

Illegal Tobacco Task Force Meeting #47 Minutes

Meeting Date: Thursday, February 28, 2022

Meeting Time: 1:00PM

Meeting Location: WebEx conferencing, dial (408) 418-9388, Meeting ID# 2330 371 2993

Board Members Present: John Hayes (Co-Chair), Detective Captain Brian Connors (Co-Chair), Patricia Henley, Michael Sweeney, Susan Terrey, Anna Lumelsky and Nicholas Ogden.

Call to Order:

- Meeting was called to order at 1:05 PM by Mr. Hayes.
- Mr. Hayes informed all participants that this meeting will not be recorded by WebEx and that notes will be taken to complete the minutes. He reminded everyone to mute their phones and/or computers to limit background noise.

Opening Remarks:

- Mr. Hayes thanked everyone for attending and indicated that the meeting will focus solely on finalizing the Annual Report to the Legislature. Mr. Hayes stated that this meeting will be limited in discussion among the Task Force members and will not be open to public comments, and that there will be meetings in the future where the public will be invited to provide input on a range of issues.

Approval of the minutes for Meeting #46 on February 17, 2022:

- Mr. Hayes emailed a copy of the minutes for Meeting #46 to the Task Force members prior to this meeting. He received a response back regarding typos that he corrected. Mr. Hayes asked the Board if there are any additional corrections or edits to be made and hearing none, he asked for a motion to approve. Michael Sweeney approved. Sue Terrey seconded the motion. Mr. Hayes stated that with no objection, the minutes are approved.

Review and Vote on ITTF Annual Report to Legislature:

- Mr. Hayes stated that he emailed a revised draft of the Annual Report to the Task Force prior to the meeting. He shared his screen with the Task Force to review of the revised draft Annual Report. Mr. Hayes indicated that aside from changes made during the last meeting, the new revised draft does not contain any substantive changes, only formatting, grammar and word changes.
- Mr. Hayes indicated that he is open to discussion among the Task Force to suggest substantive final changes or edits based on their review. Ms. Henley indicated that she has a recommended edit for section C, at the top of Page 8, requesting that the suppositions related to the decline of seizures be taken out, because we do not actually know the reasons for the decline. Ms. Henley asked for the entire sentence to be taken out. Mr. Hayes asked if anyone has any objections to taking the sentence out. There were no objections from the Task force. Mr. Hayes stated that he is okay with striking that sentence and explained that we may never have sufficient data to explain the decline, but we will continue to investigate. Mr. Hayes stated that the sentence beginning with "The decline" will be stricken
- Mr. Hayes asked if there were any other edits. Ms. Henley mentioned a recommended edit to the paragraph beginning with "The increase..." in seizures and decrease in revenue. She stated this too could be related to a decrease in consumer demand due to the lack of certain products as opposed to smuggling. Nicholas Ogden

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stated that he is fine with the way it reads. Mr. Hayes explained that the lack of certain products for sale is contained within the decrease in revenue, but that less revenue (or product availability) coupled with increased seizures is one indication of smuggling. Mr. Hayes stated our focus is documenting the events rather than making assumptions. After further discussion, Ms. Henley stated she approved leaving the paragraph as drafted. Mr. Hayes asked if there were any recommended edits. Detective Captain Brian Connors stated he had none. Mr. Hayes stated that with the one change by Ms. Henley in section C, there are no other changes to be made to the Annual Report to the Legislature.

- Michael Sweeney made a motion to approve the report. Detective Captain Brian Connors seconded. Mr. Hayes stated we will have a roll call vote by each Task Force member and reminded the AG office that they have one vote even though they have two designees on the Task Force. Mr. Hayes stated that the members may vote yes, no, or abstain on whether to approve the Annual Report. Roll call was as follows:

Massachusetts State Police – **Yes**
Department of Public Safety – **Yes**
State Treasurer – **Yes**
Department of Public Health – **Yes**
AG office – **Yes**
DOR - **Yes**

- Mr. Hayes stated that the Annual Report is approved (6 votes in favor, none opposed) and that he will arrange to have the report submitted to the Legislature on 3/1/2022 (both by email and US mail).

Update from Member Agencies:

- Mr. Hayes asked if there were any updates. None were stated.

Other Business:

- Mr. Hayes indicated that as he mentioned during the last meeting, he would like to begin a review of the state tobacco laws to make a recommendation to the legislature of any legislative or regulatory changes necessary to strengthen operations and enforcement efforts or reduce or eliminate any impediments to those efforts. Mr. Hayes suggested that the Task Force narrowly tailors its review of the tobacco laws so that it stays true to the core mission of combatting contraband tobacco smuggling. He proposed that the Task Force doesn't seek to overhaul every tobacco enforcement statute but will review all statutes and collectively select the top 10 that would further the Task Force's mission if revised.

Closing Remarks:

- Mr. Hayes thanked the Task Force members for attending and stated that he appreciated everyone's hard work. Mr. Hayes will submit the Annual Report to the legislature on behalf of the Task Force. Mr. Hayes stated we will plan to have the next meeting at the end of March. The meeting adjourned at 1:30 PM.