

# Illegal Tobacco Task Force Minutes

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**Meeting Date: September 26, 2018**

**Meeting Time: 10:30am**

**Meeting Location:** 100 Cambridge Street, 2<sup>nd</sup> Floor, Conference Room A

**Board Members Present:** Kajal Chattopadhyay (Co-Chair), Det. Capt. Steve Fennessy (Co-Chair), David Solet, Amber Villa, Thomas Bocian, Patricia Henley.

**Others:** Scott Delaney, Molly Slingerland, Carrie Wade, Maggie Cohen, Dan Less, Elise Yannett, Gabrielle Viator, Diane Knight, Lisa Dell'Anno, Collins Muniu, Josh Brabazon, Chris Cichelli, Lee Humphries, Alex Finkel, Brenda McConville, Evan Garcia, Julie Flynn

## **Call to Order:**

- Mr. Chattopadhyay called the meeting to order at 10:44am, giving opening remarks and thanking new guests for attending.
- All members of the Task Force were called to review meeting minutes from the previous meeting.
  - Motion to approve: Mr. Solet
  - Seconded: Mrs. Villa
  - Task Force voted unanimously to approve the previous meeting minutes.

## **Housekeeping Updates:**

- Mr. Chattopadhyay gave a brief overview of the legislative action on Beacon Hill. Due to the late issuance of FY19 budget, a lot of bills were not considered, including the Task Force's comprehensive tobacco legislation (H4065).
- The Task Force was level funded for FY19 and financial ISAs have been drafted and executed by member agencies that are receiving Task Force funds.
- The Task Force's tobacco legislation (which was held up in the House Ways & Means Committee this session) will be reintroduced in 2019, at the opening of the new legislative session.
- Mr. Chattopadhyay also informed the Task Force of the retirement of State Police Capt. D'Amore, who was a key member of the Task Force's investigative operations. As a result of Capt. D'Amore's departure, the Attorney General and State Police are creating a division for tobacco enforcement, which will work closely with the Task Force. DOR conducted a training program for the State Troopers in the division, which was well received and well attended.
- In case news, a defendant in a Task Force investigation and prosecution recently pleaded guilty. For a period of years, the defendant purchased tobacco products at Hanscom Air Force Base (without paying the applicable MA tobacco excise tax) and then re-sold those tobacco products at his tobacco retail store in Woburn without collecting and remitting the appropriate MA tax.

As a result of the plea, the defendant was sentenced to a term of probation and was ordered to pay approximately \$400,000 in restitution, which represented the outstanding tax and penalties.

- The Governor signed a bill into law which will increase the age to purchase tobacco products in MA from 18 to 21 years old. The increased purchase age will be phased in over several years. Notably, the new law will apply to traditional tobacco products (cigarettes, smokeless, cigars, etc.) in addition to vape products and e-cigarettes.
- Mr. Chattopadhyay stated that the new law does not require vape sellers to be licensed by DOR or impose any taxes on sales of vape products in MA.

#### **FDA Follow-up/Discussion:**

- At a previous meeting, the Task Force asked the FDA if they could provide a sample of stamped smokeless tobacco product for their review/approval. They agreed to review a sample.
- Mr. Finkel and SICPA/USI are working to have a sample ready to provide immediately.

#### **Vaping Presentation – DPH/AGO:**

- Diane Knight from the Northeast Tobacco Free Community Partnership, together with representatives from the AGO and DPH, were invited to give a detailed presentation on vaping and its popularity among school-age youth.
- During Mrs. Knight's presentation, she discussed the multitude of flavors of vape cartridges that are available which, she explained, are particularly appealing to minors.
- Last year, she states, was a very busy year for her organization being asked to speak at schools (as early as elementary) to educate students and staff on the effects of vaping.
- The presentation also included examples for the Task Force to see/touch, and learn what is currently on the market both in stores and online, as well as the equivalency of vaping to a traditional pack of cigarettes. According to Mrs. Knight, one vape "pod" is the equivalent of an entire pack of cigarettes. Some kids/teens finish a pod every day.
- Mrs. Knight's organization, along with DPH and AGO, have done a lot of outreach with schools directly and in promotional material. The "Get OUTraged" campaign is a notable ad campaign run by DPH.
- During the presentation, representatives from the AGO also discussed at length the underground/illegal activity that is taking place online, the lack of age verification on some popular websites and several cease & desist orders that are currently in place in MA.
- An in-depth discussion followed, including questions revolving around civil and criminal penalties, establishing authority around regulating vaping, the transition from traditional tobacco to vaping and the effect on tax collections, and the need to require vape sellers to be licensed to facilitate law enforcement.

#### **Other Business**

Next meeting was agreed and set for Nov. 13, 2018 at 10:30am

Meeting was adjourned at 12:13pm by Mr. Chattopadhyay.