



**TO:** Robert W. Healy, City Manager  
**FROM:** Claude-Alix Jacob, Chief Public Health Officer  
**DATE:** March 6, 2013  
**SUBJECT:** Response to Policy Order #9, adopted 1/28/13

**Excerpt of Order:** That the City Manager be and hereby is requested to confer with the Cambridge Public Health Department and report back to the City Council on the status of any similar regulation [to ban tobacco sales in pharmacies and drug stores] under consideration. (Full text: [www2.cambridgema.gov/cityClerk/PolicyOrder.cfm?action=search&item\\_id=37152](http://www2.cambridgema.gov/cityClerk/PolicyOrder.cfm?action=search&item_id=37152))

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Many communities in Massachusetts and across the country have adopted stricter local regulations over the sale and use of tobacco in recent years as the true social and health care costs associated with smoking becomes have become increasingly apparent.

These local laws and policies fall into four general categories:

1. Restriction of smoking in public places, on the basis that second-hand smoke has an unwanted, potentially harmful impact on individuals who have not made the decision to be exposed to tobacco smoke.
2. Restrictions that attempt to limit illegal purchases of tobacco products by youth (under 18) before a lifelong habit is established.
3. Restriction or prohibition on the sale of tobacco products deemed to target younger consumers, such as single-cigar products that are sold at prices affordable to teens.
4. Limitations or restrictions, along with tobacco taxes imposed by the Commonwealth, that are intended to escalate the difficulty or expense of smoking in order to reduce adults smoking rates.

Laws that prohibit the purchase of tobacco products in pharmacies have been promoted on the principle that businesses employing health professionals should not be vending such harmful products, and fall within the fourth category listed above. These local regulations attempt to prohibit an otherwise lawful activity (i.e., the purchase of tobacco products by an adult) on the principle that the act of smoking itself causes harm to society through associated medical costs.

### **Cambridge Tobacco Ordinance**

Cambridge enacted one of the first ordinances in the state to prohibit smoking in all workplaces (Chapter 8.28, 2003) and, in doing so, helped create significant momentum towards an eventual state law of similar scope. More recently, Cambridge has actively pursued stricter rules on smoking in public outdoor spaces through a working group, chaired by the Deputy City Manager. The working group completed its review of this issue in fall 2012 and is prepared to recommend changes to the current ordinance, including elimination of smoking in outdoor seating areas where food and drink are served (e.g., restaurant and bar patios on private property) and prohibiting smoking in all city parks, playgrounds, open recreational spaces, and at city-licensed outdoor events.

In fall 2012, Cambridge Public Health Department (CPHD) staff met with representatives from the Massachusetts Municipal Association and Health Resources in Action, which operates a



state-funded tobacco prevention program, to review a broader series of possible changes to the Cambridge tobacco ordinance that would further limit access to tobacco, as well as locations in which smoking would be allowed.

### **Other Cambridge Tobacco Control Initiatives**

In a non-regulatory capacity, the Cambridge Public Health Department has worked with large institutions, such as the City of Cambridge, Cambridge Health Alliance and the Cambridge Housing Authority, to develop internal smoking policies and, in some cases, mobilize cessation support among employees or residents who would be affected by these policies.

While the City and the Cambridge Health Alliance have established smoking prohibition on some or all of their properties, the Cambridge Housing Authority is still working through a process for a smoking policy that would cover some or all of its residential sites. CPHD is collaborating with smoking cessation specialists at the Cambridge Health Alliance to identify resources that can support housing authority tenants who would like to quit smoking.

Under a regional Community Transformation Grant, CPHD is working with other members of the Six Cities Tobacco Control Collaborative to identify strategies for increasing the number of private sector smoke-free housing units by advocating adoption of smoking prohibitions within tenancy leases.

### **Recommendation**

To develop an updated tobacco policy for Cambridge that takes into consideration new approaches for reducing the prevalence of smoking among individuals and impacts on non-smokers, CPHD recommends that the Tobacco Advisory Committee, referenced in the existing ordinance (Chapter 8.28) and intended to stay in effect for one year after passage of that ordinance on June 9, 2003, should be reconstituted as a standing policy committee with wider representation from municipal and community stakeholders. Once convened, this committee, with guidance from the health department, will review possible changes to Chapter 8.28 from all four policy categories listed above, including the sale of tobacco in pharmacies, and will forward its recommendations to the City Council by September 2013.