

**Tobacco Use Prevention & Control
Commission Meeting Minutes
October 4, 2013
AARP Boardroom, 600 E Court, Des Moines
9:00 a.m. to 12:00 p.m.**

Voting Members

- Chad Jensen - Chair
- David Vander Horst
- Shirley Daniels
- Thomas A Greene
- Mikki Stier (phone)
- Bethany Dykes (phone)
- Rand Obranovic (phone)

Non-Voting Members

- Senator Herman Quirnbach
- Matt Gannon, Attorney General's Office
- Savana Dorsey, I-STEP President
- Senator Michael Breitbach

Voting Members Not Present

- Aislinn O'Brien

Non-voting Members Not Present

- Molly Hammer, Dept. of Education
- Representative Gary Worthan
- Representative Marti Anderson
- Dennis Janssen, Department of Human Services

Tobacco Use Prevention and Control Staff: Garin Buttermore, Sheri Stursma, Sieglinde Prior, Joann Muldoon, Maggie O'Rourke, Fang Fang, Jerilyn Oshel, Robbyn Graves

Guests: Natalie Ginty: Iowa Department of Public Health (IDPH), Stacy Frelund: American Heart Association, Micki Sandquist: American Lung Association (ALA), Jessica Ekman: Alcohol Beverages Division, Dr. Mariannette Miller-Meeks: Director of IDPH, Heather Adams: AG's Office, Cathy Callaway: American Cancer Society-Cancer Action Network (ACSCAN), Richard Lee: WHO Radio, Jenn Schulte: ACSCAN, Patty Funaro: Legislative Services Agency, Megan Aucutt: ALA, Julie Florian: Harrison County Home Public Health, Beverly Walsmith, Threase Harms: Café Iowa CAN, DeAnn Decker: IDPH

I. Introductions & Welcome

Chad Jensen

- Chad called the meeting to order at 9:05

II. Approval of Meeting Minutes

Chad Jensen

- July 26, 2013: Shirley Daniels move to accept, Tom Greene second, unanimous approval

III. Old Business

Chad Jensen

A. Integration of Tobacco Division

- Chad opened the discussion by indicating at the last meeting Dr. Miller-Meeks asked for the Commission's advice in filling the vacant position of Division Director. At that time, Dr. Miller Meeks presented three ideas for the Commission to consider
 - Appointing an interim director with the goal of merging the division with another division
 - Proceed with hiring a full time director or
 - Appoint an interim director until a decision about merging the division could be made.
- Chad conveyed that the discussion was now open to Dr. Miller-Meeks and the Commission members. He indicated that comments about this agenda item could be made at the end of the meeting during the public comment section if the public would like to comment.
- Dr. Miller-Meeks handed out the Table of Organization for the Department of Public Health and made the following points in her presentation:
 - The Department is strategically thinking of the future and how the services we currently provide will be affected with future changes, especially due to the implementation of the Affordable Care Act.
 - The plan is to focus and secure the core functions of public health and recognize the possible need to integrate other services within the Department.
 - She stated that combining of services is happening not only to tobacco, but is part of the larger strategic plan.
 - She feels that the integration of the Tobacco Division would lead to efficiencies between the many different programs within the Iowa Department of Public Health that also work on tobacco control and will create better communication and coordination of services.
 - She stated that the Division has made great strides in the last 3 years in communicating with other programs but this can be increased and indicated that the Center for Disease Control (CDC) was pleased with the progress that has been made in this area and said so in their last site visit letter.
 - She referenced a Harvard Leadership Course that she attended two years ago and learned that sixteen other states, with the exception of Hawaii, do not have division level Tobacco control programs. Their tobacco programs are more integrated with other services.
 - She feels that combining the division into the mainstream of the rest of the department will increase communication, collaboration and integration with the other programs that work on tobacco and feels this request is in line with what is happening at the federal level as well and will lead to better and more streamlined services.

- The Commission voiced the following concerns after Dr. Miller Meeks presentation:
 - Tom Greene stated his understanding of taking direction from the CDC but expressed concerns about dilution of services to our specific target group. He feels if we try to dilute this program that those services will be diminished.
 - Chad expressed the following concerns:
 - He fears that moving tobacco into another bureau would lead to tobacco staff and funds being used to better serve that bureau and not the Tobacco Division as a whole.
 - He indicated that right now the Tobacco Division is working as a stand-alone division and collaborating with others and questions why we would want to make this switch and wonders why we are trying to fix something that is not broken.
 - He would like to know why the current structure isn't working and how this merger would make it better and would like some sort of guarantee that these funds are not going to be used up by another program. He would like more specifics such as:
 - What Division is tobacco going to fall under?
 - What are the cost savings?
 - Public oversight is important; will the commission be disbanded if this change happens?
 - How would those changes affect the persons in the division?
 - He would like to know how this merger will benefit Iowans.
 - Chad also indicated that he would like to see the document from the CDC that states more mergers should be happening.
 - Senator Quirnbach asked if there was a concrete plan that Dr. Miller Meeks could provide to the commission today in writing in order for the commission to understand what the authority relationships would be; such as who would hire, what the salaries would be, and how the monies would flow. Senator Quirnbach stated that tobacco is special and made the following points:
 - He stated that tobacco is an active industry that makes their livelihood by getting people addicted to tobacco and tobacco products.
 - He indicated that there is a growing problem with e-cigarettes and dissolvables that needs to be addressed and to dilute the focus of tobacco would be playing into the hands of big tobacco more effectively than anything else that we could do in this state. He feels it would be a huge mistake.
 - He feels that the agency currently has good working relationships with other state agencies, community partners and advocates. He feels this division has done a good job in partnering and collaborating with them.
 - He feels the single most effective thing that could be done to improve the effectiveness of this division is to hire a permanent director who has a solid background in tobacco. He feels the division has suffered the last few years due to the instability of leadership.

- He also mentioned that to change the statute it would require a law change.
 - He indicated that he is willing to look at a concrete alternative, but it needs to be in writing and lay out all of the specifics for the commission to review.
 - David Vander Horst would like to see in writing how it will affect each staff person in division. He also asked if there is any funding that the Tobacco Commission could go out and get, such as grants
- Dr. Miller Meeks answered the Commission's concerns with the following:
 - She does not feel that it would have a negative impact if tobacco were no longer a stand-alone division and stated the following:
 - We are not reducing personnel
 - We are not integrating funding
 - We are not reducing funding or shifting funding to anything else.
 - She indicated that personnel are not being shifted to something else, but that this would just bring tobacco into the main stream and indicated that the division is being moved to the 5th floor of the Lucas Building to help facilitate this.
 - She felt before she started the Division wasn't working well and there was little communication or collaboration going on. She understands the Commission's concerns but doesn't feel that those fears are being realized in areas where this integration is already happening.
 - She stated that she would make a Center of Tobacco Use Prevention and Control and put it in Chronic Prevention. She indicated that she currently did not have this written up but that the division would continue with the same staff and continue with the same salaries. The only change would be that all Tobacco personnel would be under a Bureau Chief, Jill Myers-Geadelmann with the Division of Health Promotion and Chronic Disease Prevention.
 - She indicated that the needs of lowans would still be met. We would continue to have strong delivery of services and collaboration. She again stated that this change is in line with what our national partners are in support of and that Senator Hatch suggested this change in 2009. She is not proposing this change to reduce funding or activities; but that she would like more activities, stronger activities and better integration with our other programs and better collaboration.
 - She stated that she did not say the CDC suggested more mergers, but that they were pleased with our increased collaboration.
 - She feels lowan's will be served stronger because there will be more tobacco input into our other programs that have tobacco and cessation as a part of them.
 - She indicated that the department as a whole and the division are very good at seeking other funding and seeking other collaboration. She also indicated that the department itself is very good at looking at every avenue and aspect of trying to increase their level of funding.

- Senator Breitbach asked if combining the division would increase the effectiveness and communication by integrating would actually increase the reach of the Commission.
- Chad stated that the Commission wouldn't have any oversight on those other programs.
- Senator Breitbach would like to see the experience of the commission be available to those other programs.

David Vander Horst moved to have Dr. Miller-Meeks present a written proposal at the next commission meeting detailing her plan to merge the tobacco division. Shirley Daniels Second. Unanimous approval

B. Discussion of Permanent Tobacco Division Director

- David Vander Horst stated that he feels the staff need a permanent direction on where they are going and what they are doing and this could be achieved by hiring a permanent Director of Tobacco Use Prevention and Control.
- Dr. Miller-Meeks asked that the Commission wait until she can present her plan for merging the Division. She would like to present the plan at the next meeting and then have the commission make a determination from there. Dr. Miller Meeks indicated that it puts her in a difficult position. She stated that if the commission wants her to put together a comprehensive plan with funding and with personnel, and bring a new person in as a director then she has to look at the existing personnel and the existing funding.
- Chad stated that he didn't think she was getting rid of any staff.
- Dr. Miller Meeks stated that she is not getting rid of any staff but if the Commission wants her to hire another staff person with the existing funding then she feels it creates a challenge and stated that is why she said IDPH needs to put together a written plan; if IDPH does not go with integration and the Commission wishes to proceed with hiring a permanent director then that to her would seem to be a logical step.
- Chad stated that the understanding is that if IDPH does move forward with hiring a staff member that the commission does have input into that.
- Dr. Miller Meeks indicated yes that is in the code.
- Heather Adams clarified that under the Commission's authority that it is as a recommendation for her to consider.
- Dr. Miller Meeks will consider it and if it requires a lay off she will let the commission know.
- Chad asked why it would require a lay off.
- Dr. Miller Meeks indicated that IDPH has a specific amount of funding right now; so she has to look at the existing personnel and the amount of funding the Division has. She indicated that she was trying to relay that bringing on an additional person with the existing funding will have to see how the division is going to allocate that existing funding, which is why she is asking for reconsideration.

David moved to ask Dr. Miller-Meeks to move forward with the hiring of a full-time Division Director. Shirley second. Unanimous vote of approval.

C. Strategic Planning

- Chad asked Commission members, program staff, community partnerships, policy area and outside partners to sign the yellow sheet if they are interested in being a part of the strategic planning workgroup. Eight total members are the goal for the workgroup. The group would meet in the next three or four weeks.
- Jerilyn and Chad will select the committee members.
- Heather Adams advised that if the workgroup contains more than a majority of Commission Members that it would be a public meeting and notice would have to be given and minutes taken.

D. Adoption of Administrative Rules

- The Rules were published in Administrative Rules Bulletin on August 21st, a public comment period from then until September 10th, in which no public comments were submitted, and the first date available for adoption of the Rules is September 25th. Now the Commission can move to adopt the rules.
- Tom Greene moved to adopt the Rules, David Vander Horst second, unanimous vote of approval

IV. New Business

Chad Jensen

A. E-cigarette Commission Stance

- Chad asked the Commission if they would be in favor of taking a stance or position regarding E-cigarettes. This is important because E-cigarettes are becoming more popular with youth and adults, they are currently not regulated by the State or Federal government, and there is still a lot of research being done as to whether or not E-cigarettes are safe / if they can be used for cessation. This stance could be used to talk to different groups around the state as well as legislators.
- Matt Gannon: Attorney General Tom Miller was one of many who sent a letter to the FDA asking them to regulate E-cigarettes. They have the power to do this but have, as of yet, only taken public comment. In Iowa only Linn County has a requirement that sellers of E-cigarettes acquire a tobacco retail permit.
- Tom Greene moved that the Commission take an active stance urging legislation controlling the sale of E-cigarettes including the age required to purchase, second by David Vander Horst, Motion passes with unanimous approval

V. Director's Report/Update

Jerilyn Oshel

A. Quitline update

- One of the Alere dashboards shows that younger people are using the web-only service and it is mostly women.
- The Quitline has seen an increase over last year's numbers which is probably due to the offer of 4 weeks of free NRT.
- Starting November 13, 2013 the number of weeks of free NRT will increase to eight weeks. There will be some promotion of Quitline to let the public know about this change. We will also be promoting the Quitline to youth under 18 now that those youth can use the Quitline.
- Medicaid clients are the largest percent of Quitline Iowa users. We are working with Medicaid to reach out to pregnant women with Quitline services.

B. Community Partnership Update

- The Division is currently funding 96 counties with 41 partnerships. This is more counties than we've funded in a long time.

C. FY 13 Budget

- Our total State allocation was \$3,928,361 and \$3,748,543 was spent (\$179,818 left). That is 95% of the FY13 state allocation. The funds that weren't spent include the following:
 - Community Partnerships: An unspent balance of \$37,126 out of an overall allocation of \$2,079,057
 - Quitline: An unspent balance of \$155,325 out of an overall allocation of \$1,660,663. However, \$63,592 of the unspent Quitline funds were ARRA funds that were specific to Linn and Ringgold Counties.
 - Funding code 0219 there was approximately \$140,000 unspent out of an allocation of \$2,725,294. A total of 95% percent of funding was spent in this org.
 - Code 0221 all of the \$453,067 was transferred to ABD for compliance checks.
 - Funding code 0225 there was approximately \$40,000 unspent out of an allocation of \$750,000. A Total of 95% percent of the funding was spent in this org.
- Unspent funds revert back to the State's General Fund. Steps are taken each year by Division staff to make sure as much of the funds are appropriately spent as possible, especially from the partnership funds. The Commission would like the Division to encourage doing that.

D. FY 14 Budget

- The total State Allocation is \$5,428,361. Of this funding we have been directed by the legislature to spend the allocations in the following ways:
 - \$50,000 shall be used to develop a social media structure to engage youth and prevent youth initiation of tobacco use.
 - \$25,000 shall be used for a youth summit
 - \$200,000 shall be used to increase the efficacy of local tobacco control efforts by community partnerships

- \$1,200,000 shall be used to promote smoking cessation and to reduce the number of tobacco users in the state by offering nicotine replacement therapy to uninsured and underinsured Iowans
 - \$453,067 is transferred to ABD for enforcement of tobacco laws, regulations and ordinances and to engage in tobacco control activities approved by the Division of Tobacco Use Prevention and Control as specified in the Memorandum of Understanding (MOU).
- After discussion with our Fiscal Department it was determined that the \$750,000 that was allocated for Quitline in FY13 must also be spent for cessation services in FY14. This brings the overall cessation budget for FY14 to a total of \$2,230,000. It breaks down the following way:
 - \$1,200,000 (MUST BE SPENT ON THE QUITLINE)
 - \$750,000 (Any cessation services)
 - \$280,000 (Medicaid Reimbursement of Quitline services)
- There is currently \$330,933 of unallocated funding that must be spent on cessation services. The Division plans to spend this funding in the following ways:
 - Increasing free NRT from 4 weeks to 8 weeks
 - In discussion of running Quitline Radio Ads
 - Increasing the number of Quitline Billboards
 - Possible newspaper print ads of Quitline
 - The Quitline contract will be monitored on a monthly basis to ensure sufficient funding is in place to continue free NRT for the full 12 months of the contract
- Chad asked if the personnel line item in FY14 has been decreased in any way.
- Jerilyn stated she could not answer that question.
- Dr. Miller-Meeks stated that it has not decreased.
- Chad clarified that it has not decreased and again Dr. Miller Meeks indicated no. Chad then stated that he was confused because Dr. Miller-Meeks indicated earlier in the meeting there may be a layoff after their motion was passed to look for a new director.
- Dr. Miller Meeks stated that the department will have to go through the budget to determine the cost of adding another individual.
- Chad questioned the need to add another individual and asked if there is currently a position in personnel already called division director.
- Dr. Miller Meeks indicated that was correct and there is someone filling that position.
- Chad asked if we got rid of Jerilyn's Community Health Position when she took the interim director position. Dr. Miller Meeks state "no".
- Dr. Miller Meeks stated she will go over all of the funding and put a comprehensive plan together with the possible elimination of a position when she presents her report to the Commission at the December meeting.
- Chad asked if any positions were cut in the FY14 budget that was presented today.
- Dr. Miller Meeks' response was no positions were deleted in this year's budget.
- David Vander Horst asked if there is a direction for the \$50,000 allocated for social media. Jerilyn indicated that there is a plan. Garin, Robbyn and Savana are going to discuss this later but we have had discussions with Lave Row about how to appropriately set up this section.

VI. Legislative Report

Legislators

Senator Breitbach

- E-cigarettes: I haven't heard whether or not there is a bill that has already been drafted for next session. It may be something that the Federal government, rather than the State, covers. I'm sure we'll move forward with this issue as it goes forward.

VII. Legislative Update

Advocates

- Cathy Callaway stated that there are many bills being introduced around the country dealing with E-cigarettes and a lot of it is being introduced by the tobacco companies. Themes of these bills cover taxation, licensing, and Smokefree laws. Youth access laws are being used to pass a lot of these other issues.
- Threase Harms stated that we've been talking with legislators about funding and the need to get back to the \$12 million range. Legislators don't have an idea of what is happening in their communities. It would be helpful to just let them know what is happening, what services and activities are happening in their areas. Legislators often ask them, "Tell me what's happening". Café Iowa CAN can share big picture activities but the partnerships can fill in the details.

VIII. TUPC Program Update

A. Youth Executive Council

Robbyn/I-STEP Executive Council

- This year's theme is Time For Action
- They have four face to face retreats and conference calls to plan all of the events for the year as well as the statewide summit.
- They have planned four regionalized summits in place of the statewide summit with the hope of reaching more youth. These will be held the week of June 9-13, in the following locations: Harlan, Pella, Waverly and Storm Lake.
- Showed video of last retreat.
- Chad questioned how the commission could help the youth program Chad challenged the commission members to contact 3 schools or parent organizations and tell them about I-STEP's Red Ribbon Week plan.

B. CDC Update

Sieglinde Prior

- We've just begun the 3rd quarter of our CDC fiscal year. We will be reporting to them our activities very soon. This is the final year of the 5 year contract with the CDC. We're looking for their next Funding Opportunity Announcement (FOA) and best practices guide. We've been told it's coming out soon.

IX. Other Attendee Reports

A. Attorney General's Office

Matt Gannon

- Diligent Enforcement suit update. September 11 we received our award. The State has been victorious in this effort. We could have lost \$40 million. We've earned a net benefit of \$6.2 million. Funds will probably be distributed as a part of the MSA funds next year.
- Tom Greene asked whether e-cigarettes are not taxed with the tobacco tax. Matt answered that they are not. They are only taxed sales tax.

B. Department of Human Services

(not present) Dennis Janssen

C. Department of Education

(not present) Molly Hammer

D. Alcoholic Beverages Division

Jessica Ekman

- The first hand out is a cost breakdown for the FY14 tobacco fund as of 9.26.13. The second is an analysis of the Iowa Tobacco Compliance Data- FY13 Year End Report. The analysis and the year-end report are both available on our website. The year-end report provides a county by county breakdown of the tobacco compliance data but was not included as a handout because of the length.

X. Public Comment

- Cathy Callaway stated that regarding the Division's structure; we have the utmost respect for the staff and what they've done, but I think that it is a mistake to reduce the program to something that is even below a bureau. The ACS-CAN would oppose the dissolving of the division.
- Chad Jensen asked people to please remember to sign the sign-up sheet for the strategic planning

XI. Adjournment

- Adjourn 11:20 am
- Dave Vander Horst move, Thomas Greene second, unanimous vote of approval.
- Next meeting 12/6/13 at AARP Building in Des Moines

Respectfully submitted by,

Garin Buttermore October 10, 2013