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Needham board votes to ban tobacco sales in pharmacies

Posted July 15, 2009 11:00 AM

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By Kathryn Eident and Matt Rocheleau, Globe Correspondents

Starting this October, Needham's pharmacies will no longer be selling cigarettes and other tobacco paraphernalia to local residents.

It is the third Massachusetts community to do so. Boston voted to ban sales last year, followed by Uxbridge, according to a local anti-tobacco activist. State legislation has also been filed.

"We certainly are supportive of it," said Russet Breslau, executive director of Tobacco Free Mass. referring to the ban passed in Needham. "We think there's a contradiction for pharmacies profiting from tobacco sales."

For those who would argue that such restrictions won't prevent people from smoking, she said, "It's a step in the right direction."

The Needham Board of Health voted 2-0 Tuesday to ban cigarette sales in local health-care institutions, saying that the sale of tobacco products conflicts with their mission to promote health and well-being, said Board of Health Chairman Dr. Stephen Epstein.

"It's a comprehensive tobacco control regulation," he said in a phone interview. "We're not just regulating sale of cigarettes but all tobacco products in town."

The ban primarily affects the three pharmacies in Needham, though these stores were not singled out in the new regulations, he said.

The new rules are consistent with state regulations allowing pharmacies with in-store clinics to be considered health-care institutions, and are modeled after initiatives to ban cigarette sales in Boston and San Francisco, he said. The rules are in addition to local regulations that prohibit the sale of tobacco products to people under the age of 21, he said.

(Read Globe coverage of Boston's ban on cigarette sales in pharmacies, [HERE](#).)

"We looked at the regulations and were concerned with the marketing of new tobacco based products containing nicotine to minors, blunt papers in particular," Epstein said. "Many of many of these products are flavored, packaged attractively and don't taste like tobacco."

The Needham vote comes after several months of public hearings and deliberations, he said. The Board's third member, Dr. Peter Connolly, was absent from the meeting and did not vote, though he has expressed support for the regulations in the past, Epstein said.

"I'm reasonably confident he's in support of this measure," he said.

The new Needham regulations take effect on October 1st.

Meanwhile, legislation for a statewide restriction on the sale of tobacco products in pharmacies has a "very favorable outlook," according to Don Siriani, Sen.

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Susan C. Fargo's chief of staff.

Fargo, D-Lincoln, and Rep. Sean Garballey, D-Arlington, support identical bills filed in January titled, "An Act Restricting The Sale Of Tobacco Products At Locations Where Health Professionals Are Employed."

"The bill has a lot of support in the House and the Senate," said Garballey.

Fargo hopes the bill, which is currently in committee, will reach the Senate floor by the upcoming fall, though "it's impossible to say," when the bill could reach the governor's desk for final approval, Siriani said.

According to the legislation, "The Act shall take effect on October 1, 2010," if approved.

"The concept here is that people go to a pharmacy to maintain or increase their health ... there are no other products in pharmacies that have a detrimental impact to a person's health the way tobacco does," said Siriani.

"It's a unique bill in terms of restricting where a product can be sold," he added. "[But], it's not meant to stop people from smoking."

The legislation is also supported by the Massachusetts Medical Society (MMS), which testified in favor of the bill on June 16 before the Joint Committee on Public Health.

"The Society said it recognizes that this legislation would not end the sale of tobacco products, but it said it 'would send an important health message to our patients and be another step in saving lives and in reducing illness and the cost of health care in the Commonwealth,' according to a statement from MMS.

The bills are Senate Bill 813 and House Bill 2054.

The Uxbridge Board of Health passed Article XXVI, "Board of Health Regulation Restricting the Sale of Tobacco Products in any Educational or Health Care Institution" on May 7, which went into effect on July 7. Pharmacies are included under "health care institution."

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13 COMMENTS SO FAR...

1. What exactly does this accomplish? If someone wants to smoke they will smoke. Now they just make an extra stop at the gas station on the way home. Pretty scary when something is modeled after San Fran. Stop the nanny state madness.

Posted by fan66 July 15, 09 12:56 PM

2. wow, they don't have a lot to do over in Needham except collect all that industrial real estate property tax revenue, huh?

let people smoke who want to smoke and stop making it more difficult for them to obtain cigarettes. it doesn't do a thing to deter smoking and you're not helping the community in the least.

pharmacies with in store clinics are NOT health care institutions; they are stores with pharmacies in them. an "in store clinic" means a pharmacist answers questions about meds; it has nothing to do with speaking to a doctor about an actual problem. how about reigning in pharmaceutical companies from marketing drugs as being able to treat symptoms anyone can experience on an everyday basis instead of limiting tobacco use?

Posted by FJ July 15, 09 01:02 PM

3. If there is only 2 people voting can it really be considered a Board ?

Posted by RS July 15, 09 01:06 PM

4. can they do that? tell stores what to sell and what not to sell (considering they are selling a legal product). It's a bit ridiculous. What's next? they will decide whether whole milk should be banned from being sold in Sudbury Farm and everybody should buy a low fat milk to promote good diet.

Posted by dg July 15, 09 01:32 PM

5. There are pharmacies that have clinics in them, that you are talking to a medical personel. I am not sure about the pharmacies in Needham though....

Are these pharmacies also getting rid of soda and candy? If "health" is the reason why they are getting rid of them, there are a lot of other items that should be eliminated from the pharmacies.

Posted by Skulley July 15, 09 02:04 PM

6. 48 employees make over 100k. Maybe I should apply for one of those highly-paid do nothing jobs. I might even be able to point a machine gun at world-recognized peace activists.

Posted by Greg Chase July 15, 09 02:09 PM

7. Seems like the same xx.....I don't like it, so you can't do it.
Can anyone really say that we are not on the road that leads to Socialism?
Wake up before it is to late ;-(

Posted by RF July 15, 09 02:20 PM

8. Whether you smoke or not, tobacco is LEGAL. Boards of Health should not be telling business owners they can't sell legal products. Boston did it and now Needham. In my opinion, this is just more governmental interference in our daily lives. Freedom of choice is being eroded away by these quasi governmental agencies.

Posted by Don July 15, 09 02:40 PM

9. And the moral if not legal rationale for such a law is?

Posted by dave July 15, 09 02:45 PM

10. Just go next door to your local convenience store and buy rolling papers,hollow cigars, and all the other good drug paraphenailia. I guess thta's "Ok"

Posted by Richard Crowley July 15, 09 02:46 PM

11. I always thought Needham was a moderate town as I have family roots that go back there over 40 years. I guess Needham is now known as another Peoples' Republic: Brookline, Cambridge, Amherst, etc. I am glad I left Mass. many years ago...GD liberals!

Posted by John Dunn July 15, 09 02:46 PM

12. How PC of Needham. Will they conced that portion of the cigarette tax they get in local aid? Hypocrits one and all!

Posted by XENOPHONIC July 15, 09 02:55 PM

13. I am anti-smoking personally and previously my infant daughter was negatively affected by the second-hand smoking of a downstairs neighbor in an apartment we rented; HOWEVER, a law that effectively bans the sale of cigarettes, etc by the three in-town pharmacies without banning such sales from all stores in town, is simply damaging the business of these pharmacies and "assisting" the sales of such products in every other store in town that sells them. A red herring.

Posted by Scott July 15, 09 04:40 PM

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