

BOSTON PUBLIC HEALTH COMMISSION

BOARD MEETING

THURSDAY, SEPTEMBER 4, 2008

1010 MASSACHUSETTS AVENUE

HAYES CONFERENCE ROOM

MINUTES

Board Members Present:

Paula Johnson, MD, MPH, Chair
Ruth Ellen Fitch, Jack Cradock, Harold Cox

Board Members Absent:

Hortensia Amaro, PhD., Vice Chair
Elaine Ullian, Celia Wcislo

Administration & Staff Present:

Barbara Ferrer, Ph.D., MPH, M.Ed,
John Townsend, Maia BrodyField,
Nancy Norman, MD, MPH, Margaret Pless
Hunter, Christine Hayes, Nikysha Harding,
Fatema Fazendeiro, Margaret Reid, Sharyn
Imonti, Roger Swartz, Maddie Ribble,
Nakisha Skinner., Pam Jones, Deborah
Allen, Angela Camille Smauldon, Nicole
Charon Schmitt, Anh Bungcayao, Richard
Serino, Laura Taranto, Ann Scales, Julie
Webster, Chuck Gagnon

Guests:

Joseph Guedes, Trung Dang, Scot Yount,
Dave Jacobs, T.K. Skerderian, Ellen Hatch,
D.J. Wilson, Erin Trabucco, Lisa Yarid,
Linda Ergas, Greg St. Martin, Meghan
Wood, Nebulla Stephen, Cynthia Loesch,
Rev. Bill Loesch, Hyacynth Dixon, Phillip
Tucker, Joseph Mart, Mr. Huntington, David
Abel, Mr. Pellerin

Paula Johnson, MD, MPH, Chair, called the meeting to order at 4:10 PM on Thursday, September 4, 2008.

Executive Director's Report – Barbara Ferrer

Barbara Ferrer, Executive Director, reported that the Mayor's Health Line is actively referring residents to primary care physicians. The telephone number is 800-847-0170. Dr. Ferrer informed the Board that we will continue to update the Board regarding progress with the primary care referral service.

Dr. Ferrer advised the Board that six (6) Health Commissioner's from across the country met and prepared a paper regarding the needs of urban health departments which they intend to present to the new presidential administration.

Dr. Ferrer introduced Mark Campbell to the Board as the new Chief Information Officer.

Proposed Tobacco Control Regulations – Nikysha Harding

Nikysha Harding, Director of Tobacco Control, spoke regarding tobacco control and said that 440,000 deaths are caused each year from tobacco use. Ms. Harding said that one strategy which should be considered is to restrict retail outlets in order to limit access and facilitate regulation of the retail environment, and thereby protect the public health.

Ms. Harding spoke regarding existing smoke-free workplace regulations for hotels and said that there is a trend across the country for hotels going smoke free. These hotels include hotels such as the Sheraton, Marriott, Ritz Carlton, Renaissance, Courtyard, Residence Inn and Westin Comfort Suites.

Ms. Harding also spoke on the existing smoke-free workplace regulation and hookah bars, which is a national trend among the college-aged. Ms. Harding reported that there are nine smoking bars/tobacconists in the City of Boston, three of which are hookah bars. Ms. Harding said that thirty one Massachusetts municipalities have banned smoking bars. Ms. Harding said that for 45 minutes of hookah smoking, a smoker is exposed to as much tar and nicotine as if they had smoked an entire package of cigarettes.

Lastly, Ms. Harding spoke regarding the existing smoke-free workplace regulation and expanding the definition of "workplace." As compliance in bars and restaurants increase, there has been an increase in the complaints received at other worksites, including loading docks and outdoor patio areas which are not explicitly covered by the existing regulation.

Proposed Language Changes (Clean Air Workplace Smoking Regulation) – Fatema Fazendeiro

Fatema Fazendeiro, Assistant General Counsel, spoke regarding the proposed language changes to the Clean Air Workplace Smoking Regulation. Ms. Fazendeiro stated that the "whereas" clauses to the regulation have been updated to reflect that second hand smoke is still a problem in the workplace.

Ms. Fazendeiro said that the new language in the definitions and guidelines portion of the regulation expands the definition of "workplace" and "workspace" to include adjacent outdoor areas where services are performed. The reference to an "enclosed workplace" has been deleted and replaced simply by "workplace."

Ms. Fazendeiro spoke regarding the new section for smoking bars and said that a new section Number IV, entitled Smoking Bars has been created. Ms. Fazendeiro said that the first violation fine has been increased from \$100 dollars to \$200 dollars and the second violation fine has been increased from \$500 dollars to \$700 dollars.

Restricting the Sale of Tobacco Products in the City of Boston – Nikysha Harding

Nikysha Harding, Director of Tobacco Control, spoke regarding the newly proposed regulations for health care institutions. Ms. Harding said that the sale of tobacco products is incompatible with the mission of a healthcare institution. Health care institutions would include hospitals, clinics, laboratories, pharmacies, doctor's and dentist's offices.

Ms. Harding also spoke regarding the newly proposed regulations for educational institutions and reported that most Boston area colleges and universities restrict the sale of tobacco products on their campuses. Ms. Harding stated that of 16 institutions surveyed, Boston University was the only one allowing the sale of tobacco products on campus.

Ms. Harding addressed the newly proposed regulations for blunt wraps and flavored cigars. Ms. Harding stated that blunt wraps are gaining popularity among youth and that blunt wraps are sold by 80-90% of tobacco retailers in Boston. Ms. Harding reported that in Massachusetts, the illegal sales of cigars and blunt wraps are twice as high as cigarettes. Ms. Harding said that many of the products are used to smoke marijuana.

Ms. Harding introduced two speakers, Mr. Greg Laham and Mr. Phillip Tucker, both of whom spoke briefly in regards to the newly proposed regulations.

Mr. Greg Laham of Sullivan's Pharmacy in Roslindale stated that Sullivan's has been in business since 1912 and that it is a difficult day for him. Mr. Laham said that passing the ban would take him off the hook from selling tobacco products and would not create a financial hardship.

Mr. Phillip Tucker, General Manager of the Hampton Inn & Suites, stated that the Hampton Inn has chosen the direction of non-smoking, although he has mixed feeling regarding hotels in Boston because a large portion of the guests are still smokers. Mr. Tucker stated that the Hampton Inn & Suites started their non-smoking policy in January of 2008.

The Hampton Inn & Suites operates under a 100% guarantee that if any guests violate the no-smoking policy, other guests affected by the smoker will not have to pay for their stay at the Inn. This is an incentive for the Inn to make sure they enforce the no-smoking policy.

Proposed Language Changes (Regulation to Restrict the Sale of Tobacco in the City of Boston) – Fatema Fazendeiro

Fatema Fazendeiro, Assistant General Counsel, spoke regarding the "whereas clause" and said that tobacco is one of the leading causes of death in the United States and lung cancer and has been the leading cause of cancer deaths among Boston residents. Ms. Fazendeiro also spoke regarding the definition of blunt wrap and stated that blunt wrap is defined as a cigarette-like rolling paper that is thick and dark and usually made from tobacco leaves.

Ms. Fazendeiro said that the regulation prohibits the sale of tobacco products by health care institutions or educational institutions located in the City of Boston. The first violation carries a \$200 dollar fine, the second violation within 24 months carries a \$700 dollar fine, and three or more violations within 24 months carries a \$1000 fine.

Ms. Fazendeiro stated that the regulation will be enforced by the Boston Police Department, Inspectional Services Department and the Boston Public Health Commission.

Vote of Board Resolution Regarding a Regulation to Restrict the Sale of Tobacco Products in the City of Boston

Dr. Johnson invited a motion to vote on the Board Resolution regarding releasing for public comment for a period of 60 days the Proposed Regulation to Restrict the Sale of Tobacco Products in the City of Boston. The Motion was made, seconded and approved.

Yeas 4 No's 0 Absent 3

Vote of Board Resolution Regarding Proposed Amendments to the Clean Air Works Workplace Smoking Restrictions Regulation

Dr. Johnson invited a motion to vote for the Board Resolution regarding releasing for public comment for a period of 60 days the Proposed Amendments to the Clean Air Works Workplace Smoking Restrictions Regulation. The Motion was made, seconded and approved.

Yeas 4 No's 0 Absent 3

The Board requested that the proposed amendment and the proposed regulation be disseminated for public comment and that a public hearing be scheduled.

Proposed Amendment to the City of Boston Youth Access Ordinance – Nikysha Harding

Ms. Harding spoke regarding the proposed amendment to the City of Boston's Youth Access Ordinance and stated that there are certain issues to be considered by the Boston City Council in regards to the ordinance which are:

- Flavored tobacco;
- Tobacco retailers within 500 feet of a school or community center;
- Permit fees;
- Penalties;
- Enforcement;
- Violators;
- Repeat Offenders and;
- Graphic Signage

Ms. Fazendeiro spoke on the language of the proposed amendment to the City of Boston's Youth Access Ordinance and gave the new term definitions for community centers, schools and specialty flavored tobacco products. Ms. Fazendeiro said that permit fees and fines have increased and the cost for a permit is now \$300.00 dollars. The first violation carries a \$200 dollar fine, the second violation carries a \$400 dollar fine and 14 day suspension of permit and the third violation carries a \$600 dollar fine and 60 day suspension of permit. The fourth violation carries a \$1000 dollar fine and a 90 day suspension of permit.

Vote of Board Resolution Regarding Proposed Amendments to the City of Boston Limiting Tobacco Access by Youth Ordinance

Dr. Johnson invited a motion to vote for the Board Resolution to request that the City of Boston adopt the Proposed Amendments to the City of Boston Limiting Tobacco Access by Youth Ordinance. The Motion was made, seconded and approved.

Yeas 4 No's 0 Absent 3

Northampton Square Development Update – John Townsend

John Townsend, General Counsel and Director of Administration and Finance, gave a brief update regarding the Northampton Square Development project. Mr. Townsend stated that the Commission needed approximately 200,000 square feet of office and program space. In addition, the project must

preserve and renovate the existing residential units at Northampton Square along with a preservation of 350 parking spaces.

Mr. Townsend said that the Commission will have to temporarily relocate the programs located at North Hampton Square during the development phase. Construction is expected to take three years.

Board member Cradock asked if there are criteria in terms of who the Commission would allow to bid. Mr. Townsend replied that he couldn't think of anything.

Mr. Townsend stated that the Commission would like to preserve the residential units at or below market rate.

Dr. Ferrer stated that everything has been worked out with the Boston Medical Center as they no longer have any interest in the property and that all the Commission needs now is a developer.

Vote for Authorization to Issue a Request for Proposals for the Development of Commission Property

Dr. Johnson invited a motion to vote for Authorization to Issue a Request for Proposals for the Development of Commission Property. The Motion was made, seconded and approved.

Yeas 4 No's 0 Absent 3

Acceptance and Approval of Minutes

Dr. Johnson, MD, MPH, Chair invited a motion to accept the July minutes. The Motion was made, seconded and approved.

Dr. Johnson adjourned the meeting at 5:30 PM.