

# Tobacco Use Prevention and Control

## Commission Meeting Minutes

December 7, 2012

AARP Boardroom, 600 E. Court Avenue Des Moines

9:00 a.m. to 12:00 p.m.

### **Green is items are action items**

#### **Voting Members Present**

Cathy Callaway-Chair

Thomas A. Greene

Shirley Daniels

Chad Jensen

Mikki Stier (*on phone*)

Bethany Dykes, I-STEP

Gary Streit

#### **Voting Members Absent**

#### **Non-Voting Members Present**

Senator Herman Quirnbach

Matt Gannon

John Culver, I-STEP

Dennis Janssen

Rep. Kevin Koester

#### **Non-Voting Members Absent**

Molly Hammer

Rep. Mark Smith

Senator Robert Bacon

**Tobacco Use Prevention and Control (TUPAC) Staff:** Meghan O'Brien, Garin Buttermore, Jerilyn Oshel, Sheri Stursma, Maggie O'Rourke, Sieglinde Prior, Don Owens, Joanne Muldoon,

**Guests:** Megan Aucutt (CITP), Micki Sandquist (ALA), Natalie Ginty (IDPH), Deanne Decker (IDPH), Karen Freund (ABD), Stephen Larson (ABD), Cassandra Furlong (ACSCAN), Threase Harms (CAFÉ Iowa CAN), Dane Schumann (Café Iowa CAN), Aaron Todd (LSA), Robbyn Graves (Dubuque Community Partnership), Stephanie Strauss (ABD)

## I: Introductions

Cathy Callaway

- Call for Additions to Agenda
  - Chad suggests that the format of the meetings be more detailed. Especially under old business, bullet out a,b,c,d of what old business items are. Pull out 'to do' lists from last meeting and put in Old Business, for example.
  - Also like agenda to go out 2 weeks earlier so that Commission members can be asked to add agenda items if needed. The rest of the Commission agrees that this would be helpful. Additional agenda items, suggested by Commission members should be sent to Cathy by January 18. Since Jan 25<sup>th</sup> is next Commission meeting, agenda and minutes need to be sent to Commission members by January 11<sup>th</sup>.
  - Chad moves to Gary second to add items to agenda
    - FY 12 budget line items
    - Strategic Planning for IDPH
    - Commission members receive information sent out by TUPAC.

## II: Approval of Last Minutes:

- September 21, 2012 Minutes: Move to approve: Thomas Greene, Chad Jensen second, Unanimously Approved

## III: Old Business:

Cathy Callaway

- Performance Evaluation Metrics
  - Performance Evaluation: Chad, Gary and Cathy met and started a process for this item. They plan to meet again on January 10<sup>th</sup> and January 16<sup>th</sup> so they can submit a draft for Commission approval. They have agreed on four goal areas: Communication, Budget - fiscal management, Planning - policy, and Professional development. The team will also reach out to the IDPH HR to make sure their draft fits a standard format and also connect with Heather Adams to make sure they are in-line with Commission responsibilities
- Strategic plan for IDPH: **Meghan O'Brien**
  - The Strategic Plan for IDPH is now set to be complete by the start of the next state fiscal year. The process is very thoughtful and should be excellent. The approach is to identify core services of public health and make sure that those services can be continued in face of possible budget cuts. Next the plan will identify what programs complement those core services and lastly to identify what programs are not related to a core function. Tobacco fits into the core of public health very well. Changes to the TUPAC haven't come up and aren't on the table.

Cathy: Is the plan open for the Commission or public health community to comment on?

Meghan: Not speaking for IDPH's Director or other Division Directors but I believe it is an internal strategic plan right now. When it is made public we will see where our partners can complement what we're doing. This will also be a part of our CDC planning. A statewide tobacco control strategic plan, by December 2013, is going to be part of that CDC plan. The Commission will be a part of the CDC strategic planning process.

Sen. Quirnbach: I hope that outside allies would have a chance to look at IDPH's strategic plan before it is finalized as they have important insight as to which goals would be helpful.

Meghan: I'm sure there will be an opportunity for public input on the policy part of the document. The operational section, which is about the functioning of IDPH, will remain internal. The plan is not meant to be a private document. Anything that has to do with policy or the health of Iowa's will be public.

Gary: I would like to echo the Senator's comments and early input is important. What is meant by the operational section? This Commission has, in code, more responsibilities than some other boards.

Meghan: Operational details examples would be how IDPH divides indirect funds or staffing issues like professional development. When it comes to the plan talking about the goals for TUPAC, the Commission would have input.

Rep. Koester: I like in your site visit summary the focus on Quitline and the plans to expand into the web and social networking. Regarding Smoke free Multiunit Housing (SFMUH) which is also mentioned in the summary, there are a lot of state money related to tax credits and I'd like to know IDPH's and Commission's view on that concept and whether or not that policy is strong, weak or even needs to be on the legislature's radar?

Meghan: A lot of the push for SFMUH came from a CDC grant and there is another division in IDPH that is working on this. We are collaborating with them. I would like a policy that ties this to tax credits. If you look at the work of the Iowa Finance Authority there are opportunities for a statewide incentive to promote this as well as all of the local work that is going on. I think it would be great if this could be on everyone's radar. There is not a lot of push back on this; it's a win-win for tobacco control.

Rep. Koester: I have a meeting today with Deb Thompson with IDPH and later with EDA and others who work on tax credits. I'm not fully equipped to advocate for this yet but this information is helpful and I'd love to look at a policy piece if you have one. This wasn't on our agenda but maybe it should be.

Meghan: I'd be happy to give you more information. There is a lot of data available from when I worked at ISU which would be helpful to the people Rep. Koester is going to speak with.

Cathy: It would be good to have a more in-depth discussion about this topic. We want to make sure we're providing adequate cessation services so we're not creating a housing issue.

- Commission Members Receive Information:

- This topic is about what information wasn't sent with Commission minutes which is important to Commission members. An example is the press release that was sent out between the last meeting and this one. TUPAC staff should send this information out rather than sending it to Cathy to send out.

Meghan asked for formal guidance on what exactly is expected.

Sen. Quirnbach: Any information sent to the press should be sent to Commission members before the press so the Commission can prepare. Also information sent to press should be broadly consistent with the direction the Commission has set.

Cathy: Another example of a way to keep the Commission in the loop; sending the information to the Commission about the meeting with the contactors. And, since the legislative session is fast approaching, please send us any fact sheets, graphs, etc., that IDPH has created so that the Commission and IDPH can be consistent. This was mentioned in the last meeting by Gary.

Gary: This shouldn't be "make work" but if it's already being made internally please send it to everyone else.

#### **IV: New Business:**

**Cathy Callaway**

- 2013 Commission meeting dates: (in packet)
  - Need to check on date in May to make sure it's a Friday and that it isn't a holiday. The 31<sup>st</sup> of May seems to work for everyone.
  - May need to revisit July Commission as the 26th is during RAGBRAI week (Chad may or may not be doing RAGBRAI)
  - Rest of schedule looks fine

- Anti-lobbying guidelines:

**Meghan O'Brien**

- There was a very specific change to taxation of a legal product. The bottom of the first page is where it is found, the last bullet point. "Section 503c..."

Cathy: These are lobbying restrictions on CDC grantees which would include TUPAC and TUPAC staff. This does not include private citizens of Iowa.

Sen. Quirnbach: Individual members of the Commission, speaking on their own, are not grantees, which means they can speak. The staff of TUPAC, as far as lobbying and advocacy are concerned, can provide information. Providing information on research is not advocacy.

Gary: This applies to federal money?

Meghan: The reason I'm giving you this is because we get both state and federal money. Under the previous grants some of our CPPW contractors could provide a call-to-action, which we cannot do now.

Cathy: This is not just an IDPH restriction. This is a nationwide restriction.

Gary: If we are speaking individually we need to say.... “We are a concerned citizen...” or can we say “As member of the Commission...”

Cathy: The Commission is not a grantee so you can use the Commission

Sen. Quirnbach: This restriction applies to CPs but they can still provide factual information.

Meghan: It’s important for public health in general, not just TUPAC, to be seen as the ‘factual source’. Losing credibility would result in fewer people getting flu shots or taking precautions in a pandemic.

Sen. Quirnbach: TUPAC and the Tobacco Commission are founded on a policy of reducing smoking. We are not neutral about that. We can provide information, which is factual, to that end. We can’t say ‘we want you to increase taxes’.

## V: Director’s Update

Meghan O’Brien

- Budget:

- The budget is what was inherited July 6. We don’t know any more about sequestration than you could find on any cable news show. The federal side of our budget is a moving target.

Cathy: Before we get into the FY 13 budget can we get a FY 12 ending line item budget? WE have not seen any of the details regarding that budget. Please distribute that electronically to the Commission. The federal budget is a moving target but the state funds should be stable.

Meghan: Any shifts in the state funds would be between line item shifts. But as soon as I have info I will send it out, even between meetings.

Gary: I’m just having a hard time finding where the federal funds are getting spread. Going across the columns are just raw dollars, not functional budgets. I believe I’ve answered my own question. This is inadequate for planning. I understand what the Department of Management expects but I would like a more readable version like, ‘This is what’s coming in, this is what we’re spending it on, and here’s what we’re getting for what we’re spending.’ Something like that would be transformative.

Meghan: I agree that this layout is not ideal. When we’re telling the story of tobacco control in Iowa this budget layout is not the way we should be telling that story.

Gary: It’s an embarrassment to the state that the state workers are paid with federal funds rather than the other way around.

Cathy: I think this is because the federal dollars have seemed more stable. Federal dollars were also in place before state dollars in tobacco control. Also note that the first 2 columns go away in March. Is that right?

Meghan: You can see the funds that won’t be carried forward. The first column of Federal funds is our cooperative agreement between tobacco and diabetes. Columns to the right of that are also Federal and show when they are ending. This is changing to be just tobacco rather than diabetes and tobacco. These funds will be competitive after next fiscal year.

Cathy: Do you have an idea where we are in spending down our budget dollars?

Meghan: We are on track and we shouldn’t run out. It’s hard to say more because of the things that are going on at the Federal level.

Cathy: Even if it’s not completely up to date it would be helpful to see where we are in spending down the budget. Especially with the CDC running “Tips from Former Smokers 2”

this January. "Tips from Former Smokers" got our Quitline budget in a little trouble last year. Tom: It's important, from an administrative standpoint, to plan to spend the whole budget.

Cathy: We have seen that if TUPAC doesn't use its budget it will be reduced in the next year.

Sen. Quirnbach: I understand what you're saying but please don't spend just to spend, rather spend what is needed and give back what we don't need. That gives credibility to asking for more money when it is needed at a later date.

Cathy: Having the numbers would allow us to give input on the budget.

Rep. Koester asked about the money given to ABD.

Meghan: This is for the SYNAR compliance checks. We have a cooperative agreement with them to do that work.

Cathy: Next fiscal year for FY 14, it's my understanding that IDPH has made a request for an additional \$50,000 for youth programing.

Meghan: This is social marketing aimed at reducing tobacco use. This is to make a commitment to social media to reach youth where they are.

Cathy: What was the total amount of funds for next fiscal year asked for by IDPH?

Meghan: Same as this FY plus \$50,000. We are also not, as IDPH, renewing our marketing umbrella contract. This will allow us to work with other contactors and give us more internal creative freedom. We are working to build internal capacity.

Cathy: The SMART money will be used in-house? And the youth will have major input.

Meghan: Yes. Garin has been moved to full time youth prevention, we have plans to add a paid intern to help implement a social media presence. We've also increased the youth budget from when I started in July 6. Jerilyn has taken on Garin's old partnerships and is now our lead CHC.

Cathy: We've seen information in the media about our state budget being 'flush' so it might behoove us to speak with our legislators about returning funding to TUPAC to pre-recession levels.

- Quitline Iowa

- Jerilyn and I (Meghan) are co-working on Quitline. I have taken over some of the duties of Quitline since Jerilyn has new counties and is field staff. Two dashboards are given in your packet. I'm excited how the web only numbers are reaching a much younger demographic than traditional Quitline.

Jerilyn: The number for October is before the service was even announced.

Meghan: Our contractor says we are getting good results and the services are much less expensive than phone services. Couple that with a younger demographic and the results could be huge in reducing prevalence rates. We've contacted Heather Adams about our youth consent laws and whether or not they allow QL to offer services to minors. Right now our youth consent laws prohibit Quitline from offering services to minors.

Rep. Koester: Does a person have to identify their age when on web?

Meghan: Yes, to receive full services. A person could say they are 18 and receive services but currently, if they are minors and honest they can't use the Quitline.

Sen. Quirnbach: Where does that restriction comes from?

Meghan: It is the youth consent laws as they were explained to me by Heather.

Sen. Quirnbach: We need to look at this. Let's look at this and see if we can get this change.

Meghan: The science doesn't say that youth cessation is effective but it's more the message

this sends. We don't want to give up five years of a young person's life to tobacco companies' information.

Cathy: There is limited data on effective youth cessation. We're better off on the prevention end but it is worth looking at to allow youth to access cessation services. What is the data about online counseling?

Meghan: It's new but there is promising data from gambling treatment and substance abuse. We will be looking at this and have already factored it into our evaluation of Quitline. We should also keep in mind the difference between the demographic who will be using this web service as opposed to the traditional Quitline caller and how that may affect success rates. A middle-aged woman may be more likely to quit than a person in his/her 20s.

Cathy: Evaluating this will be very important. Will UNI be doing a check in at 3, 6, 9 months?

Meghan: That would require an amendment to their contract. Alere also has the ability to evaluate this. I am asking Alere to attend the January meeting to give us a demo of the web based program. We are also working on other ways to get more people access to these web based services. Quitline Iowa is also doing a Facebook page for us which they will manage. It will provide badges to support their quitting.

- CDC Site Visit November 1<sup>st</sup>

- The site visit went well. It occurred in conjunction with our CP Meeting. I've included the letter that was received after the site visit in your packet.

Gary: What does it mean when the author of the letter wrote that all schools are tobacco free (TF)

Meghan: That is not accurate. We think that they were confused between the Smokefree Air Act and how that applies to schools.

Meghan: If you have questions about letter later, please contact me.

- Evaluation of November 2<sup>nd</sup> Contractor's meeting

- It is Important to me (Meghan) to understand what the Community Partnerships (CPs) wanted from TUPAC. The survey was a way to gauge this and the results were overwhelmingly positive. This is good news since the CPs are a key resource we have as far as public health in the state. The partnerships should be seen as a resource for tobacco prevention at the local level, especially as the ACA starts to come into being. The feedback I heard most often was that TUPAC is now coming from a place of yes rather than always saying no.

Gary: There seems to be frustration with the youth programing and it seems to come from a lack of resources. This should be instructive towards some of our budget priorities.

Meghan: I've heard some of this anecdotally and that's another reason we're increasing youth prevention focus. There are a lot of important things that are happening.

John and Bethany: We haven't seen the video yet. We're a little nervous about it.

Shirley: I appreciate the information you've provided to us from the survey. Education is important in prevention especially at the elementary level. Seems like it is not a good plan to only focus on helping them quit later rather than preventing them from starting early.

Meghan: This is an important planning tool and will be useful to you as the Commission too.

Cathy: Is there another planned meeting?

Meghan: We haven't had a chance to plan a new meeting as this survey just closed. But we do have a webinar planned for Thursday to educate about Quitline Iowa. I would also like to do more site visits so I can see and then talk about all the great work that the CPs are doing.

- Administrative Rules

- We met with Heather Adams and some internal people in IDPH and received some recommendations for changes to the admin rules. Sheri put together those changes and left areas for input from Commission members. We were trying to reduce the minimum population to make sure our rules covered our smallest county, Adams County.

Cathy: These items, on the handout, are the changes you are recommending we approve?

Meghan: These are some areas that we would like the Commission to discuss. We have concerns about the funding formula and identifying the minimum population level.

Chad: Can we just go down the line and review these quickly right now? Change one, '*...serve a minimum of one county*' ..., what's wrong with that?

Meghan: It's duplicative. It's mentioned earlier in the rules. We added a description of the '*community outreach and education services*' because we were worried that if you haven't done tobacco prevention before you may not be able to apply because of the way this rule is currently written. We think this change will allow organizations who are exceptional in community organizing, for example, apply even if they haven't done tobacco prevention in the past. *Letters of support*, on the second page, number 151.4. This change is something we're doing as IDPH to avoid restricting competition in our grants.

Rep. Koester: The last minutes included a section about collaboration with law enforcement and the document at this meeting does not include this. I think it's important.

Cathy: This is an important part because we want cooperation but not duplication.

Meghan: We can add that but we may also be addressing this in our Request for Proposal (RFP) and tying performance incentives to collaboration.

Cathy: When these rules were written the enforcement cooperation section was around youth access. We didn't even dream about a statewide smoke free law.

Gary: Can you have something in the RFP that isn't grounded in the rules?

Cathy: I think this is in the rules here and that it can be fleshed out in the RFP.

Meghan: Heather Adams and Stacey Hewitt assured us that we can be specific in our request for proof of collaboration. I'd be happy to go back to Heather and Stacy to make sure they are ok with that.

Cathy: That and maybe something in the application process that they would be required to layout their cooperation process with the Board of Health and law enforcement.

Rep. Koester: I have two questions. If we had gone into closed session last time do the non-voting members leave? What is the rule?

Meghan: That is something we'd have to ask Heather.

Matt: He isn't sure but thinks they would.

Sen. Quirnbach: I don't believe this is true.

Rep. Koester: I'd just like to know before it happens. Second question, I thought there was a section in 151.4 that there was a section G that dealt with describing the collaboration within the Assessment of Needs. And I was also not aware of the expectations of law enforcement part of the rules. I also agree with Gary that we should have something in this section that explains what we do expect of the process rather than leaving that to be explained in the RFP. I'd like the RFP to be reflected in the rules.

Chad: I really love the 151.4, about an action plan of anticipated collaboration. This is good stuff; as compared to if you don't have a letter of support from the Board of Health and you're automatically bumped out.

Meghan: We should beef up 151.4 (7) or (8) or add another component?

Rep. Koester: Yes, beef it up.

Gary: I'd like it to cross reference to the other entities.

Chad: That is cross referenced in 4.7. I'd suggest its fine as is and doesn't need any beefing up

Cathy: I'm hearing two different things, beefing up to include specifically Board of Health and law enforcement collaboration and another option to leave as is.

Chad: That's because those agencies are listed in 151.4 six or seven which has a list of other agencies. Because we can't address specifically every county without running into a problem like we had at the last meeting. I think it needs to be generic. An agency that lists a whole bunch of things will score higher than those who only list a couple of collaborations. This gives power to the person writing the grant to put a lot of work into it and think things through.

Meghan: This refreshes something that Heather said about being too prescriptive in the rules when doing it in the RFP would be easier.

Gary: But the flip side is you can't list things in the RFP that aren't in the rules. Thus your RFP becomes the ad hoc rules. The RFP needs to be aligned with the rules, not the other way around. I don't have the answer because, you're right, we don't want the rules to be too prescriptive.

Cathy: Maybe, if the issue is collaboration around enforcement of the SFAA, the question in the RFP looks specifically at the collaboration around that issue.

Sen. Quirnbach: When the CPs are taking on more counties it's not like they have a disadvantage to listing someone to collaborate with. Every county has a Board of Health and every county has a Sherriff.

Meghan: We have a couple counties that are looking at having a regional Board of Health. If we were to list 'County Board of Health' this would prohibit someone from applying.

Sen. Quirnbach: We could say 'the Board of Health that services your jurisdiction.

Rep. Koester: The other pushback on that level of specificity is that they were required at one point and if we strip them from this we're doing the opposite. I want to make sure it's the right thing to do before we do it. I believe that by writing these grants we improve the field of public health. Thus those requirements are important to contribute to that conversation.

Meghan: We've been talking about not being restrictive in IDPH. The Iowa Great Places Program is a good example of what coalitions can do.

Cathy: We going to get more clarification from Heather Adams on what changes we can/should make.

Meghan: 151.4 (9) is just combining local and state needs assessments.

Sheri: *'the current fiscal year'* I just changed the wording to not be specific to 2001

Meghan: *deleting where the applications will be submitted* We've been, as IDPH, taking this language out because of the different way things are submitted now. We use SharePoint now.

Sheri: striking the *Commission as where the money is coming from*. It made more sense to put IDPH there since the money's coming from IDPH rather than the Commission.

Cathy: We'd defer to Heather as to who is the appropriate entity to put here.

Meghan: Heather approved these before we brought them to the meeting. But I will to back and get clarification from her.

Gary: The check may come from IDPH but the decision is made at the Commission level.

Meghan: It would be a conflict of interest for the Commission to be here as they are the body who would hear any appeals based on IDPH's decision on an RFP.

Cathy: Please check with Heather. Now the next part is very outdated.

Meghan: Yes but we're not getting much guidance from the CDC. It's very different from how other programs get their funding. So I've sat down with the program manager from WIC and talked to the people who run the Community Transformation Grant to talk about making sure we're not biasing urban vs. rural areas. We need to address Iowa's very unique landscape.

Cathy: There are new Best Practices and other resources, to aid us on these numbers. The Lung Association has recommendations on how much to spend per smoker. There are numbers out there that can be used to give us guidance.

Meghan: It's important to make sure everyone is using the same data. Before some facts were based off of yearly census estimates and some were using the decennial data.

Cathy: Will that data source, the yearly estimates, be spelled out in the rule to use that data source?

Meghan: I think it needs to be. The annual update is the standard.

Sen. Quirmbach: We also need to be able to respond to population changes in certain ethnic groups more quickly than every 10 years.

Cathy: What are your recommended funding levels for counties?

Meghan: The advocates have important input on this but pinning it to school aged youth seems to be a disservice to those areas. I'm not really a fan of the rural/ urban dichotomy. But finding an answer is why I'd like the Commission's input.

Cathy: I don't have the answer but the CDC and NACHO may have some guidance.

Meghan: A big problem we've been having is the states need to answer some of these questions before the national groups have guidance. An example would be during our CDC site visit we asked for guidance on e-cigarettes. They said they don't have guidance and

were hoping that they, e-cigs, would just go away. I have to have answers before legislative session.

Cathy: Heart, Lung and Cancer have extensive information on electronic cigarettes even if the CDC doesn't.

Rep. Koester: On the point of school age focus, it seems irrelevant. How is the \$0.84 a disservice if the rural amount is higher than the urban?

Meghan: It is higher. I just don't like the distinction. In a perfect world we'd have accurate county level data on smoking estimates. But right now we don't have those estimates. The other way may prohibit us from taking appropriate action if that situation ever came up.

Rep. Koester: I don't get why the smallest county wouldn't be able to get as much as the largest?

Meghan: I think the concern was just the "school aged". That the 32 cents may not be enough to offset the lack of school aged population. The amounts given seem arbitrary and I'm afraid they won't allow us to address the needs at the local level. What tobacco looks like in a poor neighborhood in Des Moines is different than a neighborhood in Cerro Gordo county.

Rep. Koester: Do we know the history? What it looked like in past years?

Cathy: This was the recommendation after the MSA. This is just for the Community Partnership of tobacco control. This wouldn't be the same formula for other parts of a comprehensive program. A larger conversation with CDC and IPHA would be helpful in following population trends. I don't feel comfortable putting a number on this right now.

Meghan: If we don't use this how do we determine how much a community partnership gets? Do we let them apply for however much they want to? This happens in some other parts of IDPH.

Cathy: Does that lead to some areas being cut out? It's important to reach as many areas possible.

Meghan: We want a system that will cover the whole state. I need the Commission's guidance on moving forward.

Cathy: When we wrote this it was based on equal distribution. Another option may be that you fund the counties with the highest tobacco use prevalence.

Gary: Having specific numbers is antiquated and too formulaic. It doesn't really address the issue. But I don't like tying it to prevalence rates because a big move in a small county with a high rate may help fewer people than a small rate change in a more populated county. Let's make sure that we are able to put the money where it can have the greatest impact.

Chad: The trick is there is only so much money available. We can't fund every good idea that is applied for. Why not divide out the number of dollars you have available for the Partnerships by the number of children?

Cathy: Another reason it was set up this way is that the focus was to be on youth. Perhaps we can convene a meeting with outside advocates to give us guidance.

Sen. Quirnbach: A fixed dollar amount seems to be mechanistic since we don't know how much money we're going to be able to give out anyway. Language that would prioritize dollars would be useful.

Meghan: Sen. Quirnbach makes a really good point. Just let me know what you want to do Cathy.

Chad: I'm still concerned but I'll keep listening. The trick is the best grant writers are going to get all the money.

Sen. Quirnbach: The people who are evaluating the grant applications are going to have to take that into account.

Cathy: We're experiencing a way different world right now than when these rules were originally written. Especially with all the new products coming out and we don't have enough survey tools now to make informed decisions.

Gary: We have to find a way to be doing more of our own surveillance

Meghan: Surveillance is a core function of IDPH and so we've been working with the Iowa Youth Survey to make sure it is around and to make sure we have enough surveillance.

Chad: It's too bad we can't do both. Give X to each child per county and then Y if you present a special need.

Cathy: This is work for a subcommittee. I can pull in Threase, Micki, Chad, and someone from local public health to be on a subcommittee. We can at least get a discussion going.

Matt: I'd like to make a couple of quick points. Iowa Code 142A is the guiding statute and it says, in the CPs section (.8), that law enforcement involvement is required. It also says in the funding section that the "funds shall be equitably allocated" and be based on school aged population. Then the Commission can decide.

Sen. Quirnbach: In *151.7 (3) change in match*. Which is which? Who is the 1 and who is the 4?

Sheri: They are currently required to match 25%. The old language says 1 to 1 match but we've been holding them to a 25% match for as long as I've been with TUPAC. The change will allow for the 25% match.

Sen. Quirnbach: The intent here of the new language is for the locals to provide the 1 rather than the 4.

Cathy: The original intent of the 25% cash match would allow the partnerships to lobby. It was changed because the partnerships were having trouble getting the 25% cash match.

Meghan. I think the other proposed changes were things that in practice we were not holding the CPs to.

Cathy: Any questions or comments on the last few recommended changes? The last two changes, the blue and red, are ones we're not following. We'll need to use a different color to help track changes.

Chad: We'll talk about this next month?

Cathy: Yes, it will be under Old Business.

Sheri: I believe that 'track changes' does make all the new changes a new color.

- Governor's Conference
  - TUPAC hasn't had much of a presence at the Governor's Conference in the past few years. Don Sheppard will be doing a poster session on surveillance. Sieglinde will be doing a poster

session on health disparities in tobacco. IDPH's Executive Team has asked Meghan to give a presentation at the governor's public health conference.

Cathy: Please send information out to Commission about when and where the conference is and what time the presentations will be.

Meghan: I don't know when specifically the sessions will be but the conference dates are April 9-10 in Ames.

- 50,000 SMART

- Gary: will there be an evaluation part of this? Is it a lot, is it a little?

Cathy: This is a request for next FY so we are laying the ground work now for social media?

Meghan: Because of the federal budget delays a lot is still up in the air. We've spent a lot on social media before but we can do social media for next to free. What we need is the experience to tap into it. I don't want our funding to go down because we haven't evaluated our program so everything will have an evaluation piece.

## **VI: Legislative Report**

## **Legislators**

- Rep. Koester:

- Because we know a lot of things didn't change in the election I expect legislators to move on to things that have bi-partisan support. I think we need to look at tobacco free schools (TFS) again.

Cathy: Will you be reappointed by leadership to the Commission?

Rep. Koester: I'm in if appointed.

- Sen. Quirnbach:

- Our budgetary situation is in good shape. Revenues are coming in ahead of forecast. We're in a strong financial position. I believe it's time to restore some of the cuts made during the recession. If our revenues are bouncing back our first move is to restore cuts to programs that suffered the cuts. It's assumed that Department of Management (DOM) has asked for a flat budget but that doesn't mean that the Commission can't ask and make a good case for more. Let's make another run at TFS. We've made progress on this in both chambers so putting our heads together we can find a way to move that forward. Another big item is movement on healthcare reform. Getting the Governor to change his mind on Medicaid expansion is the biggest and most immediate area for impact. With the money from the feds we could cut in half the number of uninsured persons in the state. A study has shown that Iowa would actually save money if we did this because Iowa Cares Program is slated to end. We could also expand cessation under an expanded Medicaid. We need to be part of that debate. The policies provided under the "Exchanges" may be an opportunity to make sure there are cessation benefits included.

## VII: Legislative Update

- Cassandra:
  - Sen. Hatch said he would double tobacco's budget when he spoke at the Public Health Association Conference. Regarding Medicaid expansion Sen. Hatch is holding a forum next week where state Senators can give their reasons for supporting the Affordable Care Act (ACA) and Medicaid expansion.
- Cathy:
  - The Campaign for Tobacco Free Kids (CTFK) was released recently and the report has Iowa dropping in ranking from 28<sup>th</sup> to 29<sup>th</sup> of states as to amount of Master Settlement Agreement (MSA) payments spent on prevention. The advocates will be giving the report to all legislators, re-educating those legislators who have been around a while and making connections to educate new legislators about how these revenues come into the state and how some of these revenues should be used to help prevent future tobacco illnesses. Rep. Koester would like information on what is "there" from the settlement dollars. He wants to be ready to talk about this subject if he is going to advocate for this and be able to answer questions when they arise.

Cathy: \$293 million a year from the MSA and from tobacco taxes.

Gary: How much of that money goes to servicing the securitization of the settlement?

Matt: 78% of the MSA payments go to service the securitization. The other 22% currently goes to the general fund. The MSA money is roughly \$70 million a year of which 22% goes to the general fund.

Cathy: There is a time limit on the securities dollars, correct?

Matt: There are a series of bonds with varying maturity dates. They were refinanced with a turbo payment provision which means any money left over after servicing the bonds goes back into the bond fund to allow for them to be paid off early. This explanation is a bit simplistic but it is a good way of understanding it.

Cathy: We can get you more info about the history of the MSA and on securitization.

Sen. Quirnbach: Tobacco tax revenue is how much?

Cathy: I don't have that right in front of me but it's huge. It's way more than the MSA dollars.

Sen. Quirnbach: I should have mentioned this before but we also need to look at and maybe take a run at dissolvable tobacco products in the legislature.

Cathy: We've talked in the past about how Department of Revenue calculates and lists taxes for different tobacco products. We could make a small change to code and make a big difference in tax equity.

## VIII: TUPC Program Updates

- Smokefree Air Act (SFAA) Update

Don Owens

- During the first year of the SFAA there were 2,100 valid complaints. In 2012 there were 359 valid complaints which is a decrease of a little over 80%. So far we've had 49 valid complaints in the first quarter of FY13 which, if you extrapolate out, will be nearly 200 for the whole fiscal year. First Letters sent out are down 75 from FY 10 to FY 12 and Second Letters are down from 37 to 12 during the same time period.

Cathy: It appears that the gaming industry is expanding the areas in their casinos where smoking is allowed.

Meghan: Would it be useful for us to tell you what kind of complaints we are getting? It's also important to realize that a decrease in complaints doesn't mean an increase in compliance.

Cathy: It would be helpful to see the types of complaints and I expect to see an increase.

Meghan: A lot of our complaints are surrounding smoking in multiunit housing, which the SFAA doesn't cover.

Cathy: Knowing that information would be helpful in case we go back and open the SFAA for updates. I also saw the email Sieglinde sent from Heather Adams that said the SFAA, as it applies to towns and cities, is not pre-emptive.

- Retailer Video Assessment

Garin Buttermore

- I had planned to show you a video that we created for the Contractors Meeting regarding assessing tobacco retailers but I will instead show you a video that was created with Executive Council youth during a retreat in early November. We can then combine this with the Executive Council update.

- Youth Executive Council

Garin/I-STEP Executive Council

- The video was created off of an idea that Robbyn Graves came up with for the Great American Smokeout (GASO). One of your handouts is about an exciting project we're launching in January called Worth Fighting For (WFF). This program will involve posters, t-shirts, Facebook and Twitter. Those components will drive people to a webpage where they will see a video and ask them to like us on Facebook. There are a lot of details that need to be completed in a short amount of time but it's very exciting.

Meghan: this is our first non-ZLR campaign. It will cost about \$3,000.

Cathy: What do youth (the youth) think?

Bethany: I like it.

John: focusing on social media is a good idea and we can reach a lot more youth as well.

Garin: we're involving the partnerships in distributing the posters and t-shirts.

Meghan: the codes on the posters and shirts will like to a website we own called 'turn you back on tobacco' which we plan to utilize in future campaigns. This direction holds a lot of promise for us.

Cathy: I like this, especially if the youth like it. It seems like a much better idea than the "master gardener's" summit last year.

## IX: Attendee Reports

- Attorney General's Office

Matt Gannon

- In October we were in court for the diligent enforcement case in Chicago. The case went very well for the state. We won't know if we won until the rest of the states have presented. Judge Kestler, in the federal case against the companies, found against the companies. This ruling will make the tobacco companies issue public statements saying, in effect, "We lied to you". This is a positive step for public health aspects of tobacco control.  
Cathy: Its astounding the number of cases pending against the tobacco industry.

- Department of Human Services: Dennis Janssen

- November 15 was GASO. We took it as an opportunity to post the flyer on the member services webpage. Medicaid also does other things such as providing Quitline info and tobacco cessation information. We've included Quitline and cessation resources into the booklet to members, "Your Guide to Medicaid". We have Medicaid FAQs that have been updated and a quarterly newsletter which will include information about Quitline and smoking cessation. A link to the Quitline is on the provider webpage. In the "Your Choice" book Medicaid publishes. Health and Human Services (HHS) has launched a "betobaccofree.gov" webpage which will be added to our member service webpage. Dennis will also be speaking at a Material Health Taskforce meeting in January with Dr. Kessler and Dr. Hunter from the U about smoking cessation and pregnancy. In the past we've sent a special letter to any provider who's billed us for delivering a baby in the past year informing them of cessation services provided by Medicaid.

Cathy: Can you speak to how the Department feels about Medicaid expansion?

Dennis: I will not speak for the Department about Medicaid expansion. Suffice to say we are proceeding as if the expansion will take place.

- Department of Education: Molly Hammer

- Not present

- Alcohol Beverages Division (ABD): Steve Larson and Karen Freund

- Compliance check and Food and Drug Administration (FDA) information handed out. ABD compliance program request for tobacco compliance checks will be status quo for the FY 14 budget request. Within the "Tobacco at a Glance" document you will see that current rate is 98% for tobacco compliance rate. There is also a 99% passing rate on the tobacco retailer education program test results. ABD will send Meghan the FY12 breakdown for the transfer of funds and she can circulate that information to Commission members.
- Budget for FY 2013: Please look at the cost breakdowns provided in the handout. It's broken down by pay period because many of the employees split their time between tobacco compliance and FDA.

Cathy: on the calendars does alcohol help pay for the production of the calendars?

Karen: Tobacco pays for the production but not for the postage or the labor to mail them out to licensees.

Cathy: In whose budget request, for this upcoming year, will we find the \$453,000 that covers these checks?

Meghan: That will come through TUPAC's budget and pass through to ABD.

- FDA inspections: I know everyone has lots of questions about this but I can't tell you much. Staff members had to sign a very strict confidentiality clause. The handout provides a

summary of what FDA has made public on their website. Karen will do this every Commission meeting.

Matt: Does the total number of inspections completed include both types of inspections?

Karen: I believe it does but unless it's on the website I can't tell you for sure. Let's just say it's 50/50.

Matt: I'm just curious about how the product enforcement checks have gone.

Steve: As an employee of the Attorney General's office we may be able to share some information with you, as our attorney, in private. Regarding the budget and our status quo request, because of the FDA grant funds we receive we are able ask for level funding.

X. Public Comment:

XI. Adjournment: moved by Chad Jensen, second by Bethany Dykes

Next Meeting: January 25, 2013. 9 a.m. to 12 p.m.

AARP Boardroom, 600 E Court, Des Moines

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