](#)
Cc: [mark@phai.org](#); [Susan Albright](#)
Subject: Re: Tobacco-free by-law
Date: Tuesday, April 9, 2024 10:13:45 PM

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From: [Susan Albright](#)
To: [Kate Silbaugh](#); [anthony ishak](#)
Cc: mark@phai.org
Subject: Re: Tobacco-free by-law
Date: Wednesday, April 10, 2024 8:40:18 AM

Thanks for the times Kate - I'll call soon.

susan

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: Kate Silbaugh <[REDACTED]>
Sent: Tuesday, April 9, 2024 10:13 PM
To: anthony ishak <[REDACTED]>
Cc: mark@phai.org <mark@phai.org>; Susan Albright <salbright@newtonma.gov>
Subject: Re: Tobacco-free by-law

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wmachmuller@brooklinema.gov

From: [Anthony Ishak](#)
To: [Kate Silbaugh](#)
Cc: mark@phai.org; [Susan Albright](#)
Subject: Re: Tobacco-free by-law
Date: Wednesday, April 10, 2024 10:09:52 PM

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From: [anthony ishak](#)
To: [Susan Albright](#); [Katharine Silbaugh](#); [Katharine Silbaugh](#); [Mark Gottlieb](#)
Subject: Re: Tobacco-free by-law
Date: Thursday, June 13, 2024 3:33:10 PM

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Cc: [Susan Albright](#); [Katharine Silbaugh](#); [Mark Gottlieb](#)
Subject: Re: Tobacco-free by-law
Date: Thursday, June 13, 2024 4:56:13 PM

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Subject: Re: Tobacco-free by-law
Date: Thursday, June 13, 2024 8:31:51 PM

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Update: Town of Reading adopted the 1/1/2004 birthdate restriction tonight to go into effect January 1 2025. This is the same restriction adopted in Stoneham, Wakefield, Winchester, Malden, Melrose. Brookline's birthdate is 1/1/2000.

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Subject: Re: Tobacco-free by-law
Date: Tuesday, June 18, 2024 11:34:15 AM

This ordinance is coming up for a vote by the Programs and Services Committee on Thursday night - June 20. I did get a letter of support from the Commissioner of Health and Human Services. Would you be interested in sending a letter of support?

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To: [Susan Albright](#)
Cc: [anthony ishak](#); [Katharine Silbaugh](#); [Mark Gottlieb](#)
Subject: Re: Tobacco-free by-law
Date: Tuesday, June 18, 2024 11:37:35 AM

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Date: Tuesday, June 18, 2024 11:43:30 AM

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Get [Outlook for iOS](#)

From: Silbaugh, Katharine <silbaugh@bu.edu>
Sent: Tuesday, June 18, 2024 11:37:27 AM
To: Susan Albright <salbright@newtonma.gov>
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Cc: [Katharine Silbaugh](#); [Mark Gottlieb](#); [Jaclyn Norton](#)
Subject: Re: Tobacco-free by-law
Date: Tuesday, June 18, 2024 12:19:30 PM
Attachments: [062024 Programs Services .pdf](#)

Attached is the agenda for the meeting. The Zoom link is in the top paragraph. If you want to send a letter to the Committee you can send it to the Chair Josh Krintzman. You can send it by email via the clerk for that Committee - Jaclyn Norton. I've cc'd her on this email so she will know a letter might be coming

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Programs & Services Committee Agenda

City of Newton **In City Council**

Thursday, June 20, 2024

7:00 PM

Room 211

The Programs & Services Committee will hold this meeting as a hybrid meeting on Thursday, June 20, 2024 at 7:00 PM that the public may access in-person or virtually via Zoom. To attend this meeting via Zoom use this link: <https://newtonma.gov.zoom.us/j/85906658763> or call 1-646-558-8656 and use the Meeting ID: 859 0665 8763.

Items Scheduled for Discussion:

- #149-24 Ordinance change to prohibit the sale of tobacco in Newton to anyone born on or after 1/1/2000**
COUNCILORS ALBRIGHT, KELLEY, HUMPHREY, KRINTZMAN, DOWNS, LUCAS, BIXBY, AND DANBERG requesting a discussion and amendment to Chapter 20 Section 3 or sections as appropriate to protect the health, safety, and welfare of the young people in Newton by creating a prohibition of sales such that No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to anyone born on or after 1/1/2000.
Programs & Services Held 7-0 on 04/10/24
- #264-24 Discussion regarding on-demand transportation system**
HER HONOR THE MAYOR requesting discussion of the new City-wide on-demand transportation system.
- #46-24 Discussion on the Ban of Single Use Plastic Water Bottles in Newton**
COUNCILORS DANBERG, ALBRIGHT, KALIS, WRIGHT, DOWNS, AND GROSSMAN requesting discussion and possible ordinance change regarding the ban on the purchase or sale of single use plastic water bottles in Newton.

Respectfully Submitted,
Josh Krantzman, Chair

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the City of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



Newton City Councilor Susan Albright

Date: June 14, 2024

To: Programs & Services Committee

From: Susan Albright, Ward 2 At-Large Councilor

Re: Additional Communities Adopting Ordinances/By-Laws about Nicotine-Free Generation

Dear Programs & Services Committee,

On April 10th the Programs & Services Committee held an initial discussion on adopting an ordinance that would prohibit the sale of tobacco products to anyone born after 1/1/2004. Since that meeting a number of communities have passed similar ordinances/by-laws. These communities include Winchester, Malden, Stoneham, Wakefield, Melrose, and Reading. I hope this can better inform your discussion when this is discussed on June 20th.

Respectfully Submitted,

Susan Albright, Ward 2 At-Large Councilor

Chapter 20

MISCELLANEOUS ORDINANCES*

- Art. I Smoking, Tobacco Products, Nicotine Delivery Products, and Alcoholic Beverages, §§ 20-1—20-12
- Art. II. Noise, §§ 20-13—20-22
- Art. III. Light Trespass, §§ 20-23—20-49
- Art. IV. Miscellaneous Offenses, §§ 20-50—20-70
- Art. V. Hawkers, Peddlers, Food Trucks and Canvassers, §§ 20-71—20-106
 - Div. 1. Generally, §§ 20-71—20-80
 - Div. 2. Licenses for Hawkers and Peddlers of Food, §§ 20-81—20-87
 - Div. 3. Food Trucks, §§ 20-88—20-94
 - Div. 4. Solicitors and Canvassers, §§ 20-95—20-106
- Art. VI. Secondhand and Junk Dealers, §§ 20-107—20-139
 - Div. 1. Generally, §§ 20-107—20-122
 - Div. 2. Licenses, §§ 20-123—20-139
- Art. VII. Storage of Inflammables, §§ 20-140—20-147
- Art. VIII. Lodging Houses, §§ 20-148 – 20-159
 - Div. 1. Generally, §§ 20-148 – 20-152
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- Art. IX Short Term Rentals, §§ 20-160 – 20-168

ARTICLE I.

SMOKING, TOBACCO PRODUCTS AND ALCOHOLIC BEVERAGES

Sec. 20-1. Distribution of tobacco products and nicotine delivery products.

No person in the business of selling or otherwise distributing cigarettes or other tobacco or smoking products or nicotine delivery products for commercial purposes, or any agent or employee of any such person, shall in the course of such business distribute any cigarettes or other tobacco or smoking products or nicotine delivery products free to any person on any public street or sidewalk, or in any public park or playground, or any other public ground, or in any public building.

Any person who violates the provisions of this section shall be punished by a fine of not less than twenty (\$20.00) nor more than fifty (\$50.00) dollars for each violation. Every hour or part thereof in which a person engages in the conduct prohibited by this section shall constitute a single and separate violation. (Ord. No. R-224, 3-1-82; Rev. Ords. 1995, § 20-18; Ord. No. X-59, 10-7-03)

Sec. 20-2. Sale of tobacco products and nicotine delivery products.

(a) *Declaration of findings and policy*: Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose, and throat; ~~and, whereas at least one half of all smokers begin smoking before the age of twenty one (21); and, whereas an estimated three thousand (3,000) minors begin smoking every day in the United States;~~ and, whereas nicotine in tobacco has been found by the Surgeon General to be a powerfully addictive drug; and, whereas a city ordinance to restrict the access of minors to tobacco ~~and e-cigarette~~ products is in the interest of public health, ~~including but not limited to the city's younger population;~~ now, therefore, it is the policy of the City of Newton to ~~discourage minors from experimenting with tobacco and nicotine and to make tobacco products and nicotine delivery products less accessible to minors~~ restrict the

sale of and public exposure to tobacco and e-cigarette products within the city.

(b) *Definitions:* For the purposes of this section, the following words shall have the meanings respectively ascribed to them by this section:

Blunt wrap: any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Characterizing flavor: a distinguishable taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, imparted either prior to or during consumption of a tobacco product or component part thereof, including but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma or because of the provision of ingredient information.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under M.G.L. chapter 64C, section 1.

City: City of Newton.

Commissioner: The commissioner of health and human services of the City of Newton.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacture or packing of the tobacco product. Such term shall include a smoke constituent.

Distinguishable: Perceivable by either the sense of smell or taste.

E-cigarette: Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery and/or electronic circuits that provides a vapor of liquid nicotine to the user, or relies on vaporization of solid nicotine or any liquid, with or without nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored tobacco product: Any tobacco product or component part thereof that contains a constituent that imparts a characterizing flavor. A public statement or claim made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning

such tobacco product, that such tobacco produce has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is flavored.

Health care provider: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services or employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under M.G.L. c. 112. Health care provider includes hospitals, clinics, health centers, pharmacies, drug stores and doctor and dentist offices.

Nicotine delivery product: Any manufactured article or product made wholly or in part of a tobacco substitute or containing nicotine that is expected or intended for human consumption, but not including a product approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes and which is being marketed and sold solely for that approved purpose. Nicotine delivery products include, but are not limited to, e-cigarettes.

Non-residential roll-your-own (RYO) machine: a mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not non-residential RYO machines.

Retail tobacco store or retail nicotine delivery product store: An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and tobacco paraphernalia, or nicotine delivery products, in which the entry of persons under the age of twenty-one (21) is prohibited at all times, and maintains valid tobacco and nicotine delivery product sales permit.

Self service display: Any display of tobacco products or nicotine delivery products which is so located such that said products are accessible to customers without assistance from an employee or storepersonnel.

Smoke constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Minor: Any individual who is under the age of twenty-one (21).

Person: A person, employer, employee, retail store manager or owner, or the owner or operator of any establishment engaged in the sale of tobacco products.

Vending machine: Any automated or mechanical self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or any other tobacco product or nicotine delivery product.

Tobacco products: Cigarettes, cigars, chewing tobacco, pipe tobacco, snuff or tobacco in any of its forms.

(c) ~~Sale or gift to minors prohibited~~ Prohibition of sales:

- (1) No person shall sell tobacco products or nicotine delivery products, or permit the same to be sold, to a ~~minor, or, not being the minor's parent or legal guardian, give tobacco products or nicotine delivery products to a minor.~~ anyone born on or after January 1, 2004.

(2) *Required signage and notice of prohibition:*

- (a) In conformance with and in addition to Massachusetts General Law, Chapter 270, Section 7, a copy of

Massachusetts General Laws, Chapter 270, Section 6 and 6A, shall be posted conspicuously by the owner or other person in charge thereof in the shop or other place used to sell tobacco products at retail. The notice shall be provided by the Massachusetts Department of Public Health and made available from the Commissioner. The notice shall be at least forty-eight (48) square inches and shall be posted conspicuously by the permit holder in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor.

(b) The owner or other person in charge of a shop or other place used to sell tobacco products at retail shall conspicuously post signage provided by the Commissioner that discloses current referral information about smoking cessation.

(c) The owner or other person in charge of a shop or other place used to sell tobacco and/or nicotine delivery products at retail shall conspicuously post a sign stating "The sale of tobacco or nicotine delivery products to someone born on or after 1/1/2004 is a minor under 21 years of age is prohibited." The owner or other person in charge of a shop or other place used to sell e-cigarettes at retail shall conspicuously post a sign stating "The use of e-cigarettes at indoor establishments may be prohibited by local law." The notices shall be posted conspicuously in such a manner that they may be readily seen by a person standing at or approaching the cash register. The signs will be provided by the Commissioner.

(3) *Identification:* Each person selling or distributing tobacco products and/or nicotine delivery products shall verify the age of the purchaser by means of government-issued photographic identification containing the bearer's date of birth and confirming that the purchaser is twenty-one (21) years old or older was born before January 1, 2004. ~~Verification is required for any person under the age of 27.~~

(d) *Tobacco sales and nicotine delivery product permit:*

(1) No person shall sell or otherwise distribute tobacco or nicotine delivery products within the city without first obtaining a tobacco or nicotine delivery product sales permit issued by the commissioner. Only owners of establishments with a permanent, non-mobile location in Newton are eligible to apply for a permit and sell tobacco and/or nicotine delivery products at the specified location in Newton.

(2) As part of the tobacco and nicotine delivery product sales permit application process, the applicant will be provided with a copy of this section. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco or nicotine delivery product sales regarding both state laws regarding the sale of tobacco to minors and this regulation.

(3) Each applicant selling or distributing tobacco is required to provide proof of a current tobacco sales license issued by the Massachusetts Department of Revenue before a tobacco and nicotine delivery product sales permit can be issued.

(4) The fee for an initial tobacco and nicotine delivery product sales permit shall be determined by the commissioner based on the cost of administering the permit process. All such permits shall be renewed annually. The annual renewal fee shall be in an amount determined by the commissioner based upon the actual cost of administering the permit renewal process.

(5) A separate permit is required for each retail establishment selling tobacco and/or nicotine delivery product.

(6) Each tobacco and nicotine delivery product sales permit shall be displayed at the retail establishment in a

conspicuous place.

- (7) No tobacco and nicotine delivery product sales permit holder shall allow any employee to sell cigarettes, other tobacco products, or nicotine delivery products until such employee reads this regulation and state laws regarding the sale of tobacco to minors and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state laws.”
- (8) A tobacco and nicotine delivery product sales permit is non-transferable. A new owner of an establishment that sells tobacco or nicotine delivery products must apply for a new tobacco and nicotine delivery product sales permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
- (9) Issuance of a tobacco and nicotine delivery product sales permit shall be conditioned on an applicant’s consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation.
- (10) A tobacco and nicotine delivery product sales permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired.

(e) *Tobacco products or nicotine delivery products vending machines:*

No person shall distribute or sell tobacco products or nicotine delivery products by the use of a vending machine.

(f) *Self service displays:*

No person shall sell or offer for sale tobacco products or nicotine delivery products by means of a self service display.

(g) *Ban on free distribution, on single cigarettes, and on non-residential roll-your-own machines:*

No person shall distribute, or cause to be distributed, any free samples of tobacco products or nicotine delivery products. No person may sell or cause to be sold or distribute or cause to be distributed, any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes, or any non-residential roll-your-own machine.

(h) *Prohibition of the sale of tobacco products or nicotine delivery products by health care providers:*

No health care provider located in the City of Newton shall sell tobacco products or nicotine delivery products or cause tobacco products or nicotine delivery products to be sold. No retail establishment that operates, maintains or employs a health care provider within it, such as a pharmacy or drug store, shall sell tobacco products or nicotine delivery products or cause tobacco products or nicotine delivery products to be sold.

(i) *Cigar sales regulated:*

No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed any original package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more. This section shall not apply to the sale or distribution of any cigar having a retail price of two dollars and fifty cents (\$2.50) or more; or to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Newton; or to a retail tobacco or retail nicotine delivery store.

(j) *Sale of flavored tobacco or nicotine delivery products prohibited:*

No retailer, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale any flavored tobacco or nicotine delivery product to a consumer. This provision shall not apply to a retail tobacco store or retail nicotine delivery product store.

(k) *Prohibition of the sale of blunt wraps:*

No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale blunt wraps.”

(l) *Violations and penalties:*

- (1) A person who violates the provisions of subsection (d)(1) of this section shall be subject to a fine of three hundred dollars (\$300.00) for each violation. Every day in which a person engages in conduct prohibited by subsection (d)(1) of this section shall constitute a single and separate violation.
- (2) A violation of any provision of this section other than subsection (d)(1) shall be subject to:
 - (a) In the case of a first violation, a fine of one hundred dollars (\$100.00).
 - (b) In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two hundred dollars (\$200.00) and the tobacco and nicotine delivery product sales permit shall be suspended for seven (7) consecutive business days.
 - (c) In the case of a third violation within a thirty-six (36) month period, a fine of three hundred dollars (\$300.00) and the tobacco and nicotine delivery product sales permit shall be suspended for thirty (30) consecutive business days.
 - (d) In the case of four or more violations within a thirty-six (36) month period, a fine of three hundred dollars (\$300.00) and the tobacco and nicotine delivery product sales permit shall be revoked for sixty (60) consecutive business days or for the remainder of the permit term, whichever is longer.
 - (e) The tobacco and nicotine delivery product sales permit holder shall be assessed a fine according to the schedule stated in this subsection for each violation of any provision of this section, other than subsection (d)(1), occurring on the premises governed by the permit. In the event of a sale or free distribution of a tobacco product or nicotine delivery product to anyone born on or after January 1, 2004 ~~a minor~~ made by an employee of the permit holder, such employee shall also be subject to a fine in accordance with the schedule stated in this paragraph.
 - (f) Refusal to cooperate with inspections pursuant to this regulation shall result in the suspension of the tobacco sales and nicotine delivery product permit for thirty (30) consecutive business days.
- (3) The commissioner shall suspend or revoke a tobacco and nicotine delivery product sales permit granted pursuant to this section upon determination that a permit holder has committed three (3) violations of this section within three (3) years, calculated from the date of the first offense. The commissioner shall provide notice to the permit holder of the intent to suspend or revoke a tobacco and nicotine delivery product sales permit, which notice shall contain the reasons therefore and establish a time and date for a hearing, which date shall be no earlier than seven (7) days after the date of said notice. The permit holder shall have an opportunity to be heard at such hearing and shall be notified of the commissioner's decision and the reasons therefore, in writing. All tobacco and nicotine delivery products shall be removed from the premises upon

suspension or revocation of the tobacco and nicotine delivery product sales permit. Failure to remove shall constitute a separate violation of this section. A permit holder whose permit has been revoked may not apply for a new permit prior to the expiration of one (1) calendar year following the date of revocation.

(m) *Severability*: The provisions of this section are severable. If any provision of this section or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this section which can be given effect without the invalid provision or application. (Ord. No. T-241, 10-21-91; Ord. No. T-293, 8-9-93; Ord. No. T-295, 9-7-93; Rev. Ords. 1995, § 20-20-18A; Ord. No. X-59, 10-7-03; Ord. No. X-175, 05-26-05; Ord. No. Z-55, 11-06-09; Ord. No. Z-57, 11-16-09; Rev. Ords. 2007; Ord. A-42, 06-16-14)



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1113
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rfuller@newtonma.gov

June 10, 2024

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Councilors:

I respectfully submit a docket item to your Honorable Council requesting discussion of the new City-wide on-demand transportation system.

After six years of operating Newton in Motion (NewMo), we are switching to a new transportation system for people living here who need the most support - our older adults, our lower income individuals, and people with disabilities.

We are partnering with an experienced, national, "customer service centric" company, [GoGo Technologies](#), to launch GoGo Newton.

Further details of the system will be released this week to the City Council and general public.

Senior Service Director Mignonne Murray and Transportation Planning Director Jenn Martin will be available at the committee meetings to answer any questions you may have.

Thank you for your consideration of this important matter.

Sincerely,

Ruthanne Fuller
Mayor

From: [anthony ishak](#)
To: [Susan Albright](#)
Cc: [Silbaugh, Katharine](#); [Katharine Silbaugh](#); [Mark Gottlieb](#); [Jaclyn Norton](#)
Subject: Re: Tobacco-free by-law
Date: Tuesday, June 18, 2024 1:00:27 PM

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Yes I will send a letter of support.

On Jun 18, 2024, at 12:19 PM, Susan Albright <salbright@newtonma.gov> wrote:

Attached is the agenda for the meeting. The Zoom link is in the top paragraph. If you want to send a letter to the Committee you can send it to the Chair

Josh Krintzman. You can send it by email via the clerk for that Committee - Jaclyn Norton. I've cc'd her on this email so she will know a letter might be coming

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: Silbaugh, Katharine <silbaugh@bu.edu>
Sent: Thursday, June 13, 2024 4:56 PM
To: anthony ishak <[REDACTED]>
Cc: Susan Albright <salbright@newtonma.gov>; Katharine Silbaugh <[REDACTED]> Mark Gottlieb <mark@phaionline.org>
Subject: Re: Tobacco-free by-law

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Reading will vote tonight. With Brookline that will bring us to 7 communities.

Sent from a handheld device

On Jun 13, 2024, at 3:33 PM, anthony ishak <[REDACTED]> wrote:

No update, we continue to add communities that are starting the process.
Please let us know what we can do to help so it takes effect by January!

On Jun 13, 2024, at 11:00 AM, Susan Albright
<salbright@newtonma.gov> wrote:

Thanks for checking in. It hasn't come back to committee again yet. the problem is that I chair a different committee that meets at the same time. We will probably get back to it in the fall.

I'm on a local radio show tonight that wants to talk about the issue. Do you have any new approvals to report?

Susan

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: anthony ishak <[REDACTED]>
Sent: Tuesday, June 4, 2024 11:14 PM
To: Susan Albright <salbright@newtonma.gov>
Subject: Re: Tobacco-free by-law

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Hi Susan

I was checking in to see if there is an update over the past few weeks. As an update from my side: we met with Chelsea's Board of Health today and they are interested in implementing this idea. Winchester, Malden, Stoneham, Wakefield, and Melrose have already approved it to take effect January 1, 2025. Reading has their hearing for a vote next week.

Thanks
Anthony

On Apr 11, 2024, at 8:23 AM, Susan Albright <salbright@newtonma.gov> wrote:

And I thank you for taking the time to join us! Digital Letters should be addressed to the Chair of the Programs and Services Committee - Councilor Josh Krintzman. If they use this email address it will go to the whole Council: citycouncil@newtonma.gov. The docket number is 149-24. Snail mail letters can also be sent to Josh - via Council Clerk of the Programs and Services Committee Jaclyn norton. The address of city hall is 1000 Commonwealth Ave. Newton 02459;

I'm probably not the best spokesman for the docket item as I don't have the facts and figures at my fingertips - but hopefully common sense will prevail. We have already heard from several convenience store owners and operators as well as the statewide lobbying group.

I was shocked by the comments of Alan Lobovitz - while he is a new councilor only elected since January - he is a retired pediatrician. He came down on the right side of the issue but why on earth did he need to ask questions like - how bad can it be to smoke only a few cigarettes - you would think a pediatrician would know the facts why we need to keep young'uns away from smoking in the first place.

I'll tell our attorney to share his draft with you all - and if you could review it i'd

appreciate that.

Thanks again for all your help
Susan

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: Anthony Ishak
<[REDACTED]>
Sent: Wednesday, April 10, 2024 10:09 PM
To: Kate Silbaugh <[REDACTED]>
Cc: mark@phai.org <mark@phai.org>; Susan Albright <salbright@newtonma.gov>
Subject: Re: Tobacco-free by-law

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Thanks for the opportunity to attend your meeting
and I'm optimistic about Newton joining the NFG
movement!

Can you let us know:

1. How we can support you?
2. Where can people send in letters of support? I have colleagues and friends who live in Newton--with children--who would be supportive.

On Tuesday, April 9, 2024 at 10:13:39 PM EDT,
Kate Silbaugh <[REDACTED]> wrote:

Hi Susan—

Thanks for reaching out. I can talk tomorrow
before 10:30, or 11:15-1:00, and 2:00-6:00. I'm at
[REDACTED] I'm happy to talk about what the
landscape looked like here.

I wrote a short op ed that lays out the basic case
for the policy, it's here if helpful:
<https://commonwealthbeacon.org/opinion/sjc-can-fuel-spread-of-brookline-tobacco-law/>

It upsets retailers but it is truly a slow phaseout
that gives them years to adapt.

Best, Kate Silbaugh [REDACTED]

On Tue, Apr 9, 2024 at 5:40 PM anthony ishak

[REDACTED] wrote:

Thanks for the introduction, Wendy (blind CCed here.).

Susan –In follow-up to our phone conversation from today I have copied Kate Silbaugh who was a primary petitioner with me and Mark Gottlieb from PHAI who provided legal support and a lot of policy knowledge for our bylaw proposal.

I'm happy to attend your meeting tomorrow evening in support of this bylaw proposal. In addition to our conversation, I've included some information below that might be helpful for background.

I am a Town Meeting Member in the Town of Brookline and was a co-primary petitioner in 2020 for a by-law to phase out tobacco sales by freezing the age of purchase to anyone born before 1/1/2000. This essentially prevents new people from getting addicted without taking away the rights of those already of age and minimizing impact to retailers (many of which are owned by non-white people) since it slowly phases it out allowing them to adjust their business models over years. This might be more politically tolerable as compared to an outright ban (though from a health perspective the latter would probably be preferred). The concept is known as the Tobacco Free Generation policy and was originally proposed in Singapore (more info: [The tobacco-free generation proposal](#)), but we were the first municipality/country/state to implement it. PHAI at Northeastern provided pro bono legal support for the Town and the State Judicial Court upheld it last month 9-0 ([Massachusetts Supreme Judicial Court Upholds Tobacco-Free Generation Law](#)) essentially opening the gate for other towns to implement this policy. Since the SJC decision Stoneham and Wakefield have implemented it using

1/1/2004 as their date and Melrose is deliberating it.

Time magazine interviewed us in 2021 so it is on the radar across the country with Mass leading the

way: <https://time.com/6126252/brookline-tobacco-free-generation-law/>

On Apr 9, 2024, at 1:42 PM,
Wendy Machmuller
<wmachmuller@brooklinema.gov>
wrote:

Hi Kate and Anthony,

I just received a call from Newton City Council member, Susan Albright. She wanted to speak with someone about "strategies" used to get the warrant article passed [at Town Meeting]. She has a City Counsel meeting tomorrow night; she just found out it is on the agenda.

I thought she would be best served by speaking with you as the co-petitioners of the article. I didn't want to give out your contact info without your approval, so here is hers:

Susan Albright

City counselor

617-312-7093

Best regards,

Wendy Machmuller

Brookline Department of Public
Health & Human Services

[11 Pierce St., Brookline, MA
02445](https://www.brookline.ma.us/11-Pierce-St.-Brookline-MA-02445)

617-730-2307, FAX 617-730-
2296

wmachmuller@brooklinema.gov

When responding, please be aware that the
Massachusetts Secretary of State has
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<062024 Programs Services .pdf>

From: [Susan Albright](#)
To: [anthony ishak](#)
Cc: [Silbaugh, Katharine](#); [Katharine Silbaugh](#); [Mark Gottlieb](#); [Jaclyn Norton](#)
Subject: Re: Tobacco-free by-law
Date: Thursday, January 9, 2025 8:46:32 AM

Thanks to all of you for your help. Next step full council vote. I'll start calling people we only need a majority ie 13 votes. hope to do better than that. you guys were great.

Get [Outlook for iOS](#)

From: anthony ishak <[REDACTED]>
Sent: Tuesday, June 18, 2024 1:00:06 PM
To: Susan Albright <salbright@newtonma.gov>
Cc: Silbaugh, Katharine <silbaugh@bu.edu>; Katharine Silbaugh <[REDACTED]> Mark Gottlieb <mark@phaionline.org>; Jaclyn Norton <jnorton@newtonma.gov>
Subject: Re: Tobacco-free by-law

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Cc: mark@phai.org <mark@phai.org>; Susan Albright <salbright@newtonma.gov>
Subject: Re: Tobacco-free by-law

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Wendy Machmuller
<wmachmuller@brooklinema.gov>
wrote:

Hi Kate and Anthony,

I just received a call from Newton City Council member, Susan Albright. She wanted to speak with someone about “strategies” used to get the warrant article passed [at Town Meeting]. She has a City Counsel meeting tomorrow night; she just found out it is on the agenda.

I thought she would be best served by speaking with you as the co-petitioners of the article. I didn’t want to give out your contact info without your approval, so here is hers:

Susan Albright
City counselor
617-312-7093

Best regards,

Wendy Machmuller
Brookline Department of Public
Health & Human Services
[11 Pierce St., Brookline, MA 02445](https://www.brookline.ma.us/11-Pierce-St.-Brookline-MA-02445)
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Subject: Re: Tobacco-free by-law
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We don't have current discussions with the W towns, but our small group will discuss it at the next meeting. I especially want to get to Wellesley next since that would complete Sen. Creem district and allow us to get her support for the state bill. We can then update you.

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Sent: Tuesday, June 18, 2024 1:00:06 PM
To: Susan Albright <salbright@newtonma.gov>
Cc: Silbaugh, Katharine <silbaugh@bu.edu>; Katharine Silbaugh <[REDACTED]> Mark Gottlieb <mark@phaionline.org>; Jaclyn Norton <jnorton@newtonma.gov>
Subject: Re: Tobacco-free by-law

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Susan Albright, Newton City Council

Councilor-at-Large, Ward 2

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Sent: Thursday, June 13, 2024 4:56 PM

To: anthony ishak <[REDACTED]>

Cc: Susan Albright <salbright@newtonma.gov>; Katharine Silbaugh <[REDACTED]> Mark Gottlieb <mark@phaionline.org>

Subject: Re: Tobacco-free by-law

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Sent from a handheld device

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Hi Susan

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Thanks

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The docket
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I'll tell our
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his draft with you
all - and if you
could review it i'd
appreciate that.

Thanks again for
all your help
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Susan Albright,
Newton City
Council
Councilor-at-Large,
Ward 2

From: Anthony Ishak

<[REDACTED]>

Sent: Wednesday,
April 10, 2024 10:09
PM

To: Kate Silbaugh

<[REDACTED]>

Cc: mark@phai.org
<mark@phai.org>;
Susan Albright
<salbright@newtonma.gov>

Subject: Re:
Tobacco-free by-law

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Thanks for the
opportunity to attend
your meeting and I'm
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Can you let us know:
1. How we can
support you?
2. Where can people
send in letters of
support? I have
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friends who live in
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be supportive.

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11:15-1:00, and
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happy to talk about
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I wrote a short op
ed that lays out the
basic case for the
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can-fuel-spread-of-
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them years to
adapt.

Best, Kate Silbaugh

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essentially
opening the gate
for other towns to
implement this
policy. Since the
SJC decision
Stoneham and
Wakefield have
implemented it
using 1/1/2004 as
their date and
Melrose is
deliberating it.

Time magazine
interviewed us in
2021 so it is on the
radar across the
country with Mass
leading the
way: <https://time.com/6126252/brookline-tobacco-free-generation-law/>

On
Apr
9,
2024,
at
1:42 PM,
Wendy
Machmuller
<wmachmuller@brooklinema.gov>

wrote:

Hi
Kate
and
Anthony,

I just
received
a call
from
Newton
City
Council
member,
Susan
Albright.
She
wanted
to
speak
with
someone
about
“strategies”
used
to
get
the
warrant
article
passed
[at
Town
Meeting].
She
has
a
City
Counsel
meeting
tomorrow
night;
she
just
found

out it
is on
the
agenda.

I
thought
she
would
be
best
served
by
speaking
with
you
as
the
co-
petitioners
of
the
article.

I
didn't
want
to
give
out
your
contact
info
without
your
approval,
so
here
is
hers:

Susan
Albright

City
counselor

617-

312-
7093

Best
regards,

Wendy
Machmuller

Brookline
Department
of
Public
Health
&
Human
Services

[11
Pierce
St.,
Brookline,
MA
02445](#)

617-
730-
2307,
FAX
617-
730-
2296

wmachmuller@brooklinema.gov

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<062024 Programs Services .pdf>

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From: [Susan Albright](#)
To: [anthony ishak](#)
Cc: [Katharine Silbaugh](#); [Katharine Silbaugh](#); [Mark Gottlieb](#); [Katharine Silbaugh](#)
Subject: Re: Tobacco-free by-law
Date: Thursday, January 9, 2025 8:42:18 PM

i would guess that we have the votes we need. I checked today and no one has put this on second call - but I can't count on this - it could happen in the last minute. My hope is that because this was a cross-over vote - it will pass. What do I mean? there are two groups on the council - the pro-housing typically liberal group and the anti-housing typically conservative group. Of the 5 yes votes 2 were from the conservatives and 3 were from the liberals. This is a good sign. be that as it may I'll call my liberal group and I think they will all vote yes. I think I can get 17 yeses (we need 13).

Ward 1

John

Alison

Maria

Ward 2

me

tarik

Ward 3

andrea

julia

Pam

Ward 4

josh

Ward 5

andreae

Bill

Ward 6

vicki

Martha

alan

Ward 7

becky

Ward 8

rick

david

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: anthony ishak <[REDACTED]>
Sent: Thursday, January 9, 2025 5:17 PM
To: Susan Albright <salbright@newtonma.gov>
Cc: Katharine Silbaugh <silbaugh@bu.edu>; Katharine Silbaugh <[REDACTED]> Mark
Gottlieb <mark@phaionline.org>; Jaclyn Norton <jnorton@newtonma.gov>; Katharine Silbaugh
<silbaugh@bu.edu>
Subject: Re: Tobacco-free by-law

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We don't have current discussions with the W towns, but our small group will discuss it at the next meeting. I especially want to get to Wellesley next since that would complete Sen. Creem district and allow us to get her support for the state bill. We can then update you.

I was surprised that there were zero retailers there. Will letters still be accepted?
How many votes would you guess you have at this time?
Anthony

On Jan 9, 2025, at 9:37 AM, Susan Albright <salbright@newtonma.gov> wrote:

The public comment part is over. Whoever you got to talk to alan lobovits did a great job. I walked out with Steven (who spoke vehemently against the change) and david micley. They thought they had alan and were surprised at his vote

I will not be surprised if this is put on 2nd call and discussed once again in full council. You both spoke so well I'll try to emulate that at the next meeting.

Sorry you had to listen to such a long meeting. I'm so glad I'm not on that committee. My "friend" Janet sterman took the opportunity to take another shot at me. Nice that the two opponents to the docket item came to my rescue.

Is anyone talking to Watertown and Waltham? I know some councilors in Watertown. I could reach out if no one else has.

Thanks again for your help. Btw the full council meeting is Jan 21. I'll be calling my colleagues to make sure we have a good majority.

Get [Outlook for iOS](#)

From: Silbaugh, Katharine <silbaugh@bu.edu>
Sent: Thursday, January 9, 2025 9:22:52 AM
To: Susan Albright <salbright@newtonma.gov>
Cc: anthony ishak <[REDACTED]> Katharine Silbaugh

<[REDACTED]> Mark Gottlieb <mark@phaionline.org>; Jaclyn Norton <jnorton@newtonma.gov>

Subject: Re: Tobacco-free by-law

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It was great to see how much thinking councilors had done already coming in. Thank you! Will there be public comment at the full council vote? Thanks—Kate
Sent from a handheld device

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City
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meeting
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is on
the
agenda.

I
thought
she
would
be
best
served
by
speaking
with
you
as
the
co-
petitioners
of
the
article.

I
didn't
want
to
give
out
your
contact
info
without
your
approval,
so
here
is
hers:

Susan
Albright
City
counselor
617-
312-
7093

Best
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Wendy
Machmuller
Brookline

Department
of
Public
Health
&
Human
Services

[11
Pierce
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Brookline,
MA
02445](#)

617-
730-
2307,
FAX
617-
730-
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On Apr 11, 2024, at 8:23 AM, Susan Albright <salbright@newtonma.gov> wrote:

And I thank you for taking the time to join us! Digital Letters should be addressed to the Chair of the Programs and Services Committee - Councilor Josh Krintzman. If they use this email address it will go to the whole Council: citycouncil@newtonma.gov. The docket number is 149-24. Snail mail letters can also be sent to Josh - via Council Clerk of the Programs and Services Committee Jaclyn norton. The address of city hall is 1000 Commonwealth Ave. Newton 02459;

I'm probably not the best spokesman for the docket item as I don't have the facts and figures at my fingertips - but hopefully common sense will prevail. We have already heard from several convenience store owners and operators as well as the statewide lobbying group.

I was shocked by the comments of Alan Lobovitz - while he is a new councilor only elected since January - he is a retired pediatrician. He came down on the right side of the issue but why on earth did he need to ask questions like - how bad can it be to smoke only a few cigarettes - you would think a pediatrician would know the facts why we need to keep young'uns away from smoking in the first place.

I'll tell our attorney to share his draft with you all - and if you could review it i'd

appreciate that.

Thanks again for all your help
Susan

Susan Albright, Newton City Council
Councilor-at-Large, Ward 2

From: Anthony Ishak
<[REDACTED]>
Sent: Wednesday, April 10, 2024 10:09 PM
To: Kate Silbaugh <[REDACTED]>
Cc: mark@phai.org <mark@phai.org>; Susan Albright <salbright@newtonma.gov>
Subject: Re: Tobacco-free by-law

[**DO NOT OPEN** links/attachments unless
you are sure the content is safe.]

Thanks for the opportunity to attend your meeting
and I'm optimistic about Newton joining the NFG
movement!

Can you let us know:

1. How we can support you?
2. Where can people send in letters of support? I have colleagues and friends who live in Newton--with children--who would be supportive.

On Tuesday, April 9, 2024 at 10:13:39 PM EDT,
Kate Silbaugh <[REDACTED]> wrote:

Hi Susan—

Thanks for reaching out. I can talk tomorrow
before 10:30, or 11:15-1:00, and 2:00-6:00. I'm at
[REDACTED] I'm happy to talk about what the
landscape looked like here.

I wrote a short op ed that lays out the basic case
for the policy, it's here if helpful:
<https://commonwealthbeacon.org/opinion/sjc-can-fuel-spread-of-brookline-tobacco-law/>

It upsets retailers but it is truly a slow phaseout
that gives them years to adapt.