

Tobacco Use Prevention and Control Commission  
Meeting Minutes  
May 15, 2009

Iowa Workforce Development Board Room  
9:00 a.m. to 12:00 p.m.

**Voting Members Present**

Gary Streit, Chair, Cedar Rapids  
Cathy Callaway, Amer. Cancer Society  
Dr. Bob Russell, Des Moines  
Dr. Chris Squier, Iowa City  
Tim Hungerford, Marshalltown  
Alissa Halberson, JEL Youth  
Aaron Riester, JEL Youth

**Non-Voting Members Present**

Senator Herman Quirnbach  
Dennis Janssen, Dept. of Human Services  
Lynn Walding, Alcoholic Beverage Div.  
Sen. David Hartsach  
Elizabeth Calhoun, Dept. of Education  
Matt Gannon, Attorney General's Office  
CJ Petersen, JEL President

**Voting Members Absent**

Melissa Nelson JEL Youth  
Nora Kurtovic, Waterloo  
Abby Brookbank, JEL Youth  
Timothy Hungerford, Marshalltown

**Non-Voting Members Absent**

Gary Kendell, Office of Drug Control  
Julie Pottorff, Attorney General's Office

**Tobacco Use Prevention and Control Staff:** Bonnie Mapes, Jackie Ellis, Ramona Ubaldo, Garin Buttermore, Jerilyn Quigley, Sheri Stursma, Aaron Swanson, Joann Muldoon, Maggie, O'Rourke, Jeremy Whitaker

**Guests:** Stacey Frelund, American Cancer Society; Disa Cornish, University of Northern Iowa

**Welcome and Introductions**

Gary Streit called the meeting to order at 9:11 a.m. Members and visitors introduced themselves.

There was a brief discussion concerning lack of attendance by some voting members. Gary Streit, Chair suggested that a "friendly reminder" be sent to missing voting members before the next meeting regarding the importance of attending the commission meetings as a first step before measures are taken concerning replacement.

**Approval of Previous Meeting Minutes**

A motion was made by Cathy Callaway to approve the January 2009 and March 2009 commission meeting minutes. The motion was seconded by Chris Squier. Minutes were approved.

**Old Business**

No old business to report

**Legislative Report**

There were no Legislators present.

**Legislative Update**

Cathy Callaway summarized tobacco control-related activity during the legislative session. There were

several unsuccessful attempts to amend the Smokefree Air Act. Legislation to eliminate the Division of Tobacco Use Prevention and Control by merging the program with the “substance abuse” division was prevented. However, language was passed that requires the two divisions to present a report to the Legislature by December 15, 2009, identifying strategies by which the tobacco prevention, substance abuse prevention, and gambling prevention programs can collaborate to increase efficiency and reduce costs.

### **Alcoholic Beverage Division**

Lynn Walding distributed a written report on the tobacco retailer compliance check program. Of the 6676 compliance checks conducted so far in the fiscal year, 5,528 businesses checked have been compliant, yielding a 91.6% compliance rate. Of these, 2755 were 2<sup>nd</sup> checks of the same establishment. There were 639 checks that could not be completed, 472 of which were businesses that no longer hold a tobacco permit or have a permit but no longer sell tobacco products. Lynn also reported that 2,418 clerks had completed training classes this fiscal year with a 98.2% pass rate. Lynn reported since the program was implemented, 12,951 clerks have been trained.

So far this fiscal year, 260 compliance checks had been conducted in response to complaints about violations of the Smokefree Air Act (SFAA). Of these, 101 businesses were found to be compliant and 159 were non-compliant. 87% of site visits requested were at establishments with liquor licenses. There have been 71 businesses referred to the Attorney General’s Office for potential actions.

Plans were described for targeted SFAA enforcement visits to be conducted by ABD inspectors in Des Moines County due to a determination that only 62.5% of liquor licensees in the county were complying with the law. ABD inspectors conducted a forum about the law attended by 68 licensees from Des Moines County. The forum will be followed up with compliance checks until ABD is satisfied that the liquor licensees will remain compliant.

Lynn presented a list of outstanding issues concerning the SFAA which should be resolved. Bonnie Mapes added that IDPH has a similar list of outstanding issues and that she will schedule a meeting with the AG’s office, ABD and IDPH to discuss them.

### **Attorney General’s Office**

Matt Gannon provided an update regarding the Freedom Fighters’ lawsuit filed by the Iowa Bar Owners Coalition. After the Plaintiff failed to appear for a motions hearing in Polk County District Court, the AG’s office filed an order requesting a status conference. The judge ordered the new counsel for Freedom Fighters to file a motion by April 27, 2009, or the case would be dismissed. A motion was not filed, and the case was dismissed without prejudice.

The lawsuit filed by Otis Campbell’s [Larry Duncan] is up for judicial review in Des Moines County based upon constitutional issues: 1) equal protection, 2) due process, 3) violation of the interstate commerce clause. The federal court case is stayed indefinitely upon outcome of the judicial review.

Matt went on to report that \$74 million in Master Settlement Agreement (MSA) payments to Iowa were made on April 15, 2009. All of the non-participating manufacturers (NPM) paid their escrow. The bad news is that NPM sales have been trending up due to the federal tax increase and state tax increases.

The Iowa Department of Revenue (IDR) is interested in taxing E-cigarettes as an “other tobacco product” at a 50% rate because of the nicotine content. They are being sold on a limited basis in Iowa. The FDA is considering regulation of E-cigarettes and is currently blocking their importation.

### **Department of Human Service**

Dennis Janssen updated the Commission on utilization of the Iowa Medicaid cessation pharmaceutical benefit in March and April: 591 total prescriptions, 255 patch requests and 389 requests for Chantix. Information about cessation will be going out in the June newsletter.

### **Department of Education**

Elizabeth Calhoun had no news to report. She reminded everyone that the results of the 2008 Iowa Youth Survey will be available in June 2009. The website, [www.iowayouthsurvey.org](http://www.iowayouthsurvey.org) has data comparisons back to 1999.

### **JEL**

CJ Petersen commented on the great success of the “What Town is Next” campaign in increasing awareness of JEL across the state. He also mentioned that in the past year the number of JEL Chapters has increased and Chapters have been more active than in the past.

An update on the upcoming JEL activities was provided by CJ. The JEL Summit, scheduled for June 16 -18 at Grinnell College, will feature a candlelight vigil to memorialize those who have been harmed by secondhand smoke. There will also be three joint Summit/tobacco conference sessions that will allow for direct interaction between youth and adults. Two JEL members will be attending the National Conference on Tobacco OR Health in Phoenix (paid for by the Campaign for Tobacco Free Kids), and CJ will be doing a conference workshop presentation.

CJ described his trip to Washington, DC to attend the Campaign for Tobacco Free Kids advocacy awards ceremony. He mentioned that the House had just passed legislation authorizing the FDA to regulate tobacco products. The Senate is set to vote next week. The bill has 50 co-sponsors in the Senate.

### **JEL Summit/ITCC**

Aaron Swanson reported that registration for the Iowa Adult Tobacco Conference is now available on-line at [www.trainingresources.org](http://www.trainingresources.org). The link will be sent to all of the Commission members. The Conference will be held June 16-17 at Grinnell College. Youth and adults will be attending separate tracks on June 16. On June 17, youth and adults will be attending shared sessions, and there will be the opportunity for them to meet and network. The JEL Summit will conclude on June 18 with elections and street marketing. The Iowa Tobacco Prevention Alliance is sponsoring a dinner on the evening of the 16th. An RSVP is necessary. Cathy Callaway will be sending a link out on IowaAdvocacyTalk.

### **Cessation Services**

Jeremy Whitaker reported that 11,000 clients had called Quitline Iowa since January 1, 2009. So far in FY 2009, there have about 19,000 calls. There was a surge in calls in late March and early April due to the Federal tax increase on tobacco products, putting the Quitline on pace to receive 21,000 calls by the end June. As a result, a contract amendment for additional \$136,000 was completed to accommodate the unanticipated increase in call volume.

INEPCA community health centers also experienced an increase in demand for cessation services in March and April due to the federal tax increase, from an average of 250 clients per month to 400 clients in April. A contract amendment for \$63,000 was completed to support increased services through the end of June. The Greater Sioux clinic also started seeing clients on April 15, 2009.

Dr. Squier shared a newsletter from Wisconsin that informed state legislators about how their quitline services were helping people in each legislative district. He recommended that Iowa pursue a similar strategy. He also requested Quitline Iowa data for FY 2009. Disa Cornish responded that the final FY 2009 evaluation report would be completed this summer. Cathy Callaway requested Quitline data be produced on a monthly basis to share with the legislature.

### **Smokefree Air Act**

Aaron Swanson distributed a report on the Smokefree Air Act along with a map detailing complaints received by county. The report included the percentage of businesses by type about which complaints have been received, inspection visits completed, and notices of potential violation sent. April was the lowest month to date for complaints received.

A proof of the “Officer Quick Reference Card” was circulated. These cards, along with a CD containing a PowerPoint presentation about enforcement of the SFAA, will be sent to all law enforcement agencies in Iowa in June.

Upgrades to the complaint tracking database are being completed. The process for generating the first letter of potential violation is being automated. The handling of complaints received is being automated so that outstanding complaints will be automatically dropped of the “outstanding” list when they are processed.

Aaron also reported that the Division is anticipating media calls regarding the upcoming one-year anniversary of the SFAA. A press release is planned, followed by a report (around mid-July) summarizing education and enforcement activities in the first year.

Bonnie discussed the procedures for processing anonymous complaints received. Division staff have been conducting site visits to follow up on these complaints. Jeremy Whitaker described how the visits have been going and how he uses them as an educational opportunity.

### **Iowa Tobacco Prevention Alliance**

Cathy Callaway reported that many of the goals in the Iowa tobacco control strategic plan for 2007-2011 have been achieved, including raising the tobacco tax, the Smokefree Air Act, and Medicaid coverage of cessation. As a consequence, the plan is currently in the process of being revised and will be completed by June 30. The new 5-year strategic plan contains objectives in four goal areas: 1) tobacco control infrastructure sustainability, 2) cessation services, 3) youth prevention; and 4) second hand smoke. She will plan to present the highlights at the June Iowa Tobacco Control Conference.

### **Director’s Report**

Bonnie Mapes reported that the CDC grant award to the Division for FY 2010 had been cut by about \$100,000 (9%) compared to the 2008 grant (the last full year of funding). The CDC Project Officer for Iowa informed Bonnie that Iowa’s plan was one of the best she reviewed. Dr. Squier said he would

like to see as copy of plan.

The “What Town is Next” JEL media campaign has won another award, this one from the Iowa Chapter of the Public Relations Society of America. The total media awards for this campaign are 14, and the total for JEL media awards overall is now 130.

The FY 2009 financial report was distributed. Bonnie discussed all the line items and percentage spending for each program to date. FY09 unexpended funds currently total about \$500,000, but this is expected to increase.

The FY 2010 Division budget was distributed for review and approval by the Commission. The budget total is \$11,137,500. \$500,000 is from federal stimulus funding allocated to IDPH after the end of the legislative session. The budget assumes \$1 million in carryover (unexpended funds) projected from FY 2009. Bonnie reported that she believes carryover funds will be actually less than \$1 million.

Bonnie went through the budget by line item, detailing any changes in program funding from the FY 2009 budget, particularly which programs were slated for budget cuts and by what percentage. One program was proposed for elimination, the health care provider outreach project administered by the Iowa Tobacco Research Center (ITRC). The reasons for this decision were discussed at length, as well as plans for continuing outreach to health care providers in lieu of the ITRC contract. Dr. Squier read a letter to the Commission from Mary Acquilino, Director of ITRC, requesting reconsideration.

Bonnie went on to discuss the desire to bring the SFAA enforcement checks “in house” in FY 2010. The plan would include a contract with ITPA to assist with follow up on written and anonymous complaints. ABD would continue to conduct compliance checks of establishments holding liquor licenses, also under a contract with the Division.

Bonnie asked the Commission to approve the budget as presented today, noting that it was not final, to allow time to get the budget entered into the state system by deadline. Bonnie stated that no major changes will be made after approval of the budget today. The Commission then requested numbers from the ITRC quarterly report and information on ABD contract amounts to accompany an updated budget for final approval. Bonnie agreed to provide the information.

### **Public Comment & Adjournment**

Meeting adjourned at 12:15 p.m.

Next meeting will be July 24, 2009

Respectfully submitted by,  
Ramona L. Ubaldo