

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

February 13, 2024

MEMBERS PRESENT: Sara Moore, Chair, Jeremy Schiller, Geri Yuhas, Datanis Elias, P. Kirby

MEMBERS EXCUSED:

OTHERS PRESENT: David Greenbaum, Health Agent

TOPIC

DISCUSSION/ACTION

1. Call to Order

7:02pm

**2. Approval of Minutes
(January 9, 2024)**

G. Yuhas motioned to approve the minutes. P. Kirby 2nd.

Roll Call Vote:

Sara Moore – Yes

Jeremy Schiller – Yes

Geri Yuhas – Yes

Datanis – Yes

Paul Kirby - Yes

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

3. Public Hearing on proposed new Regulation Of The Salem Board of Health Prohibiting the Manufacture, Sale, of Distribution of Synthetic Cannabinoids (Vote Anticipated)

S. Moore introduced the draft regulations and opened the floor to discussion of the proposed regulation.

G. Yuhas asked about paragraph 3 under Enforcement in the regulations, if the inspector finds three separate violations, does that mean the establishment can be fined three times?

D. Greenbaum explained that he believed he thought that like the tobacco regulations fines could be stacked in this regulation as well, however he would need to get clarification from Joyce Redford on this issue.

G. Yuhas asked if every day the fine was not paid did that constitute another violation.

S. Moore read the text of the regulation and thought it wasn't regarding whether the fine was paid or not but if the violation existed from one day to the next.

G. Yuhas felt this wasn't clear when reading the regulation.

J. Schiller stated that if you read number three depending on the number of violations you refer to number two, if you have a fourth violation with multiple suspensions you can't serve them concurrently, they would be served one after the other.

P. Kirby felt this was reasonably clear. He asked if the City Solicitor's office had an opportunity to review this regulation.

D. Greenbaum advised the Board that he had provided them to the legal department for review but did not receive any feedback prior to the meeting. He did add that the City of Beverly passed these regulations over the summer and that their legal department had reviewed them at that time. The City of Lynn as well as other communities in our collaborative were also looking at adopting these regulations. S. Moore added that these are basically identical to what the City of Beverly had passed.

P. Kirby pointed out there was a typo in the regulations, the word Beverly was still in the text and needed to be changed to Salem. D. Greenbaum will review both regulations to ensure there are no additional errors prior to finalizing them for signatures.

S. Moore asked if Beverly has encountered any issues since adopting these regulations. D. Greenbaum informed the Board he was not aware of any issues since their adoption of these regulations; however, they did have to take enforcement action under these regulations since they were enacted. He further explained that plans were in place to inform all businesses that could potentially be impacted of the adoption of these regulations.

S. Moore asked if the Board felt there was need for further clarification of paragraph 3 under enforcement. G. Yuhas stated she felt it had been clarified for her and she understood the intent of the paragraph.

J. Schiller thought it might be wise to double check with the City Solicitor. An inspection may show multiple violations and this issue may come up. This was this point of contention during the last tobacco hearing. It is more likely that stores are in violation with multiple problems.

D. Greenbaum explained that there is the possibility of this happening. In this instance he didn't think this was likely because in the last situation that store had multiple violations of several different kinds, single sales of cigarettes, out of state tax stamps, flavors, nicotine levels, and so on. In this case it may be multiple violations, but it would be of the same nature, I would see this as one violation unless it were so egregious it was felt it had to be dealt with harsher penalties. For instance, during a food inspection, I may cite several violations, but I may only issue fines based on the category of violation instead of the actual number of violations cited. We do have discretion in how we enforce the regulation.

S. Moore asked what a reasonable enactment date would be. D. Greenbaum thought June 1, 2024, would be a reasonable date for enactment.

J. Schiller pointed out another minor edit that would need to be made to the regulation.

**P. Kirby motioned that the Board approve with minor edits the Regulation Of The Salem Board of Health Prohibiting the Manufacture, Sale, of Distribution of Synthetic Cannabinoids effective June 1, 2024.
Second J. Schiller.**

Roll Call Vote:

Sara Moore – Yes

Jeremy Schiller – Yes

Paul Kirby – Yes

Geraldine Yuhas – Yes

Datanis Elias – Yes

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

4. Public Hearing on proposed new Regulation of the Salem Board of Health Restricting the Sale of Marijuana and Marijuana Products (Vote Anticipated)

S. Moore introduced this regulation.

P. Kirby wanted to confirm that this regulation is basically the same as the synthetic cannabinoids except this deals with actual cannabis.

D. Greenbaum explained that this was correct and that this regulation would have no effect on establishments legally licensed by the Cannabis Control Commission.

S. Moore asked what is the added benefit of the Board passing this regulation?

D. Greenbaum explained that currently there are no rules in place regulating tobacco retailers or unlicensed CCC establishments from having marijuana on the premises. Like unlicensed liquor establishments they are not supposed to have marijuana in the establishment, even if it is for personal use. It is against the law

for them to have it. This regulation would give us the ability at the local level to have enforcement action over stores under our jurisdiction we find with cannabis on their premises. There is currently a tobacco retailer in Salem that we know has marijuana on the premises and employees smoke marijuana in the store. J. Schiller stated this is an added way the Board of Health can be involved in the enforcement of this where there is already a mechanism through tobacco control. P. Kirby asked if there have been instances of marijuana sales like synthetic products? D. Greenbaum explained that he has not been made aware of any sales, however, Joyce is seeing a trend of marijuana in stores that are not licensed by the CCC.

P. Kirby motioned that the Board approve with minor edits the Regulation of The Salem Board of Health Restricting the Sale of Marijuana and Marijuana Products effective June 1, 2024.

Second D. Elias

Roll Call Vote:

Sara Moore – Yes

Jeremy Schiller – Yes

Paul Kirby – Yes

Datanis Elias – Yes

Geraldine Yuhas – Yes

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

5. Chairperson Communications

S. Moore advised the Board that Council Liaison Councilor Harvey would not be in attendance as he was on Cape Cod helping with storm recovery. She informed the Board that she is a member of the City's Food Policy Council and Councilor Varela who is the Council Liaison is looking into food rescue efforts to address food waste issues in the City. She wanted to make the Board aware of this as it may be something that comes before them or the department at some point.

6. Public Health Announcements /Reports/Updates

D. Greenbaum advised the Board that the FY25 budget has been submitted and his budget meeting with the Mayor is scheduled for March 4, 2024. There were no significant requests in the budget for this coming fiscal year.

D. Greenbaum updated the Board about the PHE/RFTH grant, and the staff that has been hired under that grant. He explained to the Board that because of this grant the department has been able to hire a sizable number of employees to support the region in delivering public health services. One of the effects of hiring these employees is that we have outgrown our office space, so I am looking at ways to maximize the space and examining alternative office locations, and updated them on the possibility of the department relocating to the Fire Prevention Bureau on Fort Ave.

S. Moore stated she thought it would be nice, based on the broad reach of the health department, that they be located somewhere out in the community and not downtown where everything else is located.

David also informed the Board that he is participating in the REACH Program consisting of 11 communities that meets monthly at the Federal Reserve in Boston. The last thing David discussed with the Board was the date of the March meeting. There are currently 5-6 appeals of tobacco violations, Joyce is unavailable on March 12th, does the Board have another date that would work for everyone? It was decided to try to schedule the meeting for Monday, March 11th. D. Greenbaum asked the Board if there was any concern over doing that many hearings in one meeting.

S. Moore stated it would be a long meeting. D. Greenbaum offered to schedule some in March and the rest in April. It was decided to conduct all tobacco hearing during the March meeting.

S. Moore asked if it would be possible to add language to the meeting invitation stating that if you are not appealing the violation occurred, the Board has no discretion to dismiss the violation.

Discussion took place about if it would be appropriate to add such language. I was decided that the Board didn't think it was necessary to add language of this nature to the meeting invitations.

7. **Administrative Report** Copy available at BOH office.

8. **Council Liaison Updates** NONE

9. **New Business/Scheduling of Future Agenda Items** NONE

10. **Items that could not be anticipated prior to the posting of the agenda.** NONE

MEETING ADJOURNED: **G. Yuhas motioned to adjourn. D. Elias 2nd.**

Roll Call Vote:

Sara Moore – Yes

Jeremy Schiller – Yes

Geraldine Yuhas – Yes

Datanis Elias – Yes

Paul Kirby – Yes

Motion passed by a vote of 5 to 0.

Meeting Adjourned: 7:52 PM

Next regularly scheduled meeting is Tuesday, March 5, 2024 at 7:00pm at City Hall Annex, 98 Washington Street, 1st Floor, Salem, MA

Respectfully submitted,

David Greenbaum
Health Agent

