

**CITY OF SALEM
BOARD OF HEALTH
MEETING MINUTES**

June 13, 2023

MEMBERS PRESENT: Jeremy Schiller, Chair, Geraldine Yuhas, Sara Moore, Paul Kirby, Datanis Elias

MEMBERS EXCUSED:

OTHERS PRESENT: David Greenbaum, Health Agent, City Council Liaison, Andrew Varela

TOPIC

DISCUSSION/ACTION

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| 1. Call to Order | 7:01pm |
| 2. Approval of Minutes
(May 9, 2023) | S. Moore motioned to approve the minutes. G. Yuhas 2nd.

All in favor, Motion passed by a vote of 5 to 0. |
| 3. Robert Carp, Owner, Bunghole Liquors - Appeal of violation of Regulation #24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products. | D. Greenbaum informed the Board that Mr. Carp had withdrawn his appeal and would be paying the outstanding fines.

D. Greenbaum informed the Board that the budget hearing is scheduled for Monday, June 5, 2023. |
| 4. Discussion and Possible Vote on amended language to section S, Violations of Regulation #24 of the City of Salem Board of Health Restricting the Sale and Use of Tobacco Products and Nicotine Delivery Products. | J. Schiller discussed the violation section of the regulation that was confusing between local fines and state fines.
D. Greenbaum advised the Board that the idea was to add a sentence to the regulations clarifying for retailers the difference between violations that would be a local fine or a state fine. He further explained to the Board that due to the difference between the state and local fine schedules there would be a clerical nightmare when a retailer violated different sections of the regulations. D. Greenbaum recommended the Board adopt the state fines for all violations, including local violations not covered by state law.
P. Kirby asked if a violation of local regulations would that still count towards state law fines.
Discussion ensued about what a local fine would mean towards a state violation of the regulations.
J. Schiller reiterated what was discussed during the meeting on May 9, 2023, stating that the City of Beverly would be holding a public hearing for the purpose of increasing local fines to be in line with state law fines.
P. Kirby asked if there was anything on the local list that was not on the state list that there was a desire to maintain the local fines?
D. Greenbaum explained that anything on the local list is currently only covered by local fines and is not covered by state law.
Discussion continued regarding the fine scales and how to define what if anything would be covered by local fines or should the Board incorporate the state fine scale for all violations. |

P. Kirby Motioned to continue the discussion of the tobacco regulation until the September Board of Health meeting. G. Yuhas 2nd.

All in favor, Motion passed by a vote of 5 to 0.

5. Presentation and discussion of template regulations prohibiting synthetic marijuana products and illegal marijuana sales.

D. Greenbaum presented draft regulations prohibiting the sale of synthetic marijuana products and illegal marijuana sales. He explained that the Beverly Board of Health recently adopted both regulations. At this time these are informational, and the Board can discuss these proposed regulations at a future meeting if they are inclined to do so. D. Greenbaum explained that there is currently no prohibition on these types of products and no enforcement mechanism, adoption of these regulations would provide enforcement and would allow for fines and suspensions. Discussion took place about the two proposed regulations and what they would mean for the Board.

J. Schiller stated that based on his conversations with the Beverly Board of Health they felt strongly about enacting these regulations and he would like to hear from Joyce Redford before taking any action on these items. Discussion took place about the legality of establishments that were not licensed by the Cannabis Control Commission (CCC) and that it was illegal statewide.

Councillor Varela stated that he believed these regulations were completely reasonable because these concentrates and distillates are highly addictive, and they are a segway for people to become addicted. The problem with them not being regulated is that they are out there in abundance and easily accessible, particularly to young people.

P. Kirby stated the regulations discuss cannabis and synthetic marijuana and that cannabis is not synthetic.

D. Greenbaum explained that is the reason for the two separate and distinct regulations.

P. Kirby stated that he understood that synthetic marijuana product was dangerous and that the use of cannabis can be debated but wanted clarification on the need for a regulation prohibiting illegal cannabis sales.

D. Greenbaum explained that what he thought was happening was that people were finding tobacco stores were selling marijuana and were not licensed to do so.

Further discussion took place regarding the CCC and how they enforce the cannabis control laws and what happens when an establishment that is not licensed by the CCC is found selling cannabis.

P. Kirby asked if “black market” sales of marijuana were decriminalized?

D. Greenbaum explained that to sell marijuana or marijuana products an establishment must be licensed by the CCC.

Councillor Varela explained that synthetic marijuana targets the same receptors in the brain as marijuana, the concern is that it is highly addictive and synthetic cannabis can cause fatalities unlike natural cannabis.

J. Schiller stated this is an important conversation that should be continued at the Board meeting in September.

6. Chairperson Communications

Nothing new to communicate as the meeting of the regional board of health chairs was cancelled.

**7. Public Health Announcements
/Reports/Updates**

D. Greenbaum advised the Board that the budget was approved and ready to take effect on July 1, 2023. He also updated the Board on a meeting he had with the new Mayor and explained that he gave the Mayor updates on projects the department is working on and the status of Board of Health member appointments.

J. Schiller asked the status of the opioid settlement funds. D. Greenbaum explained that he was working on a proposal for the Finance Director so that could be updated to a Council order to have the funds appropriated. Councillor Varela asked what the annual payment for the settlement would be.

D. Greenbaum explained that he wasn't sure what the annual payment was but there was currently approximately \$275,000 in the fund and the total allocation would be somewhere around 1.2 million dollars over 15 years. Councillor Varela asked how much funding has been allocated to the Board of Health and how much has been allocated to the Police Department.

D. Greenbaum explained there have been no allocations to date and that he would be speaking with the Police Chief about the funds and how best to spend them.

8. Administrative Report

Copy available at BOH office.

9. Council Liaison Updates

Councillor Varela updated the Board on the status of two City ordinances that will be going into effect. The first is the newly enacted food ware packaging ordinance that will take effect in September. Currently, working on drafting literature to be distributed to the Board of Health and to the businesses in the City and working on a plan to roll out this new ordinance.

J. Schiller asked if this would include establishments like Dunkin Donuts. Councillor Varela informed the Board that this ordinance would cover all establishments, including those like Dunkin.

The second topic Councillor Varela discussed with the Board was the municipal and business composting ordinance. He explained the ordinance and the rationale for proposing the ordinance. He further explained that this ordinance would include municipal buildings, the university, Salem Hospital. He also discussed the cost of trash and recycling in the City. Councillor Varela also discussed PFAS and what are known as forever chemicals with the Board. He explained that PFAS materials are being used in the coating of compostable containers. These PFAS chemicals will never go away and could cause a huge health concern in the coming years. S. Moore asked if Salem Public Schools had been part of the composting discussion.

Councillor explained that he originally included the schools in the ordinance but has since worked with the Superintendent to roll out a pilot program in the high school and Carlton School.

**10. New Business/Scheduling of Future
Agenda Items**

NONE

11. Items that could not be anticipated prior to the posting of the agenda.

NONE

MEETING ADJOURNED:

G. Yuhas motioned to adjourn. P. Kirby 2nd.

Motion passed by a vote of 5 to 0.

Meeting Adjourned: 7:42 PM

Next regularly scheduled meeting is Tuesday, July 11, 2023, at 7:00pm

At City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA

Respectfully submitted,

David Greenbaum
Health Agent