

Tobacco Use Prevention and Control
Commission Meeting Minutes
March 20, 2009

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

Voting Members Present

Gary Streit, Cedar Rapids
Cathy Callaway, Amer. Cancer Society
Dr. Bob Russell, Des Moines
Melissa Nelson, JEL Youth
Aaron Riester, JEL Youth

Non-Voting Members Present

Elizabeth Calhoun, Dept of Education
Dennis Janssen, Dept. of Human Services
Jim Kuhlman, Alcoholic Beverage Div.
Matt Gannon, Attorney Generals Office
CJ Petersen, JEL President

Voting Members Absent

Dr. Chris Squier, Iowa City
Nora Kurtovic, Waterloo
Abby Brookbank, JEL Youth
Timothy Hungerford, Marshalltown

Non-Voting Members Absent

Gary Kendell, Office of Drug Control
Julie Pottorff, Attorney Generals Office
Senator Herman Quirnbach

Tobacco Use Prevention and Control Staff: Bonnie Mapes, Jerilyn Quigley, Rob Semelroth, Sheri Stursma, Aaron Swanson, Cole Johnson, Joann Muldoon, Jackie Ellis

Guests: Stacey Frelund, American Cancer Society; Sara Dixon Gale, IANEPKA

Welcome and Introductions

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

Approval of Previous Meeting Minutes

A Quorum was not present therefore January 2009 minutes were not approved.

Old Business

No old business to report

Legislative Report

There were no Legislatures present for a report

Legislative Update

Stacy Frelund provided the update. She said that funding for the tobacco Division was still being debated and that the Smokefree Air Act would remain “untouched” this session.

Bonnie Mapes mentioned that the federal stimulus bill includes \$1 billion for Prevention and Wellness funding, but no guidance has been received to date how it will be allocated.

Cathy Callaway reported that the Governor of South Dakota had just signed a smokefree workplace law that covers gaming establishments but exempts cigar bars and hotel/motel rooms. South Dakota's law and Nebraska's law will both go in to effect July 1, 2009.

Public Health Modernization

Jerilyn Quigley provided an update on the progress of Public Health Modernization in Iowa. This process, previously called Redesign Public Health, was begun in 2004. In December, the initiative was renamed Modernization. A set of Public Health Standards have been written to ensure that a basic level of public health services is available to every Iowan. National public health standards are in the process of being finalized and a goal of the Modernization initiative is eventual accreditation of the state and local health departments according to those standards.

Alcoholic Beverage Division

Jim Kuhlman distributed a written report on the tobacco retailer compliance check program. Of the 4,446 compliance checks conducted so far in fiscal year 2009, 3,559 businesses have been compliant, yielding a 90.5% compliance rate. There were 517 checks that could not be completed because the business had given up their tobacco sales permit or have a permit but no longer sell tobacco products any longer. Jim also reported that 1,531 clerks had completed training classes with a 98.2% passing rate.

Jim discussed the program audit that ABD schedules with about 1/3 of their law enforcement partners each fiscal year to ensure that the partner is complying with their E28 agreement. There have been 29 of 60 planned audits have been conducted so far this year.

Jim went on to report that 177 site visits had been conducted in response to complaints about violation of the Smokefree Air Act. Of these, 64 businesses were found to be compliant and 128 were non-complainant. There have been 48 businesses referred to the Attorney Generals office for further action.

Jim also reported that Lynn Walding is reviewing the Administrative Judge's decision concerning liquor code actions against Otis Campbell's and Fro's for violations of the Smokefree Air Act, with the possibility of amending that decision. Matt Gannon added that once Lynn, as Administrator of ABD, has rendered a decision then the business owner has the right to appeal to the District Court. The District court has the discretion to stay the suspension pending the appeal.

Bonnie Mapes described some Smokefree Air Act enforcement actions taken recently in Dubuque. The County Attorney had determined that the Smokefree Air Act gives them the authority to cite whoever is in custody or control of a business at the time a violation is occurring. So Dubuque Police Department cited two different bartenders for allowing smoking in the premises. One of the bartenders settled and the other bartender has filed a motion to dismiss citing the constitutionality of the Smokefree Air Act.

Attorney Generals Office

Matt Gannon gave an update regarding the lawsuit filed by the Iowa Bar Owners Coalition which is pending in Polk County District Court. George Eichorn has filed a motion to withdraw as attorney for the Plaintiffs. The June 29, 2009 hearing will most likely have be rescheduled. Mr. Eichorn has not withdrawn as the attorney for Larry Duncan on the federal lawsuit.

Matt reported that the State of Iowa has collected \$500.00 in civil penalties for violations of the Smokefree Air Act from four bars and another business as a result of settlement letters sent by the AG's office. Two other businesses are contesting, one settlement is outstanding and three have been deferred or dismissed for various reasons.

A Master Settlement Agreement (MSA) payment to Iowa will be made in April. The State expects roughly \$70 million of which 78% will be given to the bond holders and 22% to the State. Matt said that the AG's office will responsible for diligent enforcement over the next few years of the complementary legislation against the non-participating manufacturers.

Matt distributed information about e-cigarettes and how they may be regulated. The Iowa Smokefree Air Act doesn't cover these because they are not a tobacco product. There are some serious concerns about how these products are being marketed. Matt mentioned that nicotine is classified as a poison in the Iowa Code.

Department of Human Service

Dennis Janssen distributed a report on utilization of the Iowa Medicaid cessation pharmaceutical benefit in January and February 2009. Medicaid is considering sending information on smoking cessation in their newsletter to every household that has both adult and children clients—approximately 180,000 households.

Dennis also presented information about a survey to determine what motivates Medicaid members to utilize cessation services. Medicaid has identified 800 people to be surveyed that have paid for cessation products but have not continued with the program.

Department of Education

Elizabeth Calhoun reported that the results of the 2008 Iowa Youth Survey will be available in June 2009. The website, www.iowayouthsurvey.org has data comparisons back to 1999.

JEL

CJ Petersen reported there would be a Regional Summit in Waterloo in April. The 2-day event is an opportunity to educate attendees and new council members and to prepare them for the Summit in June.

The Youth Advocacy Challenge is underway. This is an exercise designed to encourage JEL members to reach out to the legislators in their areas. Information on how to participate has been sent out to all JEL chapters, but few reports have been received yet. There will also be an award presented at the Summit to an exceptional advocate.

Cole Johnson reported that JEL will be a sponsor for six High School Rodeo events sponsored by the High School Rodeo Association across the state.

The “shoe box” will be displayed for the state tournaments again this year. The box contains 1200 shoes that represent the number of people that die from tobacco-related causes everyday.

JEL Summit/ITCC

Aaron Swanson reviewed the tentative agenda for the combined 2009 JEL Summit and 2009 Iowa Adult Tobacco Conference. The first day will be the annual meeting with adult staff of TUPC grantees. Director Tom Newton will open the conference followed by two plenary speakers: Brick Lancaster, Chief of the Office of Smoking and Health at the CDC and Linda Hancock, PhD from Virginia Commonwealth University. Dr. Hancock will be speaking on “Tobacco Mutations on the Horizon,” an overview of new tobacco products. The second day will be combined JEL youth and adults. Victor DeNoble, PhD, former research scientist with Phillip Morris, will give his personal account of working inside the tobacco industry. The closing speaker will be Alan Feirer, a motivational speaker and teacher from Winterset.

Cathy Calloway announced that the Iowa Tobacco Prevention Alliance would like to host a dinner on the first evening

Cessation Services

Aaron Swanson reported that 3771 clients called Quitline Iowa in January, and about 2200 of them received some form of cessation medication. Through March 14, 2009, the Quitline has had 6453. Recent price increases by the Philip Morris and the Federal tax increase that takes affect on April 1, 2009 have caused a significant increase in call volume. If the calls continue at the current rate, additional funding may needed for the FY09 Quitline contract.

The Iowa Tobacco Research Center has conducted 27 trainings and has contacted 349 providers from July 2008 through January 2009.

The University of Northern Iowa has been conducting secret shopper calls to the Quitline and has detected some minor technical glitches such as unexpected busy signals and silence on the line when calls are transferred after intake, making clients calling in believe they have been disconnected.

Sarah Dixon Gale, Program Manager, reported IANEPHA health centers have enrolled 1921 patients so far in fiscal year 2009, with over 6,000 two-week courses of free pharmaceuticals being distributed during the same period. Sarah reported that 85% of the patients are uninsured.

Smokefree Air Act

Aaron Swanson distributed and discussed a report including data about the number and types of complaints about potential violations received since July 1, 2008. The report also included

the percentage of businesses by type about which complaints have been received, the number of inspection visits completed and the number of potential violation letters sent.

Since January 7, 2009, anonymous complaints have been accepted. Bonnie Mapes explained that Notices of Potential Violation letters based upon an anonymous complaint will be sent to businesses with active files in the enforcement data base. However, if the anonymous complaint is about a business not in the database, then tobacco staff will be conducting site visits to validate the complaints before a letter is sent.

Director's Report

Bonnie reported that she had received the CDC grant award information just prior to the Commission meeting but hadn't had the opportunity to review it.

The "What Town is Next" campaign received several additional awards for excellence from at the Des Moines chapter of the American Advertising Federation awards ceremony last month. This included several gold and silver "Addies" as well as a "Best of Class" award that automatically puts the campaign into the running for a national Addie award.

Bonnie distributed the financial report showing no changes in the budget. She reviewed percentage spending in each program to date and the potential for expected FY 2009 unexpended funds.

Bonnie asked the Commission to discuss budget priorities for FY 2010 given the possibility of a substantial budget cut for the Division. The consensus was that Quitline Iowa and JEL were the two programs of highest priority for funding. The FY 2010 budget will be presented to the Commission for approval at the May meeting

New Business

Gary Streit introduced a proposal to change the schedule for Commission meetings from the current 10:00 a.m. to 2:00 p.m. Several options were presented and will be brought to a vote via e-mail to Commission members.

Public Comment & Adjournment

Next meeting will be May 15, 2009

Meeting adjourned at 1:45 p.m.

Respectfully submitted by,
Jackie Ellis