

Tobacco Use Prevention and Control
Commission Meeting Minutes
January 23, 2009

Iowa Workforce Development Board Room
10:00 a.m. to 2:00 a.m.

Voting Members Present

Gary Streit, Cedar Rapids
Cathy Callaway, Amer.Cancer Society
Dr. Chris Squier, Iowa City
Dr. Bob Russell, Des Moines
Melissa Nelson, JEL Youth
Aaron Riester, JEL Youth
Abby Brookbank, JEL Youth

Voting Member Absent

Nora Kurtovic, Waterloo

Non-Voting Members Present

Senator Herman Quirnbach
Dennis Janssen, Dept. of Human Services
Elizabeth Calhoun, Dept. of Education
Lynn Walding, Alcoholic Beverage Division
Matt Gannon, Attorney Generals Office

Non-Voting Members Absent

Gary Kendell, Office of Drug Control
Julie Pottorff, Attorney General's Office
CJ Petersen, JEL President

Invited Guests

Gene M. Lutz, PhD., Center for Social and Behavioral Research, Univ. of Northern Iowa
Disa Cornish, MS, Center for Social and Behavioral Research, Univ. of Northern Iowa

Tobacco Use Prevention and Control Division Staff: Bonnie Mapes, Brent Saron, Jerilyn Quigley, Rob Semelroth, Sheri Stursma, Cole Johnson, Jackie Ellis

Welcome and Introductions

Gary Streit called the meeting to order at 10:05 a.m. Attendees introduced themselves.

Bonnie Mapes introduced Joann Muldoon the new Epidemiologist working 50% for the Tobacco Division and 50% for the IDPH Diabetes Prevention and Control program.
Bonnie—I didn't know if the other program has an official title.

Approval of Previous Meeting Minutes

Dr. Chris Squier made a motion to approve the November Commission meeting minutes; it was seconded by Abby Brookbank. Minutes were approved unanimously.

Old Business

No old business to report

2008 Iowa Adult Tobacco Survey Report

Disa Cornish provided an update on the cessation program evaluation being conducted by the University of Northern Iowa to assess quit rates for both Quitline Iowa and the Iowa/Nebraska Primary Care Association (IA/NEPCA). The methods used for this evaluation include follow-up interviews of both programs' participants at three, six and

twelve months after enrollment, as well as review of quarterly reports from both programs. In addition to follow-up calls, “secret shopper calls” are a component of the Quitline Iowa evaluation, and chart reviews are conducted as part of the evaluation at IA/NEPCA clinics.

Disa also discussed progress toward completion of the 2008 Iowa Youth Tobacco Survey (IYTS). The IYTS has been conducted every two years since 2000 as a “paper and pencil” survey of middle and high school youth. This year, UNI is piloting a computer-based survey of students in all high schools participating in the paper and pencil survey.

Gene Lutz distributed and discussed a summary of findings from the 2008 Iowa Adult Tobacco. The full survey report should be released to the public by the end of February.

Bonnie Mapes reported that the Centers for Disease Control and Prevention (CDC) intends to conduct a National Adult Tobacco Survey in 2010, the same year as the next planned Iowa Adult Tobacco Survey. The CDC provides several services at no charge to the state programs when they conduct state-level surveys, and the CDC has informed the states that they will not subsidize these services in 2010. Bonnie commented that a decision needs to be made if Iowa should perform the ATS again in 2010 or wait until 2011.

Smokefree Air Act Update

Brent Saron distributed and discussed a summary of activities related to education about and enforcement of the Smokefree Air Act. The report also included data of the number and types of complaints received, the percentage of businesses by type about which complaints have been received, the number of inspection visits completed, and the number of notice of potential violation letters sent.

Alcoholic Beverage Division

Lynn Walding provided a written report on the tobacco retailer compliance check program. Of the 2,191 compliance checks conducted so far in fiscal year 2009, 1,727 businesses were compliant, yielding an 89.8% compliance rate. Lynn commented that all retailers will be checked twice in this fiscal year. He also reported that 1,134 clerks had completed training classes with a 98.5% pass rate.

Lynn went on to comment on actions being taken by ABD against liquor licensees that were deemed to be in violation of the Smokefree Air Act. A decision was reached on January 2, 2009, concerning two liquor license hearings by an Administrative Law Judge from the Department of Inspections and Appeals. This decision can be appealed to Lynn Walding for further review. He can issue a final decision that can, in turn, be appealed for judicial review. The deadline to file an appeal is February 2, 2009. Lynn has agreed to settlements with Manning’s Whistle Stop and Outer Limits because the illegal practice has been discontinued in these establishments. In January 2009, 20 additional businesses had been referred to the Attorney General’s office for potential action.

Lynn discussed an agreement made between ABD and the Division concerning validation of anonymous complaints received about potential violations of the Smokefree Air Act. Anonymous complaints began to be accepted on January 7. The first 48 complaints will be

verified by inspector or law enforcement visits arranged by ABD. If it is determined that a majority of the anonymous complaints are credible, then the Division will issue a notice of potential violation letter in response to all anonymous complaints.

Lynn presented information from two additional reports: 1) a liquor sales analysis and 2) new and cancelled liquor licenses. In the first 6 months of fiscal year 2009 (the period since passage of the Smokefree Air Act), liquor sales in Iowa were up 10.56%. In addition, 607 new liquor licenses were issued and 366 were cancelled. This compares to 1,126 licenses issued and 373 cancelled during the same time period last year.

Attorney Generals Office

Matt Gannon gave an update concerning the lawsuit filed by the Iowa Bar Owners Coalition which is pending in Polk County District Court. The State has filed an answer and will start the discovery process. The trial date is set for June 29, 2009, with five days being set aside for the trial. Matt also reported that the AG's office has filed a motion to dismiss the similar lawsuit filed in Federal Court.

Matt described the process started by the AG's office to collect the civil penalty provided for in the Smokefree Air Act. The AG's office chose six cases across the state. Of these, one of the penalties was dismissed due to change of ownership, three businesses paid the civil penalty in lieu of going through the court process, one business is contesting the penalty in court, and one hasn't responded. The County Attorney Association is reaching out to the County Attorney in each of those two counties where court cases are possible to ask them to take on the civil case. If the County Attorney won't take the case the AG's office will pursue them.

Matt reported at the November Commission meeting that General Tobacco had filed a lawsuit challenging the Master Settlement Agreement (MSA). This lawsuit was dismissed in December 2008. General Tobacco has since filed an MSA action in California.

Matt reported on the new tobacco products being test marketed that look like breath strips or mints. The packaging looks like gum or mint packaging. There are concerns as to how to tax these items and where will they be placed in stores.

Department of Human Services

Dennis Janssen distributed information on utilization of the Medicaid cessation pharmaceutical benefit in November and December 2008. The drug of choice remains Chantix.

Department of Education

No report

Legislative Report

Senator Herman Quirnbach commented that, in his opinion, the Smokefree Air Act won't be reviewed this session. He also commented on the difficult budget situation this year.

Bonnie mentioned House File 44, which would change the definition of a bar in the Smokefree Air Act to an establishment that derives 50% or more of its annual gross revenue in the sale of alcoholic beverages. This bill would require IDPH to draft rules requiring IDPH to confirm alcohol revenue by an audit of financial records.

Legislative Update

Cathy Callaway described how the state currently aggregates the tax revenue from all tobacco products even though cigarettes and other tobacco products are taxed differently. She discussed how legislation requiring the revenues to be tracked separately would provide information on how to increase taxes on some products to generate additional revenue. She has also been reviewing how other states give localities the authority to raise tobacco taxes as another possible revenue source.

Cathy reported that the National Conference of Legislatures had approved a strong, smoke free gaming resolution in January.

Cessation Services

Bonnie Mapes reported that Quitline Iowa served 26,000 unique clients in calendar year 2008. Over 12,000 doses of nicotine patches and gum were distributed. During the month of January 2009, the Quitline is offering a free, one-month supply of NRT to all callers.

Sarah Dixon Gale, Program Manager, reported that IANEPHA health centers have enrolled 1,426 patients so far this fiscal year, with 4,496 two-week courses of free pharmaceuticals being distributed during the same period. The Greater Sioux Community Health Center should be ready to start offering the program this quarter.

JEL

Melissa Nelson reported that the Youth Advocacy Day event in Des Moines has been cancelled for 2009. JEL has decided instead to issue a Youth Advocacy Challenge encouraging youth to take advocacy to their communities and their local legislators.

The first Regional Summit, a 2-day event to recruit and educate new JEL members, was held in Ottumwa in December. The next Regional Summit will be held in April in Waterloo.

Two towns (out of 24) chosen for the “What Town is Next” campaign were concerned about the impact of the billboard campaign on their towns. Bonnie and Garin met with the City Councils in Lake View and Eldon about their issues. Lake View requested that the billboards be taken down (which they were). Eldon chose to allow the billboards to stay.

Cole Johnson handed out information about the schools that were awarded a JCAP Grant (JEL Chapter). This program has been very successful with getting more kids involved and giving the schools more resources to get kids to the meetings. There are now a total of 25 JCAP and 12 JEL YEL grants in Iowa.

JEL Summit/ITCC planning

Jerilyn Quigley discussed progress on planning for the combined 2009 JEL Summit and 2009 Iowa Tobacco Control Conference, "After the Smoke Clears: Facing the Next Challenges in Tobacco Control," which will be held June 16-18, 2009 at Grinnell College. The first day would be the annual meeting with adult staff of TUPC grantees; the second day will be the combined for adult and JEL youth, and the third day will be for JEL only. Tentative speakers include Brick Lancaster from the CDC; Linda Hancock, PhD from Virginia Commonwealth University; Victor DeNoble, PhD; and Alan Feirer a motivational teacher from Winterset.

Director's Report

Bonnie reported that the CDC grant application was submitted on December 26. This is the 5-year cooperative agreement that funds tobacco and other programs in IDPH. The Division applied for \$1,268,893.

Bonnie presented a revised financial report in a new format.

New Business

Gary Streit asked the Commission to approve election of a new Vice Chair. He reminded the members that the Vice Chair is a member of the Executive Committee and succeeds the current Chair. Chris Squier made a motion to elect Cathy Callaway to the office of Vice-Chair, and it was seconded by Melissa Nelson. The motion passed unanimously. Dr. Bob Russell will be succeeding to the Chair and Cathy Callaway to the Vice-Chair effective at the May 2009 Commission meeting.

Gary inquired about news articles presenting misinformation regarding violations of the Smokefree Air Act at the West Des Moines Elks Club. Bonnie explained that IDPH had extensive communication with the Elks club since July and felt the issue had been rectified until this article appeared. Gary discussed having a Commission member contact the author of the article to express disappointment about the misinformation.

Public Comment & Adjournment

Next meeting will be March 20, 2009

Meeting adjourned at 1:55 p.m.

Respectfully submitted by,
Jackie Ellis