

'It's not OK for adults to tell other adults how to live their lives'; Concord considers town-wide tobacco ban

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The town of Concord is looking to restrict the sale of all tobacco products to adult-only stores.

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Massachusetts has already banned the use of flavored tobacco and vaping products.

But one town is looking to take the effort to regulate nicotine one step further. On Monday, Concord's Board of Health held its second public hearing weighing new restrictions on all tobacco products — not just flavored ones.

Concord is looking to limit the sale of tobacco products to adult-only stores. While there are 14 retailers in town that sell tobacco products, there are no adult-only stores.

"You're really creating a complete prohibition in the town of Concord," said Stephen Helfer, a member of the Cambridge Citizens for Smokers' Rights.

The five-member board did not vote on the proposed restrictions Monday night, but did vote to close the public hearing at the conclusion of the gathering, noting they will next make a decision on the rules.

The board's chairwoman, Dr. Deborah Green, said the new regulations stem from the need to address the rise of nicotine addiction in youth, largely as a result of rampant e-cigarette use.

Health officials noted that retail stores selling tobacco have been cited for violations during compliance checks, and that the new rules would serve to eliminate the problem of "unfettered access" to a substance that poses significant health risks.

"We had to ask ourselves, if we knew 50 years ago what we now know today about the dangers of tobacco, would we have made it so convenient" to purchase the products? Green said.

Some pushed back against the proposed rules, noting that they would effectively be taking away the freedom of adults to purchase a legal product. "I appreciate where your heart is, but this is the wrong way to go about," said resident Steve Lyne, a local teacher. "Educate our children, trust them; but don't legislate adults. It's not OK for adults to tell other adults how to live their lives."

Others cautioned the board to take a more nuanced approach, suggesting the town adopt stricter regulations without making the products illegal, such as required ID checks upon purchases; or adopting harsher punishments for convenience stores that sell to underaged youth, including requiring that they terminate employees that do so.

Almost everyone alluded to the harmful health effects of smoking; many applauded the board's efforts and suggested that action needs to be taken to protect public health.

"We want to be on the cutting edge, not the bleeding edge, of this," said Alan Woodward, a local physician. "The point is, the public health is the number one priority."

Jonathan Shaer, executive director of the New England Convenience Store and Energy Marketers Association, said he'd been working to notify business owners of the proposed town tobacco ban.

"It's ironic that the birthplace of freedom is going to be one of the first places to take away products that are legal," Shaer said.

"It would have disastrous implications for business owners," Shaer said. "The reality is tobacco sales account for, very commonly, 50 percent of a typical convenience store's business and traditional tobacco is the lion's share of that."

Shaer noted that convenience stores don't just sell tobacco and cigarettes. They also sell necessities like gas, milk and bread.

Shaer said tobacco licensees in Concord have a 96% compliance rate.

"When you hurt their ability to remain in business you also hurt their ability to provide those services everyone else relies on," he said.

Monday's hearing in Concord comes roughly one week after the state's public health council adopted new restrictions on flavored tobacco and vaping products, and rescinded Gov. Charlie Baker's temporary ban on nicotine vapes.

Baker recently signed into law An Act to Modernizing Tobacco Control on Nov. 27., permanently banning the sale of all flavored tobacco products, including mint and menthol cigarettes.