

KAREN WALSH PIO - Chair
TONY JUDGE - Vice Chair
CHARLES SCOTT - Clerk
MICHAEL ROSNER, M.D.
STEPHEN FRANTZ

SHARON HART, Director of Public Health

NOTICE

**BOARD OF HEALTH MEETING
&
AGENDA**

October 14, 2025

6:00 p.m.

Join Zoom Webinar from your Computer:

Join from PC, Mac, iPad, or Android:

Passcode: 730413

<https://us02web.zoom.us/j/82902115237?pwd=CLpI3WCum9jW6qqOnRLalKN2CS9YaQ.1>

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NOTE: Not all the topics listed in this notice may actually be reached for discussion. In addition, the topics listed are those which the Chair reasonably expects will be discussed as of the date of this notice.

To: Board of Health Members

From: Sharon D. Hart, Director of Public Health

Re: A Board of Health Meeting will be held on Tuesday, October 14, 2025 at 6:00 p.m. at the South Hadley Library.

1: The Chair will announce that the meeting is being recorded by either the Board/Committee or a member of the audience.

2: Chair to Call the Meeting to Order

3: Acceptance of the Minutes of the July 8, 2025, and August 12, 2025, meetings.

4: Announcements/Open Forum (10 Minutes)

5: Director's Report

6: New Business:

(a): Kratom Regulation

(b): Regulation of the South Hadley Board of Health Restricting the Sale of Tobacco Products - Sharon Hart

(c): They Poisoned the World – Life and Death in the Age of Forever Chemicals” by Maria Blake — An Overview of PFAS and Their Public Health Impacts - Stephen Frantz

7: Old Business:

(a): An Act authorizing the town of South Hadley to prohibit the application of second-generation anticoagulant rodenticides within its borders. - Stephen Frantz

(b): An Act Regulating the Sale and Application of PFAS-Contaminated Biosolids Fertilizer in the Town of South Hadley, MA.

(c): An Act authorizing Newton to ban the use of second-generation anticoagulant rodenticides - Stephen Frantz

(d): Nicotine Free Generation - Karen Walsh Pio

8 : Set Next Meeting Date – (_____) at 6:00 p.m. at South Hadley Public Library

9: Adjourn meeting

South Hadley
Board of Health Meeting

Date: 7-08-25 Time: 6:00 p.m.

Members: Karen Walsh Pio: Present Tony Judge Absent Dr. Michael Rosner: Present
Stephen Frantz Present Charles Scott Present
Staff: Sharon Hart Present Jennifer Jernigan Present Hannah Durham Present
Guests: Steve McCray, John Howard (virtual)

1. Chair called the meeting to order 6:00 p.m.
2. Acceptance of the meeting minutes of 06-10-2025

Motion to accept: Michael Rosner, 2nd Charles Scott.
All in Favor: Karen Walsh Pio – aye
Charles Scott - aye
Michael Rosner - aye
Stephen Frantz – aye

3. **Announcements/Open Forum (10 Minutes) –**
 - **2-4-D and Dicamba Herbicides: Both chemicals are in common herbicides and legal in Massachusetts, however they do pose health risks to people and animals exposed. McCray’s Farm is exploring alternative herbicide options with their provider Nutrien Ag Solutions, however, herbicide application this spring proved very effective. McCray’s will overseed their fields with clover or alfalfa in the Fall, which hopefully will prevent weed growth in which case additional herbicide applications would not be needed. The original plan for herbicide application at McCray’s was reviewed and approved by Conservation. S.Frantz may share with the Board alternative options to 2-4-D and dicamba herbicides at a future meeting.**
 - **Clarification on focus of Nicotine-Free Generation policy: individuals born after a specific date will not ever be able to purchase nicotine products in South Hadley.**
 - **Clarification about sani-cans (portable toilets) requirements at large events: The number of sani-cans required is calculated based on attendance projected by event host and the capacity and availability of existing bathroom facilities (indoor and outdoor).**
4. **Director’s Report – Director Hart provided an update on the latest activities and initiatives.**

Housing:

Condemnation - 27 Fulton St. – utilities were shutoff for nonpayment. Town now owns.

- 43 Bardwell St – back egress unsafe

Re-posting condemnation – 79 Charon Terrace

Inspection – 34 Bridge St., Apt 5R

110 Mountain View

Spring Street

Taylor Street

Recreational Camps- Health department staff met with Andy Rogers, Danielle Bachand and Chuck Romboletti regarding the Recreation Department’s Basketball Camp. Review of state regulations and application process discussed. During our meeting, Andy Rogers, Human Services Director, had concerns regarding information not being given to him by the Massachusetts Parks & Recreation Department on requirements for permitting camps.

Zoom meeting – Massachusetts Department of Public Health – Kerry Wagner, Environmental Analyst. Meeting to discuss how information is being disseminated to

Recreation Departments regarding camp regulations. Recreational Camp Licensing Exemption for Programs “Sponsored” By Municipal Recreation Departments have not changed since 2006.

Behavioral Health 360: <https://solutions.crediblemind.com/behavioral-health-360/>

The program sets a national agenda that empowers local public health departments to improve the mental health status of their local communities. We are currently customizing the website to meet the town/cities specific needs and preferences. Roll out will be in August.

July is Tick and Mosquito Safety month: Information on recommendations to keep safe.

Information is being posted at Town Hall, Council on Aging and the South Hadley Library - in English and Spanish. The information is also available on the Town website.

Conservation Department – Supplied the department with messaging, lint rollers, tick removal kits, use of tent.

Information message boards purchased, include resources for domestic violence, mental health support, veteran’s hotline, naloxone, substance use hotline, etc. and are now in public restrooms at the Council on Aging, Library and Town Hall. The information on these boards

are being accessed by the community. I have been re-supplying them bi-monthly.

ADA Improvement Grant Program, Massachusetts Office of Disability (MOD) was awarded. Article in Town Reminder

Training for the Transcending Chairs took place this month at the South Hadley Library. **The remarkable training attendance underscores the dedication of town staff to help the community members that will rely on this ADA equipment in an emergency.**

Viral respiratory illness (COVID, RSV, Influenza) information.

https://www.mass.gov/info-details/viral-respiratory-illness-reporting?_gl=1*8r8lr2*_ga*NTIxNzA0MTQ2LjE2OTUwNDc3MTM.*_ga_MCLPEGW7WM*MTczNjk3NDE2OS4xMi4xLjE3MzY5NzQxODguMC4wLjA

COVID: COVID levels within Wastewater are online: southhadley.org/1026/COVID-19-RESPONSE

We are continuing to get health messaging out to our community.

MESSAGING – Health messaging for South Hadley in English/Spanish

MENTAL HEALTH AWARENESS, FOOD INSECURITY, TOBACCO, DIABETES AWARENESS, COPD, CERVICAL CANCER, HEART HEALTH, COLORECTAL CANCER, ORAL CANCER, ASTHMA AWARENESS, SUN SAFETY, TICK & MOSQUITO SAFETY

GRANT(s)

Public Health Excellence Grant

The grant was renewed for 2025/2026 in the amount of \$509,000.00

Massachusetts Department of Environmental Protection Grant

South Hadley received 8 air sensors (South Hadley (5) and Chicopee (3)) which can be seen on the following sites:

<https://map.purpleair.com/air-quality-standards-us-epa-aiqi?opt=%2F1%2Fa10%2Fp604800%2Fc0#12.99/42.20416/-72.58806>

and Healthy Air Network [Healthy Air Network](#)

Healthy Air Network - Offered communication training for Public Health Staff.

MassDOT – Applied for a MassDOT grant to display Opioid Information.

This grant was received from MassDOT and will display the information on 250 billboards across the state for the months of August and September

TOBACCO – Grant has been renewed for 2025/2026. (\$209,000.00). We have done educational visits and compliance checks to retailers for the 31 communities in the grant for fall 2024 and spring of 2025. They are done twice a year for all 31 communities in our grant. All permitted merchants in South Hadley were found to be in compliance with the exception of one violation, Hype Solutions/Mobile – 483 Granby Road. This is the retailers’ first offense, under the State Regulation 105 CMR 665, the penalty is a fine of \$1,000.00, which has been paid.

PUBLIC HEALTH NURSING

Disease surveillance follow up – Sharon Hart & Fiona Cioch

Blood Pressure Clinics – Marge Bernard, R.N.

Fiona Cioch, Central Pioneer Valley Health District, Regional Public Health Nurse

will be providing the Blood Pressure Clinics at COA during Marge's absence and at South Hadley Housing Authority Lathrop Village.

Director also has Emergency Management responsibilities:

- **Emergency Management Preparedness grant (EMPG) – Grant received for Electric Vehicles (EV) Lithium battery response for FD#1 & FD#2 – Grant closed out**
- **Hazard Mitigation Planning grant (HMPG) – completed FEMA review**
- **Drone program – A drone was purchased for Town use**
- **(Police, Fire, & Emergency Mgmt.)**
- **Massachusetts Emergency Management quarterly meetings**

*** Animal Control responsibilities (education, training and oversight of the Animal Control Officer).**

STAFF

Rental Registry Regulation/application/letter – Georgina Maende/Sharon Hart
PHIT, Food Code/Housing Code Pro, Presby Septic, MAVRIC (vital records) and
TRAIN training – Jennifer Jernigan, Sharon Hart and Georgina Maende
Messaging and events (website) – Georgina Maende and Sharon Hart
Permits & billing/accounts- Hannah Durham
Opioid Program – Hannah Durham

In the works:

- Provide ServSafe training for COA staff
- Housing training for Landlords/renters
- In-person “drop-in” for community to talk with Public Health Staff

5. New Business:

a) Opioid and Substance Use Prevention Updates – Public Health Program & Administrative Coordinator Hannah Durham provided updates.

- **Community Outreach & Communication Planning: Meeting with community leaders, faith leaders, and school administrators to identify opportunities for education and outreach about opioid and substance use prevention and recovery support.**
- **Naloxone Distribution: South Hadley is a MA DPH BSAS Community Naloxone Program affiliate which provides free naloxone (Narcan) to eligible organizations and municipalities. Narcan will be distributed at future tabling events and hopefully through outdoor naloxone boxes accessible to all members of the public.**
- **International Overdose Awareness Day Event: Planning a memorial event in recognition of International Overdose Awareness Day during the last week of**

August. Working with Conservation to determine location and to incorporate the planting and dedication of a memorial tree. Inviting harm reduction, peer recovery support, and peer grief support organizations to participate. Event details will be shared soon.

- **Hampshire County Opioid Overdose Fatality Data and Local Drug Supply Trends:**

- **Northwest District Attorney’s office shared data on opioid overdose fatalities at last Hampshire HOPE Executive Committee meeting. In 2023, South Hadley 5 unintentional overdose deaths occurred in South Hadley and in 2024, 3 unintentional overdose deaths occurred.**
- **Tapestry Health’s Harm Reduction team manages a well-utilized drug checking program that detects the substances present in voluntarily-submitted drug samples. They have noted the emergence of a non-opioid sedative called medetomidine in the local drug supply - detected in 16% of samples submitted between January-May 2025. It is 100x more potent than xylazine and when used with opioids can significantly slow breathing and heartrate. It also presents dangerous withdrawal symptoms including tachycardia, hypertension, intractable vomiting, and tremors that do not respond to typical withdrawal medications. This underscores the importance of continued, consistent prevention, harm reduction, and recovery service support work in South Hadley.**
- **In addition to county-wide overdose fatality data, there is data on opioid-related EMS calls, emergency room visits, and enrollment in medication-assisted treatment among South Hadley residents. Can share at a future meeting to offer another view on the impact of the opioid crisis in our community.**

b) Hype Solutions/Mobil Correction Order

Hype Solutions/Mobil at 483 Granby Road was issued a tobacco violation for the sale of tobacco to a minor during youth compliance checks conducted by the Pioneer Valley Tobacco Commission. Per 105 CMR 665, the penalty for a first offense sale to a minor is a \$1,000 fine. Fines are paid at the Town Treasurer’s office and go into the Town’s general fund. All licensed tobacco retailers in South Hadley are provided a copy of local tobacco regulations and tobacco sales education during annual Pioneer Valley Tobacco Commission education checks.

6. Old Business:

a) Energy Facility Regulation

Review of old regulation regarding energy centers by Town Counsel confirmed that old regulation is no longer applicable thereby presenting opportunity for BOH to draft new regulation. Director Hart can draft a new regulation that takes into concerns noted by members of the public about the proposed (currently tabled) energy center at Mt. Holyoke College. BOH can also research energy center regulations in place in other municipalities.

b) **PFAS Draft Law Document – Stephen Frantz**
No update.

c) **Educational Event on State Sanitary Code – Charles Scott & Georgina Maende**

Paul Hoffman will be giving 2-hour presentation about state sanitary code (105 CMR-410.00) as it applies to housing on Saturday, Sept. 6 at South Hadley Library. All individuals who rent out property in South Hadley are invited to attend. Director Hart, Health Compliance Officer Georgina Maende, and Chuck Scott will connect with Paul beforehand to identify any specific topics of interest.

7. Set Next Meeting Date: August 12 at 6:00 p.m. at South Hadley Public Library

Motion to adjourn.

Motion Stephen Frantz; 2nd Charles Scott

All in favor: Karen Walsh Pio – aye

Charles Scott - aye

Michael Rosner - aye

Stephen Frantz – aye

8. Board of Health meeting adjourned: 7:08 p.m.

Respectfully submitted,

Hannah Durham

Public Health Program & Administrative Coordinator

South Hadley
Board of Health Meeting

Date: 08-12-25 Time: 6:00 p.m.

Members: Karen Walsh Pio: Present Tony Judge Present Dr. Michael Rosner: Absent
Stephen Frantz Absent Charles Scott Present
Staff: Sharon Hart Present Jennifer Jernigan Present Hannah Durham Present
Guests: Ken Elstein, Belchertown Board of Health

1. **Chair called the meeting to order 6:00 p.m.**
2. **Acceptance of the meeting minutes of 07-08-2025 tabled to 09-09-2025 meeting. Tony Judge was absent from 07-08-25 meeting therefore board did not have quorum to approve previous meeting's minutes.**
3. **Announcements/Open Forum (10 Minutes) –**
 - **Ken Elstein is in attendance to learn about the status of Nicotine-Free Generation language being considered for incorporation into town tobacco regulations.**
4. **Director's Report – Director Hart provided an update on the latest activities and initiatives.**

Tick and Mosquito Safety Month: Continuing to distribute information and recommendations to stay safe throughout August. Information is being posted at Town Hall, Council on Aging, and the South Hadley Library in English and Spanish. The information is also available on the Town website.

Big Rig Day, July 17: Distributed tick removal kits, mosquito repellent, sunscreen, and information on sun protection and tick and mosquito protection.

Behavioral Health 360/CredibleMind: <https://413health.crediblemind.com/>

A website with mental and behavioral health tools and information about local providers and resources. Accessible to South Hadley, Holyoke, and Chicopee residents. Flyers, info cards, and promotional materials are forthcoming.

Narcan PSA: Director Hart and Regional Public Health Nurse Fiona recorded a PSA on overdose response and administering Narcan. Available on South Hadley Community Television.

Preventive Mosquito Efforts: 500 catch basins treated in South Hadley. Massachusetts DPH monitors catch basins with Pioneer Valley Mosquito Control District.

Supplemental Nutrition Assistance Program (SNAP): SNAP sign-ups were facilitated at library in July. Health Department provided Big Y gift cards for folks who dropped in the learn more and sign up.

Impaired Driving and Impacted Medication Management PSA: Developing a presentation and a PSA for South Hadley Community Television.

- Suggestion to try to get PSAs aired on local cable network – e.g. Channel 22, “The More You Know” segments.

Baystate Fall Blood Drive: October 20, 10am-2pm in Community Room at South Hadley Public Library. Registration link coming soon.

Housing Seminar for Rental Property Owners: September 6, 2025, 10am-12pm at South Hadley Public Library.

Nicotine-Free Generation Regulation: Tobacco regulation with addition of nicotine-free generation language was submitted to Town Counsel for review. Updated regulation will be presented to BOH and open to a public hearing during BOH September meeting.

Vaccine Clinic: Partnering with Walgreens to offer drive-through vaccine clinic on October 15 at Beers and Story. Pre-registration link will be available but you do not have to pre-register to attend. Stay in your car while getting vaccinated. Vaccines for flu, COVID-19, RSV, Hepatitis B, and much more will be available.

Public Health Department Drop-in Sessions: Third Monday of the month from 3-4pm at South Hadley Public Library. All are welcome to drop by to ask questions, learn about department initiatives, news, etc.

Emergency Management: Helped with comprehensive active shooter drill that town first responders participated in in July.

Representing Hampshire County in Massachusetts Emergency Management Association emergency response table-top exercise with other emergency management directors at end of September.

Purchased new drone for Police Department that can be used indoors.

Director Hart completed preliminary damage assessment training and hurricane evacuation training. Received state-approved FEMA hazard mitigation grant.

Recreational Camps: In July, Health Department staff met with Recreation and Human Resources regarding Recreation Department’s Basketball Program. Review of state regulations and the application process for permitted camps was discussed. Plans for revising and running the basketball program were developed.

Department recently received notification of soccer camp that occurred in South Hadley that had not been reviewed for camp regulatory compliance. Massachusetts Department of Public Health is aware. Following up on this with involved parties.

Viral respiratory illness (COVID, RSV, Influenza) information.

https://www.mass.gov/info-details/viral-respiratory-illness-reporting?_gl=1*8r8lr2*_ga*NTIxNzA0MTQ2LjE2OTUwNDc3MTM.*_ga_MCLPEGW7WM*MTczNjk3NDE2OS4xMi4xLjE3MzY5NzQxODguMC4wLjA

COVID: COVID levels within Wastewater are online: southhadley.org/1026/COVID-19-RESPONSE

GRANT(s)

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The grant was renewed for 2025/2026 in the amount of \$509,000.00

TOBACCO – Grant has been renewed for 2025/2026. (\$209,000.00).

PUBLIC HEALTH NURSING

Disease surveillance follow up – Sharon Hart & Fiona Cioch

Blood Pressure Clinics – Marge Bernard, R.N.

Opioid and Substance Use:

- South Hadley Overdose Awareness Memorial Event: Tuesday, August 26, 5:30-7:00pm at Beachgrounds Park. Aligned with International Overdose Awareness Day (August 31) – an opportunity to remember lives of those lost to overdose and the friends, family, neighbors who carry their memory. The Tree Warden is planting a tree which will be dedicated as memorial tree and Hampshire HOPE, Northampton DHHS Drug Addiction Recovery Team, Tapestry Health, and Mental Health Association will be present with resources for grief support and overdose prevention and response.
- Tapestry Health Mobile Harm Reduction Services: Scheduling with Tapestry mobile harm reduction unit to set up in accessible location and provide drop-in services for one day in September and October. Available services include naloxone distribution and training, syringe distribution and collection, risk reduction counseling related to sexual and drug use risk, testing for human immunodeficiency virus (HIV), Hepatitis C Virus (HCV), and Sexually Transmitted Infections (STIs) and referrals for treatment, referrals to primary care services (wound care, vaccinations, and screenings), referral to behavioral health services and specialty care.
- Operation Parent Book Distribution: Regional Public Health Nurse and Public Health Program & Administrative Coordinator will be distributing Operation Parent books during school Open House nights. Also an opportunity to learn from parents and caregivers what health topics they are most concerned about or would like support with via a brief survey.

5. New Business:

a) Human Rights Commission Update – Sharon Hart

- Director Hart will provide monthly Director's Report to BOH's point-of-contact on the commission, Lori Souder, to ensure commission is aware of relevant Health Department activities and initiatives.
- Commission member interested in working with Director Hart to pilot school and home air quality and youth asthma initiative – distributing free air purifiers to students/families identified with respiratory health issues that prohibit or impact their school attendance.

b) Letter of testimony banning marijuana billboards – Karen Walsh Pio

- Karen Walsh Pio submitted letter as a independent citizen in support of proposed legislation that would prohibit billboard advertisements for non-prescription marijuana in Massachusetts. Bringing to BOH awareness for transparency purposes.

c) Coalition Against Bigger Trucks: Local Officials Joint Letter Sign-up – Karen Walsh Pio

- Director Hart received outreach from Coalition Against Bigger Trucks requesting her and/or BOH’s support of a letter to Congress opposing proposed legislation to change truck size and weight laws to allow longer and heavier trucks. Board acknowledged potential impacts of larger trucks on smaller roads in town and the impact on roadway maintenance. May be considered further at future meeting.

6. Old Business:

a) Review Lisa Mead’s 6/13 suggestions on BOH updates – S. Frantz

Tabled for next BOH meeting as S. Frantz is absent.

7. Set Next Meeting Date: September 9, 2025 at 6:00 p.m. at South Hadley Public Library

Motion to adjourn.

Motion Charles Scott; 2nd Tony Judge

All in favor: Karen Walsh Pio – aye

Charles Scott - aye

Tony Judge - aye

8. Board of Health meeting adjourned: 7:07 p.m.

Respectfully submitted,

Hannah Durham

Public Health Program & Administrative Coordinator

REGULATION OF THE SOUTH HADLEY BOARD OF HEALTH

PROHIBITING THE MANUFACTURING, SALE, AND DISTRIBUTION OF SYNTHETICALLY DERIVED CANNABINOIDS AND KRATOM

A. Statement of Purpose and Authority:

Whereas, hemp is defined as “the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”¹

Whereas, tetrahydrocannabinol (THC) is the chemical responsible for most of marijuana’s psychological effects.²

Whereas, adult-use marijuana can be distinguished from hemp because it contains more than 0.3 percent (0.3%) delta-9 THC concentration, which is a naturally occurring cannabinoid.

Whereas, delta-8, delta-10, and other forms of THC are isomers of delta-9 and, except for trace amounts, are not found naturally in the plant cannabis, but are instead synthetically produced in laboratories.³

Whereas, in Massachusetts, adult-use marijuana is legal, but products containing delta-8, delta-10, and other synthetically derived cannabinoids are not.⁴

Whereas, delta-8 and similar synthetically derived products are psychoactive.⁵

Whereas, Kratom, a tree-like plant indigenous to Southeast Asia, produces stimulant and sedative effects when orally ingested in tablet, capsule, or extract form. Kratom leaves can be chewed or dried and ingested as a tea. Use of Kratom can lead to psychotic symptoms, and psychological and physiological dependence because it contains mitragynine and 7-hydroxymitragynine, two major psychoactive ingredients.⁶

Whereas, neither synthetic, hemp-derived products like delta-8 nor Kratom are regulated by the federal government or in Massachusetts.

¹ Implementation of Agricultural Improvement Act of 2018, 85 Fed. Reg. 51,640 (Aug. 21, 2020).

² Alina Bradford, *What is THC?*, LIVESCIENCE (May 18, 2017), [available at](https://www.livescience.com/24553-what-is-thc.html) <https://www.livescience.com/24553-what-is-thc.html>.

³ Kristina Etter, *I Stand Corrected: The Truth About Delta-8 THC*, MEDIUM (March 17, 2021), [available at](https://medium.com/seed-stem/i-stand-corrected-the-truth-about-delta-8-thc-e8085725ed9e) <https://medium.com/seed-stem/i-stand-corrected-the-truth-about-delta-8-thc-e8085725ed9e>.

⁴ MASS. DEPT. OF AGRIC. RES., HEMP IN MASSACHUSETTS: FAQs, [available at](https://www.mass.gov/guides/hemp-in-massachusetts-faqs#-is-it-legal-to-manufacture-delta-8-thc-from-hemp?-(last%20visited%20Feb.%2013,%202023)) [https://www.mass.gov/guides/hemp-in-massachusetts-faqs#-is-it-legal-to-manufacture-delta-8-thc-from-hemp?-\(last visited Feb. 13, 2023\)](https://www.mass.gov/guides/hemp-in-massachusetts-faqs#-is-it-legal-to-manufacture-delta-8-thc-from-hemp?-(last%20visited%20Feb.%2013,%202023)).

⁵ See U.S. FOOD & DRUG ADMIN., 5 THINGS TO KNOW ABOUT DELTA-8 TETRAHYDROCANNABINOL – DELTA-8 THC, [available at](https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc) <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc> (last visited February 13, 2023).

⁶ DRUG ENFORCEMENT ADMIN., GET SMART ABOUT DRUGS, [available at](http://www.getsmartaboutdrugs.gov) <http://www.getsmartaboutdrugs.gov> (last visited February 13, 2023).

Whereas, the Massachusetts Supreme Judicial Court has held that “[t]he right to engage in business must yield to the paramount right of government to protect public health by any rational means.”⁷

Therefore, in furtherance of its mission to protect, promote, and preserve the health and well-being of its residents, and pursuant to the authority granted to the South Hadley Board of Health pursuant to G. L. c. 111, §31, the Board of Health enacts this Regulation Prohibiting the Manufacturing, Sale, and Distribution of Synthetically Derived Cannabinoids and Kratom.

B. Definitions:

For the purposes of this regulation, the following words shall have the following meanings:

Board of Health: The South Hadley Board of Health and its designated board of health agent(s).

Board of Health Agent: The Director of Public Health and any town employee designated by the board of health, which may include but not limited to, South Hadley Health Department staff, law enforcement officers, and code enforcement officers.

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

Kratom: A tree-like plant indigenous to Southeast Asia.

Synthetically Derived Cannabinoid: Any cannabinoid that is altered by a chemical reaction that changes the molecular structure of any natural cannabinoid derived from the plant Cannabis to another cannabinoid found naturally in the plant Cannabis. Synthetically Derived Cannabinoids include but are not limited to delta-8 and delta-10.

Person: Any individual, firm, partnership, association, corporation, company, or organization of any kind, including, but not limited to an owner, operator, manager, proprietor, or person in charge of any establishment, business, cultivation property, or retail store.

C. Synthetically Derived Cannabinoids and Kratom Products:

1. No person shall manufacture, distribute, or sell Synthetically Derived Cannabinoids including, but not limited to delta-8 and delta-10 products or Kratom products in the Town of South Hadley.

D. Enforcement and Penalties:

1. Any person or entity charged with violating this regulation shall receive a notice of violation from the South Hadley Board of Health or its designated agent(s).
2. It shall be the responsibility of the establishment owner and/or his or her manager or business agent to ensure compliance with this regulation. In the case of a violation, the violator shall receive:
 - i. In the case of a first violation, a fine of one thousand dollars (\$1000.00);

⁷ Druzik v. Bd. of Health of Haverhill, 324 Mass. 129, 139 (1949) (citing Lawrence v. Bd. of Registration in Med., 239 Mass. 424, 428 (1921)).

- ii. In the case of a second violation within 36 months of a previous violation, a fine of two thousand dollars (\$2000.00), and a suspension of any permit issued by the Board, including but not limited to a permit to sell tobacco products, for seven (7) consecutive business days; or not limited;
 - iii. In the case of three or more violations within a 36-month period, a fine of five thousand dollars (\$5000.00), and a suspension of any permit issued by the Board, including but not limited to a permit to sell tobacco products, for thirty (30) consecutive business days.
3. Every day that a violation exists shall be deemed to be a separate offense. Separate but simultaneous violations shall be treated as separate violations. Multiple permit suspensions may not be served concurrently.
4. Any person who receives notice of a violation of this regulation may request a hearing before the Board. The request must be made in writing and filed within seven (7) days of the date the violation was received.
5. The authority to inspect establishments for compliance and to enforce this regulation shall be held by the South Hadley Board of Health and its designee(s) and the South Hadley Police Department.
6. Any person may register a complaint pursuant to this regulation to initiate an investigation and enforcement with the South Hadley Board of Health and its designee(s).
7. Upon accrual of four (4) violations of this regulation within a thirty-six (36) month period, or upon the commission of two (2) or more egregious violations of this regulation within thirty-six (36) months as determined by the Board, the Board may issue a notice of intent to revoke and shall hold a hearing in accordance with this regulations and, after such hearing, may permanently revoke any permits held by the violator, including any permits to sell tobacco products in South Hadley.
8. Before suspending or revoking any permit issued by the Board, including a permit to sell tobacco products, the Board shall provide notice of the intent to suspend or revoke such permit, which notice shall contain the reasons therefor and shall establish a time and date for a hearing, to be held no earlier than seven (7) days from the date of the notice. The permit holder or their designee shall have the opportunity to be heard and shall be notified of the Board's decision and the reasons therefore in writing. If after hearing, the Board finds that a violation of this regulation occurred, the Board shall suspend or revoke the subject permit. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings concerning the same offense. Upon suspension or revocation of a permit, all permitted products must be removed from the retail establishment. Failure to remove such products shall constitute a separate violation of this regulation.
9. Failure to comply with the terms of a permit suspension imposed pursuant to this regulation may subject the permit holder to an additional suspension of all Board-issued permits for thirty (30) consecutive business days.

E. Severability:

If any provision of this regulation is declared invalid or unenforceable, all other provisions shall not be affected thereby but shall be in full force and effect.

F. Effective Date:

This regulation shall take effect on _____.

Dated: _____

Regulation of the South Hadley Board of Health Restricting the Sale of Tobacco Products

A. Statement of Purpose:

As there exists conclusive evidence from the U.S. Department of Health and Human Services that products containing, made or derived from tobacco or nicotine that is intended for human consumption, causes cancer, respiratory and cardiac diseases, and negative birth outcomes, therefore, it is the intention of the South Hadley Board of Health to regulate the sale of Tobacco Products, as defined herein.

B. Authority:

This regulation is promulgated pursuant to the authority granted to the **South Hadley** Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states "Boards of Health may make reasonable health regulations".

C. Definitions:

For the purpose of this regulation, the following words shall have the following meanings:

Adult-Only Retail Tobacco Store: An establishment that does not share space with another business, that has a separate entrance, that does not sell food or alcohol, that does not have a restaurant license or lottery license, whose only purpose is to sell or offer for retail sale tobacco products and/or tobacco product paraphernalia, in which the entry of persons under the age of 21 is prohibited at all times, and which maintains a valid permit for the retail sale of tobacco products from the South Hadley Board of Health and applicable state licenses. Entrance to the establishment must be secure so that access to the establishment is restricted to employees and to those 21 years or older. The establishment shall not allow anyone under the age of 21 to work at the establishment. As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of a retailer with a tobacco product sales permit.

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 regardless of any content.

Bona Fide Purchaser for Value: A bona fide purchaser is someone who exchanges value for property without any reason to expect irregularities in the transaction.

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, imparted or detectable 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, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 CFR 1700 *et seq.*, pursuant to 15 USC 1471 through 1476.

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 Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1. Tobacco leaf in kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

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, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.

Coupon: Any card, paper, note, form, statement, ticket or other communication distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

Disposal plan: A description of actions to be taken to safely discard materials.

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

Drop off center: A defined area where individuals may deposit predetermined materials.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

Electronic cigarette (e-cigarette): Any electronic product containing, made or that is derived from tobacco or nicotine that is intended for human consumption, regardless of the nicotine content, that rely on vaporization or aerosolization. Electronic cigarette devices include any component part of such product, including liquid for use in the device regardless of whether the liquid contains nicotine, whether or not sold separately. This term includes such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name. It does not include any product approved by the United States Food and Drug Administration for sale as a tobacco cessation product that is being marketed and sold or prescribed solely for the approved purpose.

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 has or produces a characterizing flavor. A public statement, claim or indicia 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 product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a Flavored Tobacco Product.

Health Care Institution: An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Public Health under Massachusetts General Laws, chapter 112 or a retail establishment that provides pharmaceutical goods and services and is subject to the provisions of 247 Code of Massachusetts Regulations (CMR) 6.00. Health care institutions include, but are not limited to, hospitals, clinics, health centers, pharmacies, drug stores, doctor offices, optician/optometrist offices and dentist offices.

Liquid Nicotine Container: A package:

1. from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and
2. that is used to hold a soluble nicotine in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

Lithium ion battery: A rechargeable battery used in electronic cigarettes and other portable electronic devices.

Listed or Non-Discounted Price: The higher of the price listed for a Tobacco Product on its package or the price listed on any related shelving, posting, advertising or display at the place where the Tobacco Product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Manufacturer Documentation: A written document from a manufacturer that certifies which of each of its products is not flavored, as defined under Massachusetts law and these regulations. Manufacturer Documentation shall also mean a written document from a manufacturer that certifies the nicotine content expressed as milligrams per milliliter for each of its Electronic Nicotine Delivery System products. A manufacturer documentation must:

1. Be written by the manufacturer of the product(s).
2. Certify that the product(s) listed in the documentation are neither flavored nor have a characterizing as defined by 105 CMR 665.005
3. Include an attestation clause indicating that the "letter is true and accurate".
4. State that the "manufacturer will immediately provide an updated letter to correct any inaccuracy".
5. State that the person signing the letter "is authorized on behalf of the manufacturer to sign the letter".
6. Contain a signature of the manufacturer's corporate officer or an owner: and
7. For any Electronic Nicotine Delivery System product, certify that it does not have a nicotine content greater than 35 milligrams per milliliter. The content amount must be in "milligrams per milliliter". If the nicotine content is documented in a separate letter, the above-listed requirements must be included in the separate letter.

Note that a Manufacturer's Documentation IS NOT conclusive evidence that a product is unflavored. The South Hadley Board of Health or its designated agent(s) may conduct a smell/taste test to determine if a manufacturer's documentation misrepresents whether a product is flavored.

Minimum Legal Sales Age (MLSA): The age an individual must be before that individual can be sold a Tobacco Product in the municipality.

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.

Oral Nicotine Pouches: Pre-portioned pouches containing nicotine and other ingredients, intended to be used between the cheek and gum to deliver nicotine.

Permit Holder: Any person engaged in the sale or distribution of Tobacco Products who applies for and receives a Tobacco Product Sales Permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or his or her business agent.

Person: Any individual, firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retailer: Any person, firm, partnership, association, corporation, company, or organization of any kind, including but not limited to an owner, operator, manager, proprietor, or person in charge of any establishment, business or retail store.

Retail Establishment: A physical place of business or a section of a physical place of business in which a tobacco product is offered for sale to consumers.

Rolling Papers: Sheets, rolls, tubes, cones, wraps, or leaves, which do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine.

Self-Service Display: Any display from which customers may select a Tobacco Product without assistance from an employee or store personnel.

Schools: Public or private elementary or secondary schools.

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 components of the Tobacco Product.

Tobacco Paraphernalia: Any object used, intended for use, or designed for use in inhaling or otherwise introducing Tobacco Products into the human body.

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to any tobacco product. A rolling paper with a characterizing flavor shall be considered a Tobacco Product Flavor Enhancer.

Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; or electronic cigarettes (e-cigarettes), electronic cigars, electronic pipes, electronic hookah, liquid nicotine, “e-liquids” or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. “Tobacco Product” includes any component or part of a tobacco product. “Tobacco Product” does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes available cigarettes or any other Tobacco Products.

D. Tobacco Sales to Persons Born on or after January 1, 2005 is Prohibited:

1. No retailer or person shall sell or provide a Tobacco Product or permit Tobacco Products to be sold or distributed to a person born on or after January 1, 2005; or not being the individual’s parent or legal guardian, give Tobacco Products, to a person born on or after January 1, 2005.
2. Required Signage:
 - 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, 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 may be in a form developed and made available by the Massachusetts Department of Public Health. Such signage shall include: (i) referral information for smoking cessation resources; (ii) a statement that sale of tobacco products, including e-cigarettes, to a person born on or after January 1, 2005 is prohibited; (iii) health warnings associated with using electronic nicotine delivery systems; and (iv) except in the case of smoking bars, notice to consumers that the sale of flavored tobacco products are prohibited at all times. The notice shall be at least 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 4 feet or greater than 9 feet from the floor. The owner or other person in charge of a shop or other place used to sell Tobacco Products at retail shall conspicuously post any additional signs required by the Massachusetts Department of Public Health. The owner or other person in charge of a shop or other place used to sell hand rolled cigars must display a warning about cigar consumption in a sign at least 50 square inches pursuant to 940 Code of Massachusetts Regulations 22.05 (2) (e).
 - 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 South Hadley Board of Health 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 Products that rely on vaporization or aerosolization, as defined herein as “Tobacco Products”, at retail shall conspicuously post a sign stating that “The sale of tobacco products, including e-cigarettes, to a person born on or after January 1, 2025, is prohibited.” The notice shall be no smaller than 8.5 inches by 11 inches and shall be

posted conspicuously 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.

3. Identification, face-to-face sales:

- (1) Each person selling or distributing Tobacco Products, shall verify the age of every purchaser of tobacco products or related paraphernalia by means of a valid government-issued photographic identification including but not limited to a driver's license, U.S. Military ID, passport containing the bearer's date of birth that the purchaser is born on or before January 1, 2005.
- (2) All retail sales of Tobacco Products must be face-to-face between the seller and the buyer and occur at the permitted location.

E. Tobacco Product Sales Permit:

1. No retailer or person shall sell or otherwise distribute Tobacco Products, within the Town of South Hadley without first obtaining a Tobacco Product Sales Permit issued annually by the South Hadley Board of Health. Only owners of establishments with a permanent, indoor, non-mobile location in South Hadley are eligible to apply for a permit and sell Tobacco Products, at the specified location in South Hadley.
2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the South Hadley regulation. 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 Product sales regarding federal, state, and local laws about the sale of tobacco and this regulation.
3. Each applicant who sells Tobacco Products is required to provide proof of current Tobacco Retailer Licenses issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued. Applicant may be asked to provide evidence that a legitimate business transfer or business purchase has taken place.
4. A separate permit, displayed conspicuously, is required for each retail establishment selling Tobacco Products. The fee shall be determined by the South Hadley Board of Health annually. All required Massachusetts Department of Revenue licenses related to the sale of tobacco products, as defined herein, must also be displayed conspicuously at the retail establishment.
5. A Tobacco Product Sales Permit is non-transferable. A new owner of an establishment that sells Tobacco Products must apply for a new permit. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
6. Issuance of a Tobacco 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.
7. A Tobacco 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 and/or the permit holder has not satisfied any outstanding permit suspensions.

8. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person born on or after January 1, 2005, three (3) times within the previous permit year and the time period to appeal has expired. The violator may request a hearing in accordance with subsection (1)(d.) of the Violations section.

9. Maximum Number of Tobacco Product Sales Permits.

- a. At any given time, there shall be no more than 11 Tobacco Product Sales Permits issued in South Hadley. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew his or her permit within thirty (30) days of expiration will be treated as a first-time permit applicant. New applicants for permits who are applying at a time when the maximum number of permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a "first-come, first-served" basis as issued permits are either not renewed, revoked, or are returned to the Board of Health.
- b. A 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 as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises.
- c. Applicants who purchase or acquire an existing business that holds a valid Tobacco Product Sales Permit at the time of the sale or acquisition of said business must apply within sixty (60) days of such sale or acquisition for the permit held by the Current Permit Holder if the Applicant intends to sell Tobacco Products. All fines and suspensions of the previous owner must be satisfied prior to sale.
- d. If the purchaser of a business with a valid tobacco sales permit pursuant to Section E.9 or the current holder of tobacco sales permit changes the location of the business, the new location shall be subject to the retail density requirements of Section E.8.

F. Adult-Only Retail Tobacco Store Permit:

1. No retailer or person shall operate an Adult-Only Retail Tobacco Store, as defined herein, within the Town of South Hadley without first obtaining an Adult-Only Retail Tobacco Store Permit, as defined herein, issued annually by the South Hadley Board of Health.
2. The Adult-Only Retail Tobacco Store is also required to have a Tobacco Product Sales Permit pursuant to Section E of this regulation.
3. The fee for an Adult-Only Retail Tobacco Store permit shall be determined by the South Hadley Board of Health.
4. An Adult-Only Retail Tobacco Store permit is non-transferable. No new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.
5. A separate Adult-Only Retail Tobacco Store permit is required for each Adult-Only Retail Tobacco Store.
6. The Adult-Only Retail Tobacco Store permit shall be displayed at the Adult-Only Retail Tobacco Store in a conspicuous place.
7. Issuance of an Adult-Only Retail Tobacco Store permit shall be conditioned on an applicant's consent to

unannounced, periodic inspections of the Adult-Only Retail Tobacco Store to ensure compliance with this regulation.

8. An Adult-Only Retail Tobacco Store 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 and/or the permit holder has not satisfied any outstanding permit suspension.
9. Maximum number of Adult-Only Retail Tobacco Store permits.
 - a. At any given time, there shall be no more than (1) one Adult-Only Retail Tobacco Store permits issued in South Hadley. No permit renewal will be denied based on the requirements of this subsection except any permit holder who has failed to renew their permit within (30) thirty days of expiration will be treated as a first-time applicant. New applicants for permits who are applying at a time when the maximum permits have been issued will be placed on a waiting list and will be eligible to apply for a permit on a “first-come, first-served” basis as issued permits are either not renewed, revoked, or are returned to the South Hadley Board of Health.
10. Adult-only retail tobacco store permit holders who sell products with lithium-ion batteries must comply with the provisions of 310 CMR 30.000 and must provide the Board of Health with a written plan for disposal of said product, including disposal plans for any breakage, spillage, damage, or expiration of the product. The adult-only retail tobacco store shall act as a drop off center for said products to be disposed of in adherence to 310 CMR 30.000.
11. The adult-only retail tobacco store permit holder shall display a notice informing customers that e-cigarettes are defined hazardous materials and must be discarded in adherence to the provisions outlined in 310 CMR 30.000. Such notice must be securely posted in manner so that it may be easily seen and read from a distance of 5 feet by a person standing at or approaching the point of service, shall directly face the purchaser, and shall not be obstructed from view.

G. Cigar Sales Regulated:

1. No retailer or person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and ninety cents (\$2.90) or more.
2. No retailer or person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars and eighty cents (\$5.80) or more.
3. This Section shall not apply to a retailer, 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 South Hadley.
4. The South Hadley Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

H. Sale of Flavored Tobacco Products Restricted:

No retailer, person or entity shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any Flavored Tobacco Product, as defined herein, or any Flavored Tobacco Produce Enhancer, as defined herein.

Retailers must obtain Manufacturer Documentation as described in section C. Definitions certifying that all products possessed, held, kept, sold, or distributed by the retailer do not meet the definition of a Flavored Tobacco Product or Tobacco Product Flavor Enhancer (105 CMR 665.010(E)).

I. Sale of Blunt Wraps Prohibited:

No retailer, person or entity shall sell or distribute blunt wraps in South Hadley.

J. Free Distribution and Coupon Redemption: No retailer, person or entity shall:

1. Distribute or cause to be distributed, any free samples of Tobacco Products, or nicotine delivery products. No means, instruments or devices that allow for redemption of all tobacco products or nicotine delivery products for free or cigarettes at a price below the minimum retail price determined by the Massachusetts Department of Revenue shall be accepted by any permit holder.
2. Distribute or cause to be distributed, any free samples of Tobacco Products, accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any Tobacco Product without charge or for less than the listed or non-discounted price; or
3. Sell a Tobacco Product to consumers through any multi-pack discounts (e.g., "buy-two- get-one-free") or otherwise provide or distribute to consumers any Tobacco Product without charge or for less than the listed or non-discounted price in exchange for the purchase of any other Tobacco Product.
4. This section shall not apply to products which there is a state law prohibiting them from being sold as loss leaders and for which a minimum retail price is required by law.

K. Oral Nicotine Pouches:

1. The sale of oral nicotine pouches is restricted to Adult-Only Retail Tobacco Stores. The sale of such oral nicotine pouches shall not have a nicotine content greater than 6mg/per individual pouch.

L. Out-of-Package Sales:

1. The sale or distribution of Tobacco Products in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any Tobacco Product for retail sale. No retailer or person, as defined herein, shall sell, possess, hold, keep, or distribute or cause to be sold, possessed, held, kept, or distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. Permit holders who sell Liquid Nicotine Containers must comply with the provisions of 310 Code of Massachusetts Regulations 30.000 and must provide the Board of Health with a written plan for disposal

of said product, including disposal plans for any breakage, spillage or expiration of the product.

3. All permit holders must comply with 940 Code of Massachusetts Regulations 21.05 which reads: “It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S. C.§§1471 through 1476 and 16 CFR §1700 et. Seq.”
4. No permit holder shall refill a cartridge that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

M. Self-Service Displays:

All self-service displays of Tobacco Products are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. Adult-only Retail Tobacco Stores are exempt from this section.

N. Vending Machines:

All vending machines containing Tobacco Products are prohibited.

O. Non-Residential Roll-Your-Own Machines:

All Non-Residential Roll-Your-Own machines are prohibited.

P. Sale of Tobacco Products by Health Care Institutions Prohibited:

No health care institution located in South Hadley shall sell or cause to be sold Tobacco Products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold Tobacco Products, as defined herein.

Q. Sale of Tobacco Products by Educational Institutions Prohibited:

No educational institution located in South Hadley shall sell or cause to be sold Tobacco Products, as defined herein. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

R. Sale of Electronic Cigarette Products Restricted:

No Person shall sell or distribute or cause to be sold or distributed any Electronic Cigarette except in a permitted Adult-Only Retail Store.

S. Incorporation of State Laws and Regulations:

1. The sale or distribution of Tobacco Products, as defined herein, must comply with those provisions found at Massachusetts General Law, Chapter 270, sections 6, 6A, 7 and Massachusetts General Law, Chapter 112, Section 61A.
2. The sale or distribution of Tobacco Products, as defined herein, must comply with those provisions found at

940 Code of Massachusetts Regulations 21.00 (“Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in Massachusetts”) and 940 Code of Massachusetts Regulations 22.00 (“Sale and Distribution of Cigars in Massachusetts”) and 105 Code of Massachusetts Regulations (“Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems.”)

T. Violations:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent, and not their employees, to ensure compliance with all sections of this regulation. The violator shall receive:
 - a. In the case of a first violation, a fine of one thousand dollars (\$1000.00) for a State Law violation and one hundred dollars (\$100.00) for a Local Policy violation shall be issued and, additionally, if the violation is a sale of a tobacco product to a person born on or after January 1, 2005, the Tobacco Product Sales Permit shall be suspended for up to 30 consecutive business days.
 - b. In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of two thousand dollars (\$2000.00) for a State Law violation and two hundred dollars (\$200.00) for a Local Policy violation shall be issued and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
 - c. In the case of three or more violations within a thirty-six (36) month period, a fine of five thousand dollars (\$5000.00) for a State Law violation shall be issued and three hundred dollars (\$300.00) for a Local Policy violation and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
 - d. In the case of four violations or repeated, egregious violations of this regulation, as determined by the Board of Health, within a thirty-six (36) month period, the Board of Health shall hold a hearing in accordance with subsection 7 of this section and may permanently revoke a Tobacco Product Sales Permit. After such hearing may permanently revoke a Tobacco Sales Permit.
4. Failure to cooperate with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.
5. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of Tobacco Products while his or her permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days. Multiple Tobacco Product Sales Permit suspensions shall not be served concurrently.
6. A permit issued pursuant to this regulation may be suspended, revoked or not renewed for any of the following reasons:
 - a. Violation of the permit holder of any provision of state or local laws and/or regulations.
 - b. Fraud, misrepresentation, false material statement, concealment, or suppression of facts by the permit holder in connection with an application for a permit or for renewal thereof.

7. The South Hadley Board of Health shall provide notice of the intent to suspend or revoke a Tobacco 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 or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefore in writing. After a hearing, the South Hadley Board of Health shall suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. All Tobacco Products shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all Tobacco Products shall constitute a separate violation of this regulation.

8. List of State Laws and Local Policies:

Policies Subject to State Law Fines

- Tobacco and Vape Sales to persons under 21 (G.L. Ch. 270, §6)
- Flavored Tobacco Product Sales Restrictions (G.L. Ch. 270, §28)
- Penalties for sales to a person under 21 of Tobacco/Vape products (105 CMR 665.045)
- Local Tobacco Sales Permit suspension for a first violation for sales to a person under 21 of Tobacco/Vape products (105 CMR 665.040(d))
- Required Retailer Signage (105 CMR 665.015)
- Ban on Free Distribution (105 CMR 665.025)
- Ban on Self-Service Displays (105 CMR 665.010(B))
- Ban on Out-Of-Package Sales (105 CMR 665.030)
- Sales Without a Local Tobacco Product Sales Permit for Smoking Bars and Retail Tobacco Stores only (105 CMR 665.013(A))
- Failure to Check Identification of Purchaser (105 CMR 665.020)
- Nicotine Content in Electronic Nicotine

Policies Subject Local Policy Fines

- Nicotine Free Generation / Sales to persons born on or after January 1, 2005
- Prohibition of the Sale of Blunt Wraps
- Ban on Smoking Bars
- Cigar Sales Regulated, including minimum sales price regulations.
- Tobacco Product Sales in Health Care Institutions as more broadly defined than in state law.
- Tobacco Product Sales in Educational Institutions
- Non-Residential Roll-Your-Own Machines Ban
- Display of MA Department of Revenue license(s)
- No Local Tobacco Sales Permit
- E-cigarette lithium battery take back Plan in Adult-Only Retail Tobacco Stores (310 CMR 30.000)
- E-cigarette Display of Notice of Hazardous Materials in Adult-Only Retail Tobacco Stores (310 CMR 30.000)
- Transfer of Permit in Sale of Business
- Restricting the Nicotine Content of Oral Nicotine Pouches
- Restricting Oral Nicotine Pouches to

- Delivery Systems (G.L. Ch. 270, §29)
- Coupon Redemption (105 CMR 665.025)
- Child-Proofed Liquid Nicotine Containers Required (105 CMR 665.035)
- Failure to obtain manufacturer's non-flavored certification (105 CMR 665.010(E))
- Failure to obtain manufacturer's nicotine content certification (105 CMR 665.010(C))
- Admitting a person under the age of 21 into an Adult-Only Retail Tobacco Store (105 CMR 665.020(B))
- Other state laws
- Adult-Only Retail Tobacco Stores
- Other local policies

U. Non-Criminal Disposition:

Whoever violates any provision of this regulation may be penalized by the non-criminal method of disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D where the penalty calls for a monetary fine not exceeding three hundred (\$300) dollars.

V. Separate Violations: Each day any violation exists shall be deemed to be a separate offense.

W. Enforcement:

Enforcement of this regulation shall be by the South Hadley Board of Health or its designated agent(s). The Board of Health may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means. Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the South Hadley Board of Health or its designated agent(s) and the Board shall investigate.

X. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Y. Effective Date:

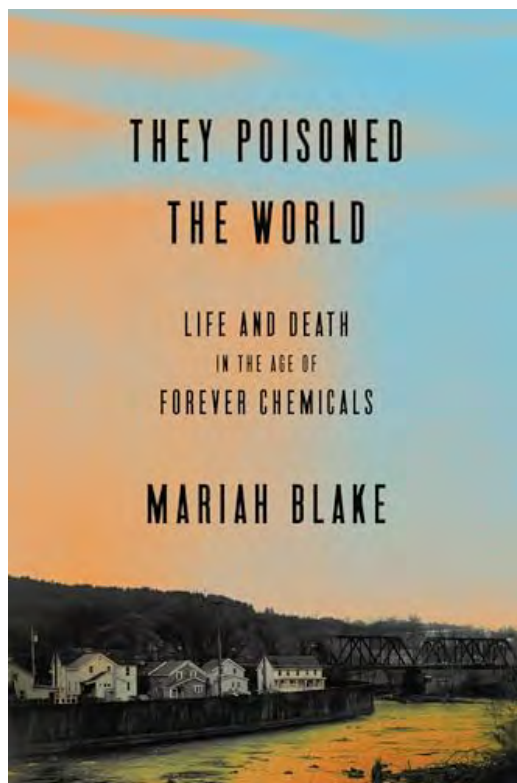
This regulation shall take effect on _____.

Name

Signature

Date

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



They Poisoned the World: Life and Death in the Age of Forever Chemicals

Mariah Blake. Crown, \$30 (320p) ISBN 978-1-5247-6009-0

This troubling debut report from journalist Blake examines the dangers of “forever chemicals,” or PFAS (per- and polyfluoroalkyl substances), through the plight of one upstate New York town. Blake describes how the Manhattan Project’s need for a substance capable of withstanding the corrosive by-products of uranium extraction spurred physicists to develop PFAS in the 1940s. Manufacturers DuPont and 3M found commercial uses for the chemicals in such products as nylon stockings and Teflon cookware, the profitability of which made the companies reluctant to scale back PFAS use despite internal research linking the chemicals to numerous cancers and birth defects. Blake drives home the toll of such negligence through a finely observed account of how Michael Hickey—a Hoosick Falls, N.Y., insurance underwriter whose father died from cancer after working for years at the town’s Teflon factory—banded together with a doctor and local EPA official to investigate residents’ premature deaths. They found that DuPont and other chemical companies had knowingly released lethal amounts of hazardous chemicals into the town’s air and

waterways, resulting in a \$65 million legal settlement in 2021. Blake presents Hickey's crusade as a crackling David vs. Goliath story, and her impressive research provides damning evidence of PFAS manufacturers' callous indifference. Readers will be outraged. *Agent: Larry Weissman, Larry Weissman Literary. (May)*

An Act authorizing the town of South Hadley to prohibit the application of second generation anticoagulant rodenticides within its borders.

By Dr. Frantz, a petition (accompanied by bill, Senate, No. — of Dr. Stephen Frantz (with approval of the Town Administrator and Select Board) for legislation to authorize the Town of South Hadley to prohibit the application of second generation anticoagulant rodenticides (SGARs) within its borders. Environment and Natural Resources. [Local Approval _____.]

SECTION 1. Second generation anticoagulant rodenticides (SGARs, including brodifacoum, bromadiolone, difenacoum, and difethialone) can have harmful ecosystem-wide effects where they are applied. SGARs are capable of producing rodent kill after a single feeding; in practice however, rodents are able to feed repeatedly and can accumulate more than a lethal dose. In addition, these products have a long biological half-life and may remain in a dead rodent's body at toxic levels for many months. Thus, when dead rodents are consumed by a raptor (owls, Bald Eagles, Red-Tailed Hawks, etc.); predator (Bobcats, Mountain Lions, Foxes, etc.); or household pets (dogs, cats, etc.) a lethal dose can be ingested. Not only are these deaths destructive to natural ecosystems, but also lost are the valuable rodent control services that these wildlife species provide (removing rodents naturally).

SECTION 2. These concerns are particularly important in most rodent control efforts, public or professional, where the poison applicators may not be thoroughly trained and where monitoring may be incomplete and/or infrequent. And, we must always consider the possibility of human error in handling, applying, and disposing of toxicants.

SECTION 3. Antidotal and associated therapies *are not* a probable outcome for secondarily poisoned non-target wildlife. SGARs must be applied in a manner that renders them directly unavailable to non-target wildlife (and pet species); and a poison's biological half-life must be short enough so that a hyper-lethal dose is not likely. Since these constraints are

unrealistic in principle and practice, and since non-target wildlife (and pets) are valuable environmental resources, SGARs should be prohibited from application by anyone within the Town limits of South Hadley.

SECTION 4. This act shall take effect upon passage.

An Act Regulating the Sale and Application of PFAS-Contaminated Biosolids Fertilizer in the Town of South Hadley, MA.

SECTION 1: Per- and polyfluoroalkyl substances (PFAS) have been manufactured and used by a broad range of industries since the 1940s, and there are estimated to be thousands of PFAS that are used in many consumer, commercial and industrial products. Scientists have been raising growing concerns for decades over the use of toxic “forever chemicals,” so called because their strong molecular bonds can take hundreds of years to completely break down in the environment. These substances are turning up everywhere from drinking water to our bloodstream.

Biosolids are the nutrient-rich semi-solid materials resulting from treated, domestic sewage sludge; basically, the product from a wastewater treatment plant. Farmers and gardeners have been recycling biosolids for ages, reducing the need for synthetic chemical fertilizers. In theory, after treatment and processing to remove hazardous materials and pathogens, these residuals (biosolids) can be recycled and applied as fertilizer to improve and maintain productive soils and stimulate plant growth.

SECTION 2: Now, in a draft risk assessment (Jan.15, 2025), the EPA warns that two forms of perfluoroalkyl substances, perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), can harm human health when found in biosolids at concentrations as low as 1 part per billion (1 ppb) after the material has been disposed of or used as fertilizer. Such materials can contribute to an increased risk of certain cancers, along with other health issues.

SECTION 3: The agency determined the chemicals could leach from the material, whether it's land applied, disposed of in a landfill or incinerated. The assessment found that "there can be human health risks exceeding EPA's acceptable thresholds, sometimes by several orders of magnitude," from living near sites that have land applied PFAS-contaminated biosolids or from using groundwater or products (e.g., food crops, animal products or drinking water) impacted by such a site. This acknowledgment comes after years of concern from farmers and state

regulators, who have been raising alarms about land application despite its reputation as an effective means of organics recycling. Sadly, the EPA has known about PFAS in sewage sludge for well over a decade.

SECTION 4: While [PFOA and PFOS](#) were phased out of production years ago, they remain persistent in the environment. PFAS contamination can persist, impacting sites where biosolids were applied long after the practice was halted. For instance, a Maine organic farm was found to be contaminated — despite land application not being allowed for farms to achieve organic certification — because the site's prior owner had spread contaminated biosolids. While federal regulators have yet to set enforceable limits on PFAS in biosolids, state lawmakers and regulatory agencies are initiating various actions on their own, including Maine, New Hampshire, Texas, Oklahoma, Washington, Michigan and Maryland.

SECTION 5: In light of the bureaucratic uncertainties and public health risks of PFAS-contaminated biosolids to consumers (homeowners, gardeners, farmers, etc.), be it resolved that PFAS-contaminated biosolids fertilizers shall no longer be sold or applied within the borders of the Town of South Hadley, MA. It would be most beneficial if this regulation were applied state-wide.

SECTION 6. This act shall take effect upon passage.

SENATE No. 2448

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act authorizing the City of Newton to prohibit the application of second generation anti-coagulant rodenticides within its borders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>

SENATE No. 2448

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2448) of Cynthia Stone Creem, Ruth B. Balsler, Kay Khan and John J. Lawn, Jr. (with approval of the mayor and city council) for legislation to authorize the City of Newton to prohibit the application of second generation anti-coagulant rodenticides within its borders. Environment and Natural Resources. [Local Approval Received.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—————

An Act authorizing the City of Newton to prohibit the application of second generation anti-coagulant rodenticides within its borders.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding chapter 132B of the general laws or any other general or
2 special law to the contrary, the City of Newton may by ordinance prohibit the application of
3 second generation anti-coagulant rodenticides within the City of Newton, including application
4 of such pesticides by licensed commercial applicators as defined in 333 C.M.R. 10.00.

5 SECTION 2. This act shall take effect upon its passage.