

**Tobacco Use Prevention & Control
Commission Meeting Minutes
December 4, 2020
Zoom Meeting
10:00 a.m. to 12:00 p.m.**

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| <p>Voting Members Present:</p> <ul style="list-style-type: none"> • Chad A Jensen – Chair • Dr. Robert Nichols – Vice Chair • Lorene Mein, ARNP • Dr. Teresa Aoki • Dr. George Belitsos • Monet Rangel • Jane Kim | <p>Non-Voting Members Present:</p> <ul style="list-style-type: none"> • Senator Herman Quirnbach • Becky Blum, Iowa Medicaid Enterprise • Melissa Walker, Dept. of Education • Dale Woolery, Off of Drug Control Policy • Courtney Sweet • Matt Gannon |
| <p>Voting Members Not Present:</p> <ul style="list-style-type: none"> • Kennadie Machovec | <p>Non-voting Members Not Present</p> <ul style="list-style-type: none"> • Senator Julian Garrett • Representative Sandy Salmon • Representative Jennifer Konfrst |
| <p>Tobacco Use Prevention and Control Staff: Jerilyn Oshel, Sheri Stursma, Jane Larkin, Tabetha Gerdner, Joann Muldoon, Jill Wright, Garin Buttermore</p> <p>Guests: Josh Happe, Alcoholic Beverages Division; Beth Turner, American Lung Association; Erin Heiden, University of Northern Iowa; Jessica Ekman, Alcoholic Beverages Division; Kristina Hamilton, American Lung Association; Penny McCaslin, Cerro Gordo County Public Health; Maddie Wilcox; CAFÉ Iowa; Kris Bell, Senate Democrats; Shana Crews; ACS CAN, Michelle Tilotta; Iowa Department of Public Health</p> | |

- I. Introductions & Welcome** Chad Jensen
10:02 AM
- II. Approval of Meeting Minutes** Chad Jensen
A. September 25, 2020 Minutes: Dr. George Belitsos motioned. Dr. Teresa Aoki second. Unanimous approval.
- III. Old Business**
- A. Letters to Casinos that have not gone smoke free**
Chad Jensen stated that an email was sent out to commission members with the attached letter that was sent out to casinos. Belitsos asked if Jensen heard back from any of the casinos and if any of them have gone smoke free. Jensen and Oshel both reported that they had not heard back from any.

B. Letter to Governor Reynolds regarding a mask mandate

Jensen stated that Dr. Aoki wrote the letter and he sent it on to Governor Reynolds. Belitsos asked if a response was received. Jensen stated he did not receive one, but that the Governor's office is very busy with everything that is currently going on. Belitsos stated that he would like to send a study to Governor Reynolds office that the Division sent out in the weekly updates regarding the fact that teens who vape are five times more likely to get COVID. Jensen stated that he would work with the Division to get this sent on to the Governor.

C. ITPA letter to Legislators regarding closure of loophole in the Smokefree Air Act

Kristina Hamilton from American Lung Association stated that she helped craft a letter along with CAFÉ Iowa and American Cancer Society, Cancer Action Network. Hamilton stated the letter was sent to the entire General Assembly a few weeks after the election. Hamilton stated it was sent by email and regular mail and was the third letter sent in a series of information letters. Hamilton stated the letters educate on policy agenda and some of the big items they plan to work on. Jensen asked Hamilton to send the letter to Oshel and have her send it on to the commission members. Oshel stated she has already received the letter from Hamilton and will forward it on.

D. Petition to Governor to have unspent funds reverted to the Division

Oshel stated that this was brought up with Director Garcia in the Executive Team meeting, but reported that she has not had any follow-up conversation with Dr. Garcia on this.

E. Letter to the Governor's Office to send Courtney Sweet a congratulatory letter

Oshel stated that she reached out to the Governor's office and asked them to send the letter and believes that it has been sent. Courtney Sweet reported she had not received the letter. Oshel stated that she would reach back out to the Governor's office.

F. Puff Bars and IQOS educational piece

Tabetha Gerdner reported that she has a presentation that she would like to give at the next commission meeting that discusses all types of vaping products. Jensen stated he thinks that would be great and would like to commit 20-30 minutes at the next commission meeting for this presentation.

IV. Legislative Report/Update

Legislators
Iowa Tobacco Prevention Alliance

Sen. Quirnbach: Senator Quirnbach stated the election kept the Republicans in control of both houses of the Legislature. Quirnbach reported that he was reelected as one of the assistant leaders. Quirnbach stated that he is not sure of when they will be meeting and is advocating postponing the Legislative start date by one month. Lorene Mein asked about the financial status for the state for funding. Quirnbach reported that the normal analysis that goes on with Fiscal is convoluted.

Quirnbach stated that last spring the due date for state income tax filings was delayed for several months so that has jumbled up the usual seasonal pattern for revenue receipts. Quirnbach stated that he expects the revenue situation to be difficult.

Iowa Tobacco Prevention Alliance (ITPA): Maddie Wilcox reported that they have a fourth and final letter regarding the retailer licensing fees. Wilcox stated that the fees for retailer licensing have not been increased since their inception in 1921. Wilcox stated that is one of the pieces that ITPA wants to work on and that the second component, is that currently the Department of Revenue is only allowed to track data on sales related to two categories; they are cigarettes or other tobacco products. Wilcox reported that ITPA would like to see the other tobacco products expanded so there is more data available. Wilcox reported that letter will come out in December and will be mailed to all members of the 89th General Assembly, and will be followed up with an emailed copy as well. Wilcox stated that once it has been finalized she will email it to Oshel for her to send out to the commission. Wilcox reported that there are four topics the letters cover; and they are: tobacco prevention funding, casino loophole language, tobacco tax and the retailer licensing fee. Belitsos asked what the retailer licensing fee is. Wilcox reported that the fee is based on the city or town that the retailer is located. Jessica Ekman reported that the rates are \$50-\$100 maximum. Matt Gannon mentioned that those fees are paid to the city or county that issues the license, not to the state. Kristina Hamilton reported the following information on fee that will be in ITPA's letter: The fees have not been increased since their inception in 1921. The current fees are:

- \$50 outside of the city
- \$75 in cities less than 15,000 population
- \$100 in cities more than 15,000 population

The proposed increase in the fees are as follows:

- \$50 to \$250
- \$75 to \$375
- \$100 to \$500

The proposed increase would generate approximately \$48,000 in revenue that goes to the General Fund.

Jensen stated the he would like one email that includes all four of the letters to be sent out to the commission.

V. New Business

Chad Jensen

A. Commission Report to the Governor:

Jensen stated that the report was sent out to commission members. Belitsos stated that last year they met with the Governor's staff to review the report and wondered if that had been considered for this year. Oshel stated she could ask for a virtual meeting, but probably not in person. Belitsos stated he feels strongly this meeting should take place. Jensen and Oshel will follow up and see if they can get something set up.

VI. Division Director's Report/Update

Jerilyn Oshel

A. Budget:

Oshel reported that everything is pretty in line and most contractors have submitted claims through September.

B. Tobacco and Women of Reproductive Age:

Oshel reported that at the last meeting members were given a report that had come from the University of Northern Iowa (UNI) and expressed some concerns with numbers regarding women of reproductive age and pregnancy numbers. Oshel stated that Belitsos asked that she share what the Division has been doing around that population to make sure that it is not a lost population. Oshel reported that this has always been a focus area and is written into code language that the Division will work on a pregnant woman initiative. Oshel reported that it is no longer just program staff working on this, but that there are now two division directors and a bureau chief, which really helps get the executive team buy in to be able to work on some of the projects. Oshel reported that a survey was done of the health department programs to really assess who is working on tobacco control with this population so efforts can be aligned and make sure all programs are on the same page. Oshel reported that the hope is to provide all programs within the health department that work with women of reproductive age a tool kit that says if you are working with this population you should also do the Ask, Advise, Refer; with the referral being to Quitline Iowa. Tabetha Gerdner stated that they have identified a three prong approach for this population, which is: working internally to figure out what the tobacco landscape looks like within IDPH; externally with providers who work with women of reproductive age, and working with women of reproductive age of the dangers of tobacco products. Gerdner reported that they hope to have a strategic plan in place within the next few months.

Oshel stated the Executive Officer II position has been filled by Tabetha Gerdner. Oshel reported that the Community Health Consultant position has been posted and interviews will be completed next week.

VII. TUPC Program Update:

A. Iowa Students for Tobacco Education Prevention (ISTEP)

ISTEP Youth

Courtney Sweet reported that the Exec Council has 20 members, with members in several counties across the state. Sweet reported that the each council member has made a PDF individual graphic and that if you have a council member in your county you are asked to promote them by sharing these graphics and reaching out to congratulate them. Sweet reported that there are 66 chapters in 42 counties that are registered and 6 are newly established is this year. Sweet reported the current street marketing event is called Knock Out Vaping. Sweet reported that the council recently recorded a presentation for the Alliance of Coalitions for Change (AC4C) annual Conference and it highlights the basics of ISTEP, upcoming street events and a lot more. Sweet stated this presentation has also been made available to ISTEP advisors and Community Partnerships as a resource to share.

VIII. Other Attendee Reports

A. Attorney General's Office

Matt Gannon

Matt Gannon reported that at our last meeting he indicated the State of Iowa was cosponsoring an amicus brief in challenge to the FDA's graphic warning rules and were joined by 30 other states. Gannon reported that it was filed in mid-October. The status of that case is the parties have additional rounds of briefings to file this month. Gannon stated that he would expect a ruling on this in the first half of 2021.

Gannon reported that the State of Iowa is getting close to approving Marlboro heat sticks for sale in Iowa and Marlboro heat sticks are the component part that provide the nicotine in the IQOS in the Phillip Morris product. Gannon noted that what is unique is that Philip Morris agrees that the heat sticks themselves are subject to approval as a cigarette under Iowa's MSA complimentary law and that they are also subject to both federal and state excise tax. Gannon reported that once approved for sale they will be taxed at the \$1.36 rate.

B. Office of Drug Control Policy

Dale Woolery

Dale Woolery reported that his office issued the 2021 Iowa Drug Control Strategy. Woolery reported that one of the things they are watching is a significant increase in drug overdose deaths. Woolery stated that it is unclear how or if the pandemic is impacting those, but there is correlation. Woolery reported that they are moving ahead with an informal survey of behavioral health and justice system professionals to try and have a better understanding of the pandemic impacts, responses, lessons learned as we go forward and looking to get as broad as coverage as possible. Mein stated that she has seen a huge increase in patients that are having panic attacks and severe depression due to COVID and was wondering if the state was going to look into any of this. Woolery stated he will look into it and see if he can find any agencies researching this. Oshel stated she would send this on to the Behavioral Health Division or DHS as well. Mein stated she has patients who have a history of mental health, which is exacerbated by isolation or loss of job, etc., but what she is seeing an increase of are patients that she has never treated for mental health and after having COVID come in with panic attacks and major depression and she wants to know if any agency is following up on this population.

C. Iowa Medicaid Enterprise (IME)

Becky Blum

Becky reported she had nothing to update. It is all COVID related at the moment and that is where the focus has been.

D. Department of Education

Melissa Walker

Melissa reported that she has nothing to report. School nurses are just working with local public health agencies to manage COVID response.

E. Alcoholic Beverages Division (ABD)

Jessica Ekman

Jessica Ekman reported that a lot of funds have not been spent in July-September. Ekman stated that spending usually ramps up in October, however, due to COVID, they are having some difficulty in getting agencies to participate because of the pandemic. Ekman reported that Iowa State Patrol (ISP) will typically take all of the retailers that local department will not cover. However, in FY20 ISP declined to participate because of the pandemic and she does not know if they will participate in FY21.

Ekman is supposed to be getting a list to ISP and they will decide in the month of December whether they will participate or not. Ekman reported that the Tobacco at a Glance report is somewhat concerning compared to typical numbers we see. Ekman reported that she has never seen a compliance rate below 90%. Belitsos asked if the compliance checks have to be conducted by law enforcement officers. Ekman reported that within Iowa Code 453A, ABD investigators could do the checks, but do not have the authority to write a citation.

IX. Public Comment

X. Next TUPC Commission Meeting Agenda Topics

Chad Jensen

A. Next Commission Meeting January 8, 2021

B. Puff Bars and IQOS educational presentation

XI. Adjournment

Dr. Robert Nichols made a motion to end the meeting. Monet Rangel seconded. Unanimous approval.

11:16 AM