



CITY OF SOMERVILLE, MASSACHUSETTS
HEALTH & HUMAN SERVICES DEPARTMENT

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Public Health
Prevent. Promote. Protect.

MEMO

October 7, 2019

TO: Somerville City Council Members
FR: Doug Kress, Director HHS
RE: Response to Agenda Item 208956, Vaping Ban

Agenda Item: 208956

That the Director of Health and Human Services discuss with this Council, any implications for Somerville as a result of the Governor's newly announced four-month ban on the sale of vaping products.

Response:

On September 24, 2019, Governor Charles D. Baker declared a public health emergency in the Commonwealth due to severe lung disease associated with the use of e-cigarettes and vaping products, and the epidemic of e-cigarette use among youth. Pursuant to the Governor's Declaration and with the approval of the Governor and the Public Health Council, the Commissioner of the Massachusetts Department of Public Health, Monica Bharel, MD, MPH, issued an Order to temporarily prohibit the sale and public display of all vaping products in retail establishments, online, and by any other means in Massachusetts. (see attachments). The Commissioner's Order is effective immediately. The Order is currently issued as a four month ban and may be extended or revised.

This Order prohibits the sale of all vaping products and the removal of all vaping products from public display. For clarity, the products are prohibited from sale and display include:

- All non-flavored and flavored vaping products, including mint and menthol; and products used to vape tetrahydrocannabinol (THC) and any other cannabinoid
- Vape products are any product intended for human consumption by inhalation, regardless of nicotine content, whether for one-time use or reusable, that relies on vaporization or aerosolization, including but not limited to e-cigarettes, e-cigars, e-pipes, vape pens, hookah pens, and other similar devices that rely on vaporization or aerosolization. This includes any component, part, or accessory of these product or devices defined, even if sold separately

This rule is to be enforced by state and local officials and failure to comply may result in fines, seizure of vape products or other penalties.

As a reminder, the Somerville Board of Health adopted new Regulations Restricting the Sale of Tobacco Products, which went into effect April 1st, 2019. The sales of all vaping products are restricted to 21+ tobacco retail license holders. Currently Somerville has three (3) licenses holders. Because this ban includes all vaping products, the three (3) RMDs are also prohibited from selling vaping products.

HHS staff has met with each of the tobacco retail licensed establishments and all are in compliance with the new regulation. The State will be monitoring the RMDs. Additional details on this ban can also be found on the Massachusetts Department of Public Health (MDPH) website:

<https://www.mass.gov/files/documents/2019/10/03/Implementation-Order-signed.pdf>.

Additional actions taken by the State:

- MDPH has established a tobacco complaint line – 1-800-992-1895 to assist in the monitoring and enforcement of this order.
- Increase funding for vaping cessation and smoking cessation resources, educational campaign and products; see: www.makesmokinghistory.org
- MDPH issued Standing Orders for Over-the-counter (OTC) products approved by the Federal Food and Drug Administration for the sale of or use as tobacco cessation products
- Requiring mandatory reporting of vaping associated pulmonary disease

Again, this is a State Emergency Order which supersedes local regulations. If additional or substantial changes/guidance is provided by MDPH, I will provide updated communications.

I am available to field additional questions.