

**Minutes of the
Tobacco Education and Research Oversight Committee (TEROC)**

Meeting on Tuesday, May 22, 2012
Sheraton Grand Hotel
1230 J Street
Sacramento, CA 95814

MEMBERS PRESENT:

Ms. Denise Adam-Simms, Ms. Pat S. Etem, Dr. Alan Henderson, Dr. Pamela Ling, Mr. Naphtali Offen, Dr. Michael Ong (Chair), Ms. Peggy Uyeda, Dr. Shu-Hong Zhu, Dr. Dorothy Rice

MEMBERS ABSENT:

Dr. Lourdes Baezconde-Garbanati, Dr. Wendel Brunner, Dr. Lawrence Green

OTHERS IN ATTENDANCE:

Dr. Bart Aoki, University of California, Office of the President (UCOP),
Tobacco-Related Disease Research Program (TRDRP)
Audrey Bazos, Department of Finance (DOF),
Dr. David Cowling, California Tobacco Control Program (CTCP)
Dr. Carol D'Onofrio, Consultant
Tonia Hagaman, CTCP
Rich Heintz, Local Lead Agency Project Director's Association (LLA PDA)
Jerry Katsumata, CTCP
Dr. Caroline Kurtz, CTCP
John Lagomarsino, California Department of Education (CDE)/Coordinated School
Health and Safety Office (CSHSO)
Linda Lee, CTCP
Jamie Morgan, American Heart Association (AHA)
April Roeseler, CTCP
Nadine Roh, CTCP
Sandra Soria, CTCP
Colleen Stevens, CTCP
Greg Wolfe, CDE/CSHSO
Kimberly Weich Reusche, American Lung Association (ALA)

1. WELCOME, INTRODUCTION, AND OPENING COMMENTS

Tobacco Education and Research Oversight Committee (TEROC) Chair
Dr. Michael Ong called the meeting to order at 9:40 a.m. TEROC members and
guests introduced themselves.

**2. APPROVAL OF MINUTES FROM JANUARY 24, 2011 TEROC MEETING,
CORRESPONDENCE, AND ANNOUNCEMENTS**

Acceptance of Minutes with amendments moved by Ms. Dorothy Rice, seconded by
Mr. Henderson, motion carried. Abstain by Mrs. Adams-Simms.

Incoming Correspondence:

The Chair reviewed correspondence, including:

- Thank you cards from Kathleen Velazquez.

- Email from Michael Ong to Bernice Young, reporter with California Watch regarding tobacco marketing to children dated April 20, 2012.
- Email from Michael Ong to Derek Smith regarding presenting information at the Project Directors Conference dated April 20, 2012.
- Email from Allison Ramey, Director of American Cancer Society regarding May 7, 2012 briefing dated April 27, 2012.
- Email from Jono Polansky regarding Smoke Free Movies and Senate Bill (SB) 1167 dated May 2, 2012.
- Email from Jono Polansky to Michael Ong regarding update on SB 1167 hearing delayed dated May 3, 2012.
- Email from Stanton Glantz to Michael Ong regarding the new TEROC report dated May 11, 2012.
- Email from Kathryn Duke to Michael Ong regarding the Tobacco Tax Campaign dated May 15, 2012.

Outgoing Correspondence:

- Letter to Assembly Member Jerry Hill, regarding Assembly Bill 1301: Retail Tobacco Sales – STAKE Act dated March 6, 2012.
- Certificate of Appreciation to Todd Rogers.
- Certificate of Appreciation to Carol D'Onofrio.
- Certificate of Appreciation to Valerie Yerger, N.D.
- Certificate of Appreciation to Deana Lidgett.

3. ENVIRONMENTAL UPDATE

The Chair highlighted the following recent developments:

- **Suit challenges Providence tobacco ordinances**
Several tobacco companies and others have filed a federal lawsuit against the city of Providence, Rhode Island challenging new city regulations that tighten rules for selling tobacco.
- **Federal Judge blocks anti-smoking images required on tobacco products**
A federal mandate requiring tobacco companies to place graphic images on their products warning of the dangers of smoking was tossed out by a judge in Washington, saying the requirements were a violation of free speech.
- **Surgeon General releases new report on youth smoking**
On March 8, 2012, U.S. Surgeon General's report on preventing youth tobacco use was released. The fight against youth tobacco use was accelerated by Surgeon General Dr. Regina Benjamin, with the release of the *Surgeon General's Report, Preventing Tobacco Use Among Youth and Young Adults*.
- **Altria's statement on the Surgeon General's Report**
The Surgeon General's report discusses the Tobacco Companies' strategic adoption of anti-youth smoking programs and media in Chapter 5, pp. 552-564. The summary on page 563 lists five benefits the tobacco industry receives from its youth smoking prevention initiatives.
- **The Centers for Disease Control Office of Tobacco and Health launched their new educational campaign**
On March 15, 2012, Centers for Disease Control (CDC) Office of Tobacco and Health launched their new educational campaign called, "Tips from Former Smokers." The campaign will underscore the immediate health effects of smoking and profile people who suffer from these health effects.

- **Revel Atlantic City casino resort opens with 100% smokefree indoor and outdoor policy**
Revel Atlantic City casino opened to guests on April 2, 2012 is 100 percent smokefree indoors and outside, which is a first for Atlantic City.
- **Tobacco Product Regulation and the WTO: U.S. – Clove Cigarettes**
There is a briefing paper on the World Trade Organization (WTO) report of a panel tasked with considering a complaint brought by Indonesia concerning prohibitions on certain flavored tobacco products implemented by the U.S.
- **WTO dents U.S. ban on clove cigarettes**
The WTO dealt a blow to a U.S. law barring the sale of clove-flavored cigarettes to discourage children from smoking, saying it was unfair to Indonesia because menthol cigarettes can still be sold in the U.S.
- **Blu e-cigs, the leading electronic cigarette company acquired by Lorillard**
It was announced on Wednesday, April 25, 2012 – Blu e-cigs is acquired by one of the largest and oldest companies, Lorillard, Inc. Blu e-cigs is the best selling electronic cigarette brand with the look and feel of traditional cigarettes – without the tobacco smoke, ash, or smell.
- **A collaboration with state attorney generals for movie studios to stop depicting smoking in youth-rated movies**
In May 2012, a letter to Washington D.C. was signed by 38 state and territorial Attorney Generals, the National Association of Attorney Generals (NAAG) urged 10 movie studios to adopt published policies to eliminate tobacco depictions in youth related movies.

There was discussion about CDC's media campaign which focuses on educating the public on smoking. Dr. Zhu worked with CDC's Office of Smoking and Health to encourage their campaign to have target media for the Asian population. CDC will utilize some of CTCP's Asian ads, in Cantonese, Mandarin, Vietnamese and Korean.

There was also discussion about a recent letter signed by 38 state and territorial Attorney General from the NAAG urging 10 movie studios to adopt published policies to eliminate tobacco depictions in youth-related movies. Mr. Offen questioned why Kamala Harris, California Attorney General did not participate in the NAAG collaboration letter. In the past, TEROC has been active in writing letters and urging support around smoke-free movies and subsidies.

Action Item

Dr. Ong moved that TEROC prepare a letter to Kamala Harris, California Attorney General to inquire and better understand why California did not participate in the NAAG collaboration for movie studios to stop depicting smoking in youth-related movies. Seconded by Ms. Etem, motion carried unanimously.

4. BUDGET UPDATE

Audrey Bazos of Department of Finance (DOF) highlighted the following items from the Proposition (Prop) 99 accounts in the Governor's 2012–13. As compared to the Governor's budget, the Prop 99 account was reduced by one million in Fiscal Year (FY) 2011-12 and by two million in FY 2012-13 - a net of a three million decrease to adjust in the May budget.

- The most significant development in May was in the Research Account. There had been an error of \$3.5 million in the Governor's budget. It was an encumbrance; however it didn't show up as an expenditure. As a result of the error, the numbers were inflated in the Research Account leading to the belief that there was an additional \$3.5 million to be appropriated in 2012-13. The accounting error was corrected and the agencies were notified.
- An adjustment was made to the Access for Infants and Mothers (AIM) account. Every year, there is less money to distribute. For AIM, there was some funding that was provided in the Governor's budget; it was later determined that they didn't actually need to meet their 2012-13 expenditures. DOF shifted that funding out of the AIM transfers into other accounts that were affected by reductions. DOF will do this so there aren't reductions made to programs. When a program actually doesn't need the funds for the upcoming budget year, DOF will shift the funds to a different account where it is needed.
- There was a slight adjustment for the Major Risk Medical Insurance Program (MRMIP). MRMIP has a requirement of maintenance effort for Health Care Reform by the federal government. MRMIP needs to maintain their appropriations for FY 2009-10 and DOF made a slight adjustment to increase.
- For the Public Resources Account, there was a proposal in the May Revision to bring in additional revenue for the Timber Harvesting Plan. This is an alternate funding source other than Prop 99 to support activities within CalFire. As a result of this, no reductions were needed that would affect the account.
- There was a slight increase in the Financial Information System for California (FI\$-CAL) Account. FI\$-CAL is an ongoing statewide project to consolidate the budgeting and accounting functions of the state to link with the State Controller's Office (SCO) and DOF data. FI\$-CAL is a great investment because some of the tools and programs departments are using are very out-dated. DOF proposed not to use any general fund expenditures for the FI\$-CAL project in 2012-13 which is why it reflects a significant increase from this account.

There was discussion around the loss of revenue in the Health Education Accounts, specifically with the net loss of three million. Audrey said it was taken from California Department of Education (CDE) in May as opposed to California Department of Public Health (CDPH). Audrey notices that CDE has large carry over amounts where the money isn't encumbered or spent compared to CDPH's accounting. CDE didn't understand their accounting mechanism and it is something that needs to be addressed amongst the agencies of when money is encumbered for the years it is appropriated. Agencies are allowed to have up to three years to encumber; funds that have not been expended revert back to the Prop 99 account after the fifth year. CDPH had similar experiences to CDE with carry over balances and DOF worked with them to encumber and expend dollars for the years it is appropriated. A suggestion would be to engage in early discussions with TERO, DOF, CDE, Tobacco-Related Disease Research Program (TRDRP) and SCO to recognize the encumbrances.

Another discussion was about the Prop 29 initiative that would bolster the Health Education Accounts if it were to pass. If Prop 29 were to pass, funds would be collected starting in October 2012. Additional revenue that is projected in 2012-13 will be appropriated for FY 2013-14. A question was brought up if Prop 29 passed, when should a Spring Finance letter be submitted? Audrey responded it would be

for FY 2013-14 appropriations – the upcoming budget year. The Spring Finance letter does not amend current appropriations.

The Chair thanked Audrey Bazos for her update and presentation.

**5. UNIVERSITY OF CALIFORNIA, OFFICE OF THE PRESIDENT (UCOP),
RESEARCH GRANTS PROGRAM OFFICE (RGPO) AND TRDRP REPORT**

Dr. Bart Aoki presented the TRDRP update.

In the last TEROC report, TRDRP announced Cycle 21 – a new round of grant funding for research. TRDRP received 178 letters of intent under TRDRP's new research priorities. 170 full applications were approved for submission; however only 149 full applications met the deadline of January 11, 2012.

The majority of all of the awards are either full research grants or exploratory and development grants. As in previous years, career development awards comprised a large number of the funded projects. One school-academic research award (SARA) and three community academic research awards (CARA) were funded.

TRDRP funded 13 research grant awards in Cycle 21 to study the factors that contribute to disparity and inequity in tobacco-related diseases and the development of targeted prevention and cessation interventions. Cycle 21 included four new Cornelius Hopper Diversity Award Supplements, and seven ongoing grants.

TRDRP funded seven research grants that will advance policies and regulations to reduce exposure to toxic effects of tobacco smoke, tobacco smoke residue, cigarette butts, and other tobacco products, in addition to 12 ongoing grants.

TRDRP funded three awards that contribute to the prevention of initiation of tobacco use, and three ongoing grants related to this priority area. 13 grants were awarded that focus on knowledge and use of treatments for nicotine addiction, and increase quitting, particularly among disproportionately affected communities in California. There are 15 ongoing grants related to this priority area.

TRDRP aims to increase knowledge and evaluate methods that will inform communities of their attempts to assess and limit influence. For this priority area, TRDRP awarded three grants, and four ongoing grants. The grants awarded in Cycle 21 could address multiple areas.

Dr. Aoki reported on other TRDRP activities that included a sponsored legislative briefing on April 19th, "*Predatory Marketing by the Tobacco Industry: Luring our Children to Addiction.*" Presenters included Dr. Michael Ong of UCLA, Dr. Lisa Henriksen of Stanford University, Dr. Robert Lipton of University of Michigan, and Carol McGruder of the African American Tobacco Control Leadership Council. The presenters focused on the results of their work, specifically demonstrating how the tobacco industry appears to be promoting tobacco products near schools and among African American youth in particular.

TRDRP collaborated with the American Cancer Society (ACS), American Heart Association (AHA), and American Lung Association (ALA) to co-sponsor a May 7th legislative briefing, "*Saving Lives, Saving Money: The Importance of Tobacco*

Control and Research in California.” Speakers included Dr. Michael Ong of University of California, Los Angeles (UCLA), Dr. Wendy Max of University of California, San Francisco (UCSF), and Dr. James Lightwood of UCSF. Presenters focused on their work that demonstrates raising the cigarette tax in California will save lives and billions of dollars in health care expenditures.

TRDRP and CTCP conducted a joint conference titled, “*Linking Tobacco Control Research and Practice for a Healthier California*” for their respective investigators and Project Directors on April 10-12, 2012 in Sacramento.

Dr. David Cowling’s term on the Scientific Advisory Committee (SAC) ended on June 30, 2012 and Colleen Stevens will serve as the representative of CDPH beginning July 1, 2012. Greg Wolfe has been appointed as the CDE representative on the SAC starting on May 4, 2012.

The Chair thanked Dr. Aoki for his presentation.

6. CALIFORNIA DEPARTMENT OF EDUCATION REPORT

Greg Wolfe presented the CDE update.

Coordinated School Health and Safety Office (CSHSO) and CTCP staff met on March 30, 2012 to discuss how Tobacco Prevention Use Education (TUPE) grantees might be able to access youth related announcements from CTCP’s weekly update, the Tobacco Education Clearinghouse of California (TECC) Research Wire and University of Southern California, TEAM Lab. CDE discovered the resources are only accessible to CTCP contractors.

CDE also discussed the next CTCP Request for Proposal to support the California Student Tobacco Survey (CSTS). Discussion included the possibility that CSTS project staff would be required to provide separate training for CSHSO staff and the 58 County TUPE Coordinators regarding the CSTS methodology, rigor and findings with a special emphasis on identifying any conclusions that can be applied directly to improve TUPE effectiveness.

In late February, CDE sent Local Education Agencies (LEAs) a letter of support for the administration of the CSTS. CSHSO staff provided support to LEAs selected to participate in CSTS. CSHSO staff provided advice and assistance to the CSTS project staff as needed to clarify TUPE program policy and requirements as it affects grantees and provided up to date lists of grantee school districts.

CSHSO staff completed an additional review of the Tobacco-Free Schools Tool Kit. CDE is interested in taking the toolkit through the approval process and working with Superintendent Torlakson and their Office of Legal and Government Affairs. If the toolkit is approved through the CDE process, it will be disseminated beyond funded TUPE schools.

In May, CSHSO staff participated in the 15th Annual Prevention Educators Conference by presenting a workshop entitled *Tobacco Use Prevention Education and Youth Development: Creating California’s Next Generation of Anti-tobacco Advocates*. Presenters described youth development strategies that involve youth in anti-tobacco efforts and as leaders in tobacco prevention. The workshop

emphasized the importance of students developing tobacco-prevention outcomes that are culturally relevant to their priority population peers.

CSHSO continues to monitor the tobacco-free certification of every LEA. The webpage can be found at: <http://www.cde.ca.gov/gov/ls/he/at/tobaccofreecert.asp>. It provides information about the CDE tobacco-free school district certification process. Only LEAs certified as tobacco-free are eligible to apply for TUPE funding. All LEAs must be certified or recertified by June 30, 2012 to be eligible to apply for Cohort I TUPE Competitive Grant funds for 2013-16.

The 2012 Cohort H TUPE Request for Application (RFA) to award Tier 1 Competitive Grants was released on September 20, 2011. Tier 1 applications were received from 30 lead applicant agencies representing a total of 96 LEAs. Grants awards in excess of \$4,500 are for consortium grantees serving multiple LEAs. The total amount for Cohort H Tier 1 grant awards is \$410,826.00.

The 2012 Cohort H TUPE RFA to award Tier 2 Competitive grants was released on December 19, 2011. The overall number of lead applicants responding to the TUPE RFA has declined over the past two years. However, there is a substantial increase in the number and size of consortium applicants.

The CSHSO encourages TUPE grantees to implement youth development strategies that engage youth and counter Big Tobacco's efforts to entice youth smokers. Staff are promoting TUPE involvement in the Tobacco & Hollywood Campaign with the goal of eliminating smoking from films rated PG-13 or below.

The Chair thanked Greg Wolfe and John Lagomarsino for their update.

7. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH), CTCP REPORT

Colleen Stevens presented the CTCP update.

In January, three African American focus groups were held in Sacramento to test new radio and print creative concepts. In May, three Retail Environment focus groups were held in Sacramento to gather opinions on tobacco industry promotions and advertising in the retail environment.

In March, CTCP hosted a two day meeting titled, "*The Environmental Impact of Tobacco Waste Summit*" in Sacramento at the Citizen Hotel. The purpose of the summit was to learn about diverse strategies and policy approaches to reduce tobacco waste in the environment and how to strengthen local tobacco control efforts.

Also in March, the California Youth Advocacy Network (CYAN), a statewide project funded by CTCP held its 13th Annual Youth Quest at the State Capitol. The theme of the event was *Always Mean, Never Green*. Over 500 young people and adults from local health departments, health-related agencies and schools participated in the event which focused on how tobacco production, use, and waste effect the environment.

The 2012-2014 TEROC Master Plan (MP) Executive Summary was distributed at the CTCP/TRDRP joint conference titled *Linking Tobacco Control Research & Practice*

for Healthier California Conference which was held in *Sacramento April 10-12, 2012*. TEROC recommended CDE be included in any future joint conferences.

CTCP re-launched C-STATS with a new web interface. It also includes the 2008 California Tobacco Survey and 2010 California Student Tobacco Survey data. CTCP applied for two new federal grants: one with the U.S. Food and Drug Administration and the other with the CDC, Office on Smoking and Health.

CTCP was happy to announce the arrival of new staff and stated job offers have been made for several vacant positions within CTCP. The anticipated start dates are mid-to late May and June.

The Chair thanked Colleen Stevens for her presentation.

8. VOLUNTARY HEALTH AGENCY UPDATE

Jamie Morgan of AHA and Kimberly Weich-Reusche of ALA provided an update on voluntary health agency activities and the status of legislation for this legislative session.

With the election less than two weeks away, the voluntaries have been focused on Prop 29. This ballot initiative would increase the tobacco tax by \$1 per pack of cigarettes. The initiative will deliver over \$700 million every year for cancer research and will keep kids from starting to smoke. Prop 29 will be decided by California voters on June 5, 2012.

Kimberly urged people to focus on the message - the choice is simple when it comes to Prop 29. If passed, Prop 29 will:

- Save 104,500 from premature smoking-caused deaths
- Save \$5.1 billion in long-term health care costs from declines in smoking
- Save 228,700 kids from becoming adult smokers

Kimberly showcased recent media for the “Yes on Prop 29” campaign which can be found on the Prop 29 website at: <http://californiansforacure.org/>. The tobacco industry has invested over \$40 million on the No on 29 Campaign and is expected to invest more as the June 5th date gets closer.

The “Yes on Prop 29” Campaign has been busy phone banking and educating voters on the initiative. Phone banking is available at various local ACS, AHA, and ALA offices throughout the state. Volunteers can drop in at any time (before and after work, also during lunch times). Volunteers can also do phone banking at home. There have been over 200,000 calls made to educate voters on Yes on 29.

TEROC has a scheduled conference call on June 6th that is open to the public to discuss the outcome of Prop 29.

Jamie gave an update on the status of tobacco related bills that include:

Assembly Bill (AB) 217 (Carter): This bill would modify the exemption in the statewide smokefree workplace law (Labor Code 6404.5) for long-term health care

facilities. This bill prohibits smoking in a patient's room and requires smoking areas to be outdoors in a courtyard, patio or other outdoor area that can be monitored by staff. These outdoor areas must be where smoke does not enter the facility or patient rooms. This bill allows a long-term health care facility to make the entire grounds (inside and outside) smokefree. This bill is scheduled to be heard by the Senate Health Committee on 6/5.

AB 1278 (Hill): This bill would prohibit smoking in all areas of a general acute care hospital and throughout the entire hospital campus including buildings, parking areas, plazas, vehicles, underground passages and walkways. The bill has been referred to the Senate Health Committee and scheduled to be heard on 6/13.

AB 1301 (Hill): This bill would make changes to the Cigarette and Tobacco Products Licensing Act to increase penalties for violations of the Stop Tobacco Access to Kids Enforcement (STAKE) Act and Penal Code Section 308 (which both prohibit sale and distribution of tobacco products to minors). This bill has now been moved to the Senate Health Committee and scheduled to be heard on 6/6.

AB 1738 (Huffman): This bill would amend the Knox-Keene Health Care Services Plan Act of 1975 to require a health care service plan or health insurance policy to provide two courses of smoking cessation treatment rated "A" or "B" by the U.S. Preventive Task Force within a 12 month period. This bill did not receive a hearing prior to the 4/27 deadline and did not move further this year.

AB 2026 (Fuentes) This bill would extend the tax film credit for the production of qualified motion pictures in California. Under current law, the tax credit would sunset in 2015, and this bill would sunset in 2020. Current law does not prohibit film productions that choose to depict smoking from receiving the tax credit. This bill is scheduled to be heard by the Assembly Appropriations Committee on June 1, 2012.

SB 575 (DeSaulnier): This bill would eliminate most of the exemptions in the existing statewide smokefree workplace law (Labor Code 6404.5). The bill is in the Assembly Governmental Organizations Committee and awaiting a hearing date.

Action Item

ACS, AHA and ALA oppose AB 2026, unless amended. TEROC discussed the urgency and timeframe of taking a position on this specific bill. The bill will be heard on June 1, 2012. Jamie of AHA recommended TEROC takes a position and send a letter of opposition, unless amended next week prior to the hearing date on June 1, 2012. The Chair thanked Jamie Morgan and Kimberly Weich Reusche for the Prop 29 and legislative update.

Mr. Offen moved that TEROC prepare an opposition letter for AB 2026, unless amended. Seconded by Dr. Rice, motion carried unanimously.

9. DISCUSSION OF 2012-2014 MASTER PLAN (MP)

The TEROC Executive Summary was completed and disseminated at the *Linking Tobacco Control Research and Practice for a Healthier California* conference in April and at the Capitol Information & Education Days in May.

TEROC members that are leads for specific objectives are currently reviewing a galley proof of the full report. Feedback and comments are due to Majel by May 25, 2012. The next steps of the MP include incorporating the feedback from members which will take a couple weeks. CTCP staff will verify the citations and endnotes are accurate. The graphic designer will need up to four weeks to do the layout and design of the MP. The printing production will also take another four weeks.

When the MP is ready for dissemination, TEROC members agreed that the MP will be available electronically and in hard copy. Members also discussed the possibility of having a cover letter that will go with the MP. The focus of the cover letter was not agreed upon and will be tabled for further discussion.

10. TEROC BY-LAWS DISCUSSION

Members re-visited the TEROC by-laws which were created a couple of years ago. This document is a starting point and is considered a work in progress where members will continue to provide edits and feedback. The italicized language in the by-laws is the enabling Prop 99 legislation which cannot be changed or altered by TEROC. Members requested to add the by-laws discussion to the agenda for the September meeting.

11. PUBLIC COMMENT

No Public Comment.

The meeting was adjourned at 4:05 p.m.

The next meeting will be on June 6, 2012 via teleconference to discuss the outcome of Prop 29.

A TEROC meeting will be scheduled in September 2012 in the Bay Area.