

Madalyn Letellier

From: Kimberly Wells
Sent: Monday, April 29, 2024 12:03 PM
To: Public Comments
Subject: FW: Letter from NECSEMA to the Somerville City Council, Somerville Board of Health, and Mayor Katjana Ballantyne
Attachments: NECSEMA NFG Letter Somerville.pdf
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From: Peter Brennan [REDACTED] >
Sent: Monday, April 29, 2024 11:24 AM
To: health_webcontact [REDACTED]; Ben Ewen-Campen [REDACTED];
[REDACTED]; Matthew McLaughlin [REDACTED]; JT Scott [REDACTED]
[REDACTED] Naima Sait [REDACTED] Lance Davis [REDACTED]; Willie Burnley, Jr. [REDACTED] Wilfred Mbah [REDACTED]
[REDACTED]; Jake Wilson [REDACTED]; Mayor [REDACTED]
[REDACTED]; City Clerk Contact [REDACTED]; Nikki Spencer [REDACTED]
Subject: Letter from NECSEMA to the Somerville City Council, Somerville Board of Health, and Mayor Katjana Ballantyne

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Dear Members of the Somerville City Council, Somerville Board of Health, and Mayor Katjana Ballantyne,

Please find attached a letter from the New England Convenience Store and Energy Marketers Association (NECSEMA) with important information regarding a policy being circulated among various towns called Nicotine Free Generation. I encourage you to review the letter and reach out if you would like to discuss this matter in greater detail. Our goal is to help educate decisionmakers on all aspects of this policy before a decision to consider it has been determined.

Please don't hesitate to contact me if you have any questions. Thank you.

Best Regards,
Peter

Peter A. Brennan
Executive Director
New England Convenience Store & Energy Marketers Association, Inc. (NECSEMA)

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City of Somerville Public Records Notice

April 26, 2024

City Council
93 Highland Ave.
Somerville, MA 02143

Board of Health
50 Evergreen Ave.
Somerville, MA 02145

Mayor Katjana Ballantyne
93 Highland Ave.
Somerville, MA 02143

Dear Members of the Somerville City Council, Somerville Board of Health, and Mayor Katjana Ballantyne,

Some municipalities in Massachusetts are contemplating the adoption of “Nicotine Free Generation” (NFG) regulations to ban the sale of all nicotine products locally. We ask that you reject any attempts to adopt this regulation. Such a policy undemocratically infringes on 21-plus adults in your community and fails to effectively impact youth access to age-restricted products.

Eliminating youth access to age restricted products is a goal retailers share with health officials and NFG proposals, by design, drive nicotine products into the illicit, unregulated market. Removing these legal adult products from regulated environments makes them more, not less, attractive to youth who will seek to obtain such products illegally.

The proposed NFG changes to local tobacco regulations typically state:

“Prohibition of Sales – No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to anyone born on or after 1/1/2004. Any person, firm, corporation, establishment, or agency who or which shall violate any provisions of this regulation and upon written notification shall be fined and suspended in accordance to the schedule set forth under the Regulation of the Board of Health Restricting the Sale of Tobacco Products.”

Proponents of NFG claim the policy is intended to protect youth by banning sales, but not access to nicotine products for adults 21 years of age or older. NFG has nothing to do with minors under the age of 21. The adoption of the above or similar language would not reduce youth access to nicotine products in your community but rather would prevent 21-plus adults from purchasing nicotine products just as they currently do alcohol, cannabis, lottery or engage in sports wagering according to the rights granted by the state to those age 21 or older.

It is important to understand why NFG regulation is unnecessary and inappropriate for 21-plus adults, local retailers, and your community:

- Youth access and use of nicotine should be a primary concern when considering novel nicotine regulations. NFG does nothing to prevent access to nicotine for minors under the age of 21.

- Significant concerns about the creation of a “massive,” unregulated illicit market with potentially dangerous products, along with concerns about the loss of tax revenue, led New Zealand to repeal a briefly adopted ban of nicotine products.
- Youth and legal aged adults will continue to find ways to acquire nicotine products just as they did with alcohol during prohibition, and when cannabis was illegal.
- Both retailers and local and state economies will suffer financially as this NFG policy is effectively a de facto prohibition of the product.

Licensed retailers responsibly age verify all regulated nicotine sales by law.

NFG policy is overreaching and not only fails in its attempt to regulate nicotine use, but it is also destructive to the valuations of local businesses that have been built over many years and provide a critical resource for your community. The impact of the regulations will result in harm to local stores, their families, and the local and state economy. Claims that the sunset nature of the policy is “virtuous” demonstrates a complete lack of knowledge and empathy. It is not virtuous, but punishing, since the moment this policy is passed, the value of businesses with a license to sell nicotine products will be destroyed.

We ask both now and in the future that you weigh any similar proposals with sensibility, facts, and fairness in mind.

Adulthood is the ability to make legal choices, despite others’ personal morals.

Many adults choose to responsibly use nicotine products. Your community should maintain a legal way for these adults to obtain them in a regulated environment subject to unannounced inspections.

Some adults choose to use nicotine in its many forms, for many personal reasons, just as they use alcohol and marijuana or wager on sports. The rights and freedoms of adults to make decisions about their individual lives is a key tenet of our democracy.

Your community has historically displayed the wisdom of keeping adult products in regulated and permitted stores and off the streets. Yet, NFG policies represent a tipping point in your community where NFG proponents target all nicotine products as morally wrong, while other adult products that have similarly been deemed harmful remain acceptable. This is bad governance and policy making that tramples on civil liberties and harms small businesses.

It is an inconvenient truth that cities and **towns like yours financially benefit from the sale of marijuana, alcohol, and tobacco alike.** Ignoring this truth is selective self-deception which erodes faith in government and helps erode faith and confidence in the government’s ability to operate fairly for all. Anti-tobacco advocates have gone too far in using the lure of “youth prevention” to push this policy, when in reality, the NFG policy only prohibits adults’ rights to use legal adult products.

Brookline Committees Rejected NFG.

After significant deliberation and consideration, every Brookline board and committee that held a hearing voted “NO ACTION” on Nicotine Free Generation (NFG) policy.

Despite their elected and appointed leaders’ rejections of the proposal, a small majority of Brookline Town Meeting members voted to adopt the policy, but they did so without the same time and attention given by boards and committees. Furthermore, they voted on the NFG warrant article (14) two hours into the 3rd of 3 straight “arduous” nights of voting. It would not be a stretch to say energy and attention to this issue were suboptimal by the time the vote was made.

Please consider the implications of instituting a policy such as NFG. It threatens the rights of adults, undermines small business owners, and hinders the local and state economy. Many products, such as alcohol, marijuana, and gambling/lottery are age restricted, with reason, but the trend has been to regulate and monitor the sale and usage of these products to ensure that youth access is restricted while allowing adults to make adult choices. The same should hold true with tobacco and nicotine products.

Citizens lose faith in government when policies regarding regulated products are inconsistent, like the NFG policy, because they contradict common sense.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

Peter A. Brennan

CC: Kimberly Wells, City Clerk
Nikki Spencer, Chief of Staff