

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

Holiday Inn
Capitol Plaza, Sacramento
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Alternate Location:
University of Southern California
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3rd Floor, Conference Room 303
Los Angeles, CA 90032

Alternate Location:
University of California, San Francisco
Laurel Heights Campus
A Room with a View Conference Room
3333 California Street, Suite 340
San Francisco, CA 94118

Wednesday, February 12, 2014

MEMBERS PRESENT:

Ms. Denise Adams-Simms, Dr. Lourdes Baezconde-Garbanati, Ms. Vicki Bauman, Dr. Lawrence Green, Dr. Alan Henderson, Dr. Pamela Ling (teleconferencing from the UCSF Location), Dr. Michael Ong (Chair), Mr. Myron Dean Quon, Dr. Shu-Hong Zhu, Ms. Pat S. Etem (teleconferencing from the USC Location)

MEMBERS ABSENT:

Dr. Wendel Brunner, Dr. Dorothy Rice

OTHERS IN ATTENDANCE:

Kimberly Amazeen, American Lung Association in California (ALAC)
Dr. Bart Aoki, Tobacco-Related Disease Research Program (TRDRP)/ University of California, Office of the President (UCOP)
John Bacigalupi, Department of Finance (DOF)
Richard Barnes, University of California, San Francisco (UCSF)
Rosa Barahona, University of Southern California (USC) Tobacco Education and Materials (TEAM) Lab (Teleconferencing from USC Location)
Lynn Baskett, Consultant/TEROC Master Plan Writer
Philip Chen, (DOF)
Leslie Ferreira, California Tobacco Control Program (CTCP)
Lindsey Freitas, ALAC
Margarita Garcia, California Department of Education (CDE)/Coordinated School Health and Safety Office (CSHSO)
Tim Gibbs, American Cancer Society (ACS)/Cancer Action Network (CAN)

Tonia Hagaman, CTCP
Tom Herman, CDE/CSHSO
Rich Heintz, Local Lead Agencies (LLA)
Kim Homer-Vagadori, California Youth Advocacy Network (CYAN)
Dr. Jonathan Isler, CTCP
Jerry Katsumata, CTCP
Richard Kwong, CTCP
John Lagomarsino, CDE
Twlia Laster, SOL Project
Carol McGruder, AATCLC
Cathy Medina, CTCP
Dr. Mary Modayil, CTCP
Jamie Morgan, American Heart Association (ACA)
Rhonda Ragab, USC TEAM Lab (Teleconferencing from USC Location)
Yaneth Rodriguez, USC TEAM Lab (Teleconferencing from USC Location)
April Roeseler, CTCP
Nadine Roh, CTCP
Patti Seastrom, CTCP
Alexandria Simpson, CTCP
Sandra Soria, DOF
Vicki Webster, CYAN
Greg Wolfe, CDE
Darren Yee, CTCP

WELCOME, INTRODUCTION, AND OPENING COMMENTS

TEROC Chair, Dr. Ong, called the meeting to order at 9:30 a.m. TEROC members and guests introduced themselves.

1. APPROVAL OF MINUTES FROM THE DECEMBER 11, 2013 AND DECEMBER 12, 2013 TEROC MEETINGS, CORRESPONDENCE, AND ANNOUNCEMENTS

Approval of the December 11, 2013 and December 12, 2013 meeting minutes with amendments moved by Dr. Green, seconded by Dr. Henderson; motion passed 9-0 with abstentions from Mr. Quon and Ms. Adams-Simms.

The chair reviewed TEROC-related correspondence:

Outgoing Correspondence:

- TEROC response letter to Robert Dousa, Program Specialist-Health Education Alcohol, Tobacco, & Other Drug (ATOD) Prevention Programs Family, Schools & Community Partnerships Department, requesting a budget revision in their current Tobacco-Use Prevention Education (TUPE) grant.

- Email from Dr. Green and Dr. Ong responding to Tim Ford, California Department of Public Health (CDPH), Office of Legal Services , regarding a solicitation for comments and questions relating to an update to the current Form 700 (Statement of Economic Interests) for CDPH.

Incoming Correspondence:

- Letter from Glenn R. Dodd, Coalition for a Tobacco-Free Los Angeles County, to TEROC regarding CTCP contracts and Government Code § 19130.
- Letter from Carol Baker, Tobacco-Free Coalition of Santa Clara County, regarding CTCP contracts and Government Code § 19130.
- Letter from Roger Kennedy, Tobacco-Free Coalition of Santa Clara County, regarding CTCP contracts and Government Code § 19130.
- Email from Esther Schiller, of Smokefree Air for Everyone (SAFE) regarding CTCP contracts and Government Code § 19130.
- Letter from Tomas J. Aragon, M.D., Dr. P.H., of City and County of San Francisco, regarding CTCP contracts and Government Code § 19130.
- Letter from Phillip Gardiner, Dr. P.H., and Carol McGruder, of The African American Tobacco Control Leadership Council (AATCLC) regarding CTCP Contracts and the interpretation of Government Code § 19130.
- Email from Alexandria Simpson to TEROC regarding the Notice of Proposed Rulemaking 45-day Comment Period establishing the new Form 700. TEROC Members were asked to submit questions to Tim Ford, CDPH-OLS.
- Letter from Wendel Brunner, Ph.D., M.D., M.P.H., of Contra Costa Health Services, regarding CTCP contracts and Government Code § 19130.
- Letter from Bart Aoki, Ph.D., and John Maa, M.D., F.A.C.S., of the Tobacco-Related Research Program (TRDRP), University of California (UC), Scientific Advisory Committee (SAC), to TEROC regarding CTCP contracts and Government Code § 19130.

- Letter from Marice Ashe, J.D., M.P.H., and Anne Pearson, J.D., M.A. of Changelab Solutions, regarding CTCP contracts and Government Code § 19130.
- Letter from Ilana Knopf, J.D., from the Center for Public Health and Tobacco Policy at New England Law – Boston (Center) regarding CTCP contracts and Government Code § 19130.
- Letter from Justin Garrett, of the March of Dimes Foundation, regarding CTCP Contracts and Government Code § 19130.
- Letter from Richard L. Barnes, J.D. of the University of California, San Francisco to TEROC with a legal opinion regarding the applicability of Government Code § 19130.
- Letter from Thomas E. Novotny, M.D. M.P.H. of the Cigarette Butt Pollution Project to TEROC regarding the importance of tobacco product waste as a priority concern for tobacco control.
- Email from Phil Gardiner, Dr.P.H., of TRDRP, to TEROC sharing new research on thirdhand smoke (THS) that was funded by TRDRP and has received robust media coverage.
- Email from Greg Wolfe of the Coordinated School Health and Safety Office to Michael Ong, Chair of TEROC regarding Electronic Nicotine Delivery Systems (ENDS) and Policy Webinar.
- Email from Derek R. Smith, MSW, MPH, of the Tobacco Free Project to Michael Ong, Chair of TEROC regarding TEROC and E-Cigarettes.

TEROC considered writing a letter to the City of San Francisco to support e-cigarette policy. TEROC also considered creating a form letter, highlighting the importance of youth e-cigarette prevalence, which would be useful when other cities request policy support.

Dr. Green questioned whether evidence would be cited in the letter. Dr. Ong cited the Centers for Disease Control and Prevention (CDC) statistic which stated that youth e-cigarette use prevalence had doubled in one year.

Dr. Baezconde-Garbanati noted that the tobacco industry is flooding local decision makers with letters in opposition to e-cigarette restrictions. They have received very few letters in support of regulation. The voluntary agencies, on the national level, have not stated a position of e-cigarettes; the lack of position makes it more difficult for locals to take action.

Ms. McGruder noted that it would be helpful for TRDRP to provide a copy of the presentation that Phil Gardiner, of TRDRP, delivered in Chicago regarding the protection of youth against tobacco products.

Dr. Baezconde-Garbanati noted the importance of vocabulary that members of the tobacco control community are using. The words “vaping” and “vapors” are rather innocuous compared to what the e-cigarette emissions really are. Changing the vocabulary to “Electronic Environmental Emissions” might be more appropriate. The vocabulary that is used may make a difference in how e-cigarettes are viewed.

Action Items

Ms. Bauman moved TEROC write a form letter in support of e-cigarette and other tobacco products tobacco retailer licensing. Dr. Baezconde-Garbanati seconded the motion; motion passed unanimously.

Dr. Baezconde-Garbanati moved TEROC write a form letter to support the regulation of e-cigarettes and other tobacco products. The letter would reiterate TEROC’s current position on e-cigarettes. Ms. Adams-Simms seconded the motion; motion passed unanimously.

Dr. Baezconde-Garbanati moved TEROC make themselves available, based on jurisdiction, for public comment regarding e-cigarettes. TEROC Members will utilize talking points. Dr. Henderson seconded the motion; motion passed unanimously.

2. ENVIRONMENTAL UPDATE

TEROC discussed tobacco control issues in the media, including the following headlines:

CVS stores to stop selling tobacco

CVS Caremark estimated that its decision would shave an estimated \$2 billion in sales from customers buying cigarettes and other products. CVS does not currently sell e-cigarettes.

Berkeley bans tobacco smoking in condos, apartments

Smoking cigarettes is slated to be prohibited inside the units of multi-family housing in Berkeley, effective May 2014, after a unanimous vote by the Berkeley City Council on Tuesday night.

Alcohol, tobacco, drug use much higher among mentally ill

Rates of smoking, drinking, and drug use are significantly higher among those with psychotic disorders than the general population.

Tripling tobacco tax ‘could prevent 200 million early deaths’

Researchers say that tripling the tobacco tax globally would cut smoking by a third and prevent 200 million premature deaths this century from lung cancer and other diseases.

New survey shows United States youth smoking rates fell to record lows in 2013

In great news for the nation’s health, the annual “Monitoring the Future” survey shows that overall youth smoking declined significantly in 2013, and smoking rates fell to record lows for all three grades surveyed (grades 8, 10 and 12).

Representative Henry Waxman to retire from Congress

Representative Henry A. Waxman, whose legislative record has made him one of the country’s most influential lawmakers for four decades, announced that he will retire from his Westside seat. Waxman was a prolific and savvy legislator, focusing on issues related to healthcare and the environment.

University of California (UC) Irvine reversing course on e-cigarette use

Just two weeks after taking effect, a UC Irvine campus wide ban on smoking was revised to include a prohibition on e-cigarettes and smokeless tobacco products.

California State Universities (CSU) are going smoke and tobacco-free

More California State Universities, such as San Diego State University (SDSU) and California State University, Sacramento (CSUS) have adopted a 100% smoke and tobacco-free policy.

E-Cigarettes get cigarettes ads back on TV – but maybe not for long

The Food and Drug Administration (FDA) has no regulatory guidelines for the marketing of electronic cigarettes so it is basically “anything goes” for e-cigarette ads on TV, in print or on the web; but probably not for long. The FDA is preparing their first set of regulations addressing e-cigarettes, with an initial slew of proposed rules expected in early 2014.

State lawmakers seek ban on most tobacco, e-cigarette online sales

In an effort to clamp down on youth smoking, Assemblyman Roger Dickinson announced that he was introducing a bill that would block the sale of cigarettes, tobacco products, and electronic cigarettes to individuals via the Internet.

New study shows e-cigarette users exhale nicotine and fine particles into the air where bystanders are breathing

The research group at Roswell Park Cancer Center has just published a paper in which they measure the amount of nicotine, fine particles, and several other toxins in the air around someone using e-cigarettes.

California cities regulate increasingly popular e-cigarettes

E-cigarettes are catching fire in California, especially among young people.

EDITORIAL: The tobacco threat returns

Cigarettes are back in the news on two fronts, both with California connections. The first involves Assembly Member Richard Pan's legislation to force the state department to use state workers whenever possible, and the second is e-cigarettes.

Dr. Green and Ms. Roeseler discussed the CDC's Best Practices report; the report was released in January, 2014.

3. DEPARTMENT OF FINANCE REPORT

Mr. Chen and Mr. Bacigalupi presented on behalf of the Department of Finance (DOF)

Mr. Chen thanked TEROC for the invitation to discuss the Proposition (Prop) 99 Budget Update, Governor's budget 2014-15.

Mr. Chen pointed TEROC's attention to the detailed Prop 99 revenues: Fiscal year 2012-2013 actual revenues totaled approximately \$278 million

- Cigarette tax: \$226 million
- Other tobacco products: \$52 million

Cigarettes:

- Revenue for 2012-13: \$226 million
 - Prop 99 Tax Rate: \$0.0125 per cigarette
 - \$0.25 per pack
 - Approximately 18 billion cigarettes sold, or
 - Approximately 900 million packs
- Peak in 1980-81: 2.97 billion packs
- Revenues continue declining

Other Tobacco Products (OTP):

- Revenue for 2012-13: \$52 million
 - Tax Rate: 30.68 percent
- Tax Rate for 2013-14: 29.82 percent
 - Based on Board of Equalization (BOE) tax rate per cigarette
 - Applied to wholesale cost of tobacco products

- OTP peak tax rate: 66.50 percent (1999-2000)
- OTP trough tax rate: 23.03 percent (1993-94)

Estimating Prop 99 Revenue

- Data Sources
 - Estimated per capita consumption
 - BOE Annual Reports
 - Adjustments for taxable/non-taxable
 - Adjustments for various price and social trends
 - Finance population estimates
 - Finance’s Economic Research Unit
 - Tax rate: \$0.87 (\$0.25 for Prop 99) per pack

Methodology

- Apply Consumption to Tax Rate
- More info:
 - http://www.dof.ca.gov/research/financial_research/index.php
 - <http://www.dof.ca.gov/research/demographic/>
 - <http://www.boe.ca.gov/annual/annualrpts.htm>

Adjustments to 2013-2014 Revenues

- Prop. 99 Revenue Estimate for 2013-14:
 - Governor’s Budget 2014-15 (Jan 2014): \$264 Million
 - Budget Act 2013 (June 2013): \$264 Million
- Prop. 10 Backfill Estimate for 2013-14:
 - Governor’s Budget 2014-15 (Jan 2014): \$11.6 Million
 - Budget Act 2013 (June 2013): \$11.6 Million
- Minor changes to current year for various state operations costs like Employee Compensation and/or Retirement

Revenues

- Estimated \$8 Million Revenues decrease from 2013-14 :
 - 2013-14 Estimate: \$264 Million
 - 2014-15 Estimate: \$256 Million
- Prop. 10 Backfill Estimate remains at \$11.6 million
 - No new information from the Board of Equalization

Expenditures

- Declining revenues led to decreases in most accounts
- Two accounts (Hospital Services and Unallocated) had surpluses
 - Due to unexpended resources from prior years
 - Approximately \$17 million (one-time) increase in Department of Health Care Services (DHCS)- Hospital Services and \$3.2 million increase for Breast Cancer Early Detection (Every Woman Counts)

TEROC had several questions regarding the budget.

Dr. Ong and Dr. Green asked if there had been discussions at the DOF regarding where and if e-cigarettes would fit in, for taxation purposes, the Other Tobacco Products category. Their concern was regarding how e-cigarettes fit into the definition of tobacco product and if DOF or the BOE were discussing regulatory options. Mr. Chen replied that e-cigarettes are not currently included in the Prop 99 reports and would look into this further.

Dr. Ong discussed the proposed \$0.94 federal tax on tobacco products. He asked if the DOF had done alternative projections based on the possibility of this type of federal tobacco tax. Mr. Chen was not aware of a projection regarding the federal tax proposal. However, he was aware of two state tobacco tax proposals.

Dr. Ong continued by questioning how allocation decisions are currently being made out of the Unallocated Account (UA). These seem to only support programs from the Hospital Services Account (and no others) or programs that are not part of any other account. It would seem that at least there should be proportionate allocation across the different accounts if these funds are being utilized to bolster Prop 99 funded programs.

TEROC expressed concern regarding increases in funding from the previous fiscal year to the Hospital Services Account (HSA) Fund 0232; the Physician Services Account (PSA) Fund 0233; and UA Fund 0236 (which funds the Breast Cancer Early Detection Program, California DHCS Medi-Cal hospital services, and DHCS State Administration). TEROC has particularly strong ongoing concerns regarding increased funding to the Breast Cancer Early Detection Program (BCEDP) from the UA Fund 0236. While BCEDP and the health care programs specified above are important, these funding increases come at the expense of highly effective and high return on investment prevention programs (e.g. tobacco control) that reduce the risk of all cancers.

Mr. Chen explained that the increases were based on historical policy. DOF saw two benefits to the increases in the hospital services account and the breast cancer detection program: the first is that they would provide resources for various medical services and the second is that should these programs not receive Prop 99 funding would then require general funds. DOF viewed this as a general fund backfill issue.

Dr. Ong inquired whether the hospital services backfill was particularly related to the Medi-Cal expenditures. Mr. Chen confirmed that this was one of the reasons.

Dr. Ong noted the value of all Proposition 99 programs. However, it seems counterintuitive and costly to the State to divert funds from programs that prevent hospitalizations due to tobacco-related diseases and morbidity.

Rather, TEROC recommends the Administration invest in the highly effective prevention programs in Health Education Account (HEA) Fund 0231. TEROC recommends that the Administration prioritize the use of funds from the UA Fund 0236 to be used for purposes identified in HEA Fund 0231. This recommendation is consistent with the Governor's fiscally prudent state budget approach; funds invested in prevention today will reduce the state's \$2.9 billion expenditures in Medi-Cal tobacco-related disease health care costs.

Mr. Chen acknowledged that this was a valid point.

Dr. Zhu noted that CDPH contributed to the California Health Interview Survey (CHIS) again and asked DOF if this was going to be a regular contribution. TEROC was under the impression that this was a one-time allocation. DOF replied that they would find out if this was going to be a regular item moving forward.

Dr. Isler noted that CDPH will have to purchase select questions on the CHIS, including a question regarding e-cigarettes.

Dr. Aoki clarified to TEROC that the Cancer Registry funding comes out of the Research Account under external contracts of CDPH.

Action Items

Ms. Bauman moved TEROC write a letter advising DOF to allocate Prop 99 funds into prevention programs, rather than intervention programs, such as hospital services and breast cancer detection; motion seconded by Dr. Zhu; motion carried unanimously.

Dr. Ong thanked Mr. Chen and Mr. Bacigalupi for the presentation.

4. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, CALIFORNIA TOBACCO CONTROL PROGRAM REPORT

Ms. Roeseler presented the California Department of Public Health (CDPH)/California Tobacco Control Program (CTCP) update.

Ms. Roeseler began the CDPH/CTCP presentation by providing a status update on six contracts that had been of concern to TEROC.

- **Information Clearinghouse/Fulfillment Services**

These services are performed by the Tobacco Education Clearinghouse of California (TECC). A Government Code (GC) Section 19130 exemption was found. A short-term, no cost extension has been put into place until CTCP can put in place a two-year

augment that would extend the contract through December 31, 2015. The University of California, Davis will take over services relating to the Rover Library and Policy Database via interagency agreement; this agreement will tentatively begin on March 1, 2014.

- **Recruitment of youth decoys**

These services are performed by the Boys and Girls Club of Fresno County. A contract to continue the recruitment of youth decoys contract is delayed due to the need to justify an exemption in GC Section 19130. CTCP and the Food and Drug Branch worked on a white paper describing why this activity is not appropriate for a state agency to perform. CTCP hopes to work with OLS to identify an appropriate GC Section 19130 exemption.

- **Annual Youth Tobacco Purchase Survey**

These services are performed by the San Diego State University Research Foundation (SDSURF). Services end in June of 2014. CTCP and OLS are continuing to discuss contracting issues related to GC Section 19130.

- **California Student Tobacco Survey**

These services were previously performed by WestEd in conjunction with the University of California Los Angeles (UCLA). CTCP solicited UCLA to take over the survey as an interagency agreement. UCLA declined. CTCP is currently negotiating with the University of California, San Diego (UCSD) on an interagency agreement. UCSD has submitted a concept paper outlining work; however, there are budget issues which need to be resolved.

- **The Make Tobacco History Request for Application**

The Make Tobacco History Request for Application (RFA) was released on January 23, 2014. This RFA seeks to fund organizations to work on health promotion, innovative and evidence-based tobacco policy, regulation, community norm change strategies, provide education, and help local communities organize and implement strategies. The activities are currently conducted through agreements with ChangeLab Solutions, The American Lung Association in California, and the California Youth Advocacy Network. The current contractors are eligible to apply for these funds. CTCP changed the procurement format so that these statewide projects, should they apply and be awarded funding, would function as grants which are exempt from GC Section 19130. Successful grantees awarded funding under this procurement will research, plan, develop, and disseminate innovative policy, regulation, and promising community norm change strategies, which can be replicated by others to create healthy sustainable communities which dissuade tobacco use. These innovative strategies are to take a population-based approach and will facilitate: reducing the number of persons beginning to use tobacco, continuing to use tobacco, or developing tobacco-related diseases. Applications are due March 14, 2014, and \$6 million is

available for this procurement; it is anticipated that one to four grants will be awarded funding.

The Local Lead Agency (LLA) three-year plans were reviewed in mid-January 2014. CTCP is currently in the process of scheduling negotiations. The three year plans will begin on July 1, 2014.

A very successful Project Director's Meeting (PDM) took place on February 4-6, 2014 at the DoubleTree Hotel in Sacramento. The theme of the conference was *Utilizing Collective Impact to Build Large-Scale Social Change*. Several speakers presented, including an individual from the Foundation Strategy Group and a group from Cincinnati, Ohio. Dr. Stanton Glantz was the final speaker. A primary goal of this meeting was to build the capacity of the tobacco control field to release the Healthy Stores for a Healthy Community data through the media in March and to facilitate implementation of interventions beginning in July, 2014.

Beginning in January, 2014, the California Health Interview Survey (CHIS) added multiple questions to their survey focusing on smoking and tobacco use behavior. Of particular interest are new questions on quitting smoking, e-cigarette use, and reasons why people use e-cigarettes.

Two media training webinars were held for funded projects to increase their knowledge of media relations. "How to Identify and Recruit Spokespeople and Prepare them to Succeed", and "Beyond the Press Conference: How to Create and Communicate News Value." Both trainings were recorded and posted on Partners for future reference.

The *Advancing Health Equity in Tobacco Control* Summit proceedings were distributed at the PDM on February 4-6, 2014.

Nineteen applications were successfully submitted on January 9, 2014 in response to the Reduce Tobacco-Related Inequities RFA. This RFA intends to fund 10 to 12 grants to prevent and reduce tobacco use among groups with high rates of tobacco use.

The Capacity Building Network (CBN) interagency agreement with the University of California, San Francisco (UCSF), is a three-year agreement of \$1.5 million with a February 1, 2014 start date pending approval from the Department of General Services (DGS). Valerie Yerger is the Project Director for CBN and discussed the CBN services at the February 4-6, 2014 Project Director's Meeting in Sacramento. CBN's primary role is to establish a centralized "one-stop" training and technical assistance service delivery system to help California Tobacco Control Program funded projects strengthen their capacity to serve diverse/priority populations and to reduce tobacco-related disparities.

Dr. Ong questioned CTCP's print advertisements; he wondered if media dollars would be better spent on digital advertisements. Ms. Roeseler noted that the Media Unit will sometimes give additional legs to a television and digital campaign by also adding a print component. Ms. Adams-Simms noted that print advertisements continue to be an important form of information for minority communities and thinks that if it is in support of an existing media campaign, that the dollars are well spent.

Dr. Green complimented CTCP for the success of the "Lost Moments" Campaign.

Ms. Roeseler introduced CTCP's new Health Equity and Local Program's Unit Chief, Leslie Ferreira. Leslie has a long history in tobacco control beginning at the age of 13. CTCP is extremely fortunate to have an individual with her capacity and knowledge in the Department. Ms. McGruder welcomed Ms. Ferreira on behalf of AATCLC and looks forward to working with her. She also discussed the importance of CTCP collaboration with priority populations and wants to make sure that everything is being done that can be done to help priority populations achieve equity in tobacco control.

Ms. McGruder also asked for more information regarding the budget and how the CTCP Request for Application # 14-10010: Reduce Tobacco-Related Inequities Interventions performed outreach for this RFA. In addition, she requested the number of groups outreached to, method of outreach, and response. She inquired if the CTCP Evaluation Unit could follow-up regarding groups that were outreached to but did not submit a LOI, those who submitted a LOI for Reduce Tobacco-Related Inequities Interventions but did not apply, and those who started the Online Tobacco Information System (OTIS) process but did not submit a final application. Evaluation questions would include asking potential agencies what they thought of the RFA, the informational session, OTIS, the funding amount, and the desired Scope of Work (SOW).

Dr. Ling questioned whether CTCP would be doing any additional exploration, besides CHIS, regarding e-cigarettes. CTCP has put together a policy paper regarding e-cigarettes that will be presented to the Director's Office. The paper includes recommendations regarding the future of e-cigarettes in California in regards to CDPH. In the absence of state-level e-cigarette policy, CTCP can only encouraging locals to take action. Dr. Isler also advised Dr. Ling that there is ongoing e-cigarette surveillance through the Behavioral Risk Factor Surveillance Survey (BRFSS)-California Adult Tobacco Survey (CATS).

Dr. Ling asked if it would be helpful to CTCP if TERO presented a letter of support regarding the regulation of e-cigarettes. Ms. Roeseler thought that

would be helpful for TEROC to exercise their advisory capacity to the Department on this issue.

Dr. Green asked Ms. Roeseler if CTCP can provide more information regarding the Healthy Stores for Healthy Communities Campaign to himself and Ms. Ling for work on objective six. Ms. Roeseler agreed to provide this information.

Action Items

Dr. Baezconde-Garbanati moved TEROC write a letter to the Director of CDPH informing him of the importance of addressing the topic of e-cigarettes. Dr. Henderson seconded the motion; motion carried unanimously.

The Chair thanked Ms. Roeseler for her presentation.

5. TEROC SUBCOMMITTEE REPORT REGARDING CTCP CONTRACTS AND GOVERNMENT CODE SECTION 19130

Dr. Ong provided an update on behalf of the TEROC Subcommittee. The subcommittee was comprised of himself and Mr. Quon.

Dr. Ong provided a brief overview of the contracts Ms. Roeseler had mentioned earlier in the meeting:

- Information clearinghouse/fulfillment services
- Recruitment of youth decoys
- Annual Youth Tobacco Purchase Survey (YTPS)
- California Student Tobacco Survey In-school survey of middle/high schools
- Making Tobacco History RFA

The TEROC Subcommittee reported on a meeting which took place on February 3, 2014. The meeting attendees included the TEROC Subcommittee and key leaders from CDPH. Discussion surrounded CTCP contracting and GC Section 19130.

Dr. Ong acknowledged usefulness of the letters and alternate legal opinions that were received from the public. The tobacco control community stepped-up to provide evidence of the essential services provided by CTCP's current contractors.

Dr. Ong discussed the ongoing state contracting process. An overarching solution has not been found, but individual GC Section 19130 exemptions are being explored and case-by-case solutions seem to be temporarily satisfying the need for services. TEROC will need to continue to make sure the

process is moving forward and that CDPH has the information needed to help them find the GC Section 19130 exemptions that best fit the services.

Mr. Quon noted that there seems to be ongoing hesitancy by CDPH-OLS to share information, such as timelines and contract processes, with the TEROC members due to attorney client privileges. The reluctance to discuss the matter makes it very difficult for TEROC to have a conversation with them regarding the issues. It also makes it difficult for TEROC to understand how best to assist in the process. Mr. Quon also noted that CDPH-OLS did a good job reminding the group that they are all on the same team and that they are working towards resolution.

Mr. Barnes requested an explanation of how CDPH is going to move forward with the Making Tobacco History RFA. He wants to know how they will be processed. Ms. Roeseler explained that after the awards are made, they will be packaged and sent to the CDPH-OLS for review. CDPH-OLS will review the grants to make certain they do not look like personal services contracts. CDPH-OLS has made it very clear that they do not want a grant-funding mechanism to be used for personal services. CDPH-OLS will be looking at the scope of work (SOW) very carefully to make certain they do not look like personal services contracts. CTCP has discussed the parameters with the grant applicants to make sure they develop applications to look like grants rather than personal services contracts.

This raises concerns for Mr. Barnes. Mr. Barnes questioned what the legal basis was for CDPH-OLS to assert responsibility in reviewing grant applications. The State Contracting Manual (SCM) does not outline authority over grants. Ms. Roeseler cited a CDPH audit that has led them to the process of allowing CDPH-OLS to review every single agreement's 2319A. The 2319A must be signed by CDPH-OLS or the Contract Management Unit (CMU) will not sign-off on the agreement. CDPH-OLS is now reviewing the grants to make sure programs are not circumventing the contracting process to implement personal services.

Mr. Barnes advised TEROC to be wary of the new process CDPH-OLS has implemented. Dr. Ong thanked Mr. Barnes for his advice in the matter and noted that TEROC will continue to be vigilant in making sure the reviews are completed in a timely manner.

TEROC members discussed the definition of personal services. Members decided the subcommittee could continue the discussion outside of the meeting.

TEROC expressed concern in the potential break in services. Ms. Roeseler noted the CTCP staff is working to get the agreements in place to minimize gaps in service.

The subcommittee will continue to work with CDPH regarding the execution of agreements and update TEROC at the May 2014 meeting.

6. UNIVERSITY OF CALIFORNIA OFFICE OF THE PRESIDENT TOBACCO RELATED-DISEASE RESEARCH PROGRAM REPORT

Dr. Aoki presented on behalf of TRDRP.

Dr. Aoki began the presentation by discussing Cycle 23 Career Development Applications. Fifty-four LOIs were submitted and 47 applications received; applications are currently pending peer review. This is an increase in both dissertation and postdoctoral fellowship applications over the last three years. Dissertation and Postdoctoral Fellow LOIs were due October 15, 2013, applications were due December 17, 2013, applications will be reviewed March, 2014 and funding notifications will go out in May, 2014.

TRDRP is also moving forward with plans to conduct a training and mock review panel for Community Academic Research Awards (CARA) and School Academic Research Awards (SARA) applicants on February 13, 2014. After a similar training in 2011, TRDRP observed a 23 percent higher funding rate for CARA/SARA applications. To date, twenty-nine applicants are expected to participate representing eight distinct community/academic or school research teams. LOIs are due February 13, 2014, applications are due April 21, 2014, applications will be reviewed in June or July, 2014 and funding notifications will go out in September, 2014.

Panel presentations were organized by TRDRP and presented at the recent research meetings of the Society for Research on Nicotine and Tobacco (SRNT) in Seattle, Washington, on February 5-8, 2014:

1. E-Cigarettes and the End Game: Is This the Road Forward?
2. Third-hand Cigarette Smoke: Chemistry, Exposure, Toxicity, Risk Assessment, and Policy Implications.

Grantees also participated and led a presentation:

- A Date with Density: Retail Availability of Tobacco and Associations with Use

Dr. Aoki continued by discussing plans for dissemination of *The Cost of Smoking for California's 58 Counties* study in June or July, 2014.

As has been reported previously, this study, by Wendy Max's group, is developing estimates of the cost of smoking for each of California's 58 counties, including costs of both active smoking and secondhand smoke exposure. Estimates will be made of smoking-attributable healthcare costs, time lost from activities, and the value of lives lost prematurely due to smoking-related illness. TRDRP has begun discussing the options for

disseminating the final research findings including the possibility of posting the data with a dynamic interface on publicly accessible websites at the University.

Dr. Aoki discussed a thirdhand smoke (THS) report which was discussed during incoming correspondence. The study was funded by TRDRP and has received robust media coverage.

The study showed that exposed mice exhibited alterations in multiple organ systems and levels of a tobacco-specific carcinogen similar to those found in children exposed to SHS. In the liver there was an increase in lipid levels and non-alcoholic fatty liver disease. In the lungs there was excess collagen production and high levels of inflammatory cytokines. In wounded skin, there was poor healing similar to human smokers going through surgery. Finally, behavioral tests resulted in hyperactivity.

Dr. Aoki continued by presenting themes from SRNT:

- Towards a comprehensive nicotine policy
 - Re-conceptualize role and use of nicotine in society
 - FDA authority over full range of nicotine products from least to most harmful

- Towards the “obsolescence” of combustible cigarettes
 - Via the free market and/or through governmental regulation
 - “Light touch” regulation
 - Decreased access to combustible products including state and local bans

- Concerns and skepticism as long as combustible cigarettes remain on the market
 - Re-normalization of smoking
 - Dual use
 - Gateway to combustible

Dr. Aoki discussed considerations for TEROC’s next Master Plan.

Strategies consistent with “end game” goals:

- State and local restrictions and bans
 - filters, menthol, and combustible cigarettes
 - marketing to and use of e-cigarettes by minors
- Universal access to cessation benefits/services

Research Priorities:

- Benefits and harm of varying taxation scenarios for e-cigarettes
- Impact of e-cigarettes in California’s diverse communities
- E-cigarette health risk, addiction, and sensory appeal
- E-cigarette use behaviors and cessation effectiveness
- E-cigarette marketing to reduce dual use and non-smoker uptake

Dr. Ong mentioned that CTCP is working with the CHIS to include e-cigarettes questions. He asked whether there is a strategic way to encourage investigators through the TRDRP mechanism to leverage e-cigarette data. Perhaps TRDRP can utilize and explore this data. Dr. Ong suggested collaborating with both Dr. Isler from CTCP and contacting the CHIS directly.

Dr. Ong also noted that the UC Health Delivery System, headed by Eliza Tong, will begin implementing electronic health records to all five UC Health Systems via a two-way interface. This two-way interface is between electronic health records and California Smokers Helpline. Dr. Ong suggested leveraging these electronic health record data resources.

TEROC members, led by Dr. Ling and Dr. Green, discussed additional research and funding options.

Ms. Adams Simms and Ms. Etem wondered if TRDRP could break down the number of LOIs compared to applications submitted. Dr. Aoki agreed to include this analysis in the next report. There was continued discussion regarding potential of the non-funded individuals. Dr. Aoki noted that TRDRP is willing to help work with them to strengthen proposals in the future.

The Chair thanked Dr. Aoki his presentation.

7. CALIFORNIA DEPARTMENT OF EDUCATION REPORT

Mr. Herman and Mr. Lagomarsino presented the CDE update and activities related to the 2012-2014 Master Plan.

Mr. Herman began the CDE report by announcing that CDE recently performed a grant reading and subsequently funded 14 grantees in the amount of \$16 million dollars. There were 27 eligible applicants who received higher than a passing score.

The Coordinated School Health and Safety Office (CSHSO) continues to address the use of electronic nicotine delivery systems (ENDS) by sending weekly emails to all County TUPE Coordinators routinely requesting that County TUPE Coordinators make every effort to encourage local school governing boards to adopt the following policy language:

“The School Board prohibits the use of products containing tobacco and/or nicotine, including, but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and ENDS, such as e-cigarettes, electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products any time, in charter school or school district-owned or leased buildings, on school or district property, and in school or district

vehicles. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.”

On Tuesday, February 11, 2014, CDE hosted a webinar in collaboration with the California School Boards Association (CSBA), The California Youth Advocacy Network (CYAN) and Changelab Solutions. Presenters were Kimberlee Homer-Vagadori of CYAN, Bode Owoyele of CSBA, and Matthew Moore of Changelab Solutions. The purpose of the webinar was to provide attendees with:

- Information on vapor products/e-cigarettes;
- An overview of local/statewide/national policy activities addressing these products; and
- Recommendations for amending existing school board policies to include language on e-cigarettes.

A flyer was sent to all local educational agencies whether or not they have a TUPE grant or a certified tobacco-free policy.

Dr. Ling attended the webinar and thought it was fabulous and applauded CDE for the good work they are doing.

CDE presented a news clip provided by the Orange County Office of Education. On Friday, February 7, 2014, NBC4 News reported that e-cigarettes have become such a craze that school districts are having a difficult time developing rules that would bar the devices from campuses. In Orange County, districts and health organizations are teaming up to get ahead of the trend.

<http://www.nbclosangeles.com/video/#!/on-air/as-seen-on/OC-Schools-Aim-to-Fend-Off-E-Cigarette-Trend/244461751>

CDE has received numerous reports regarding youth usage in school settings and the ease at which students are able to hide the devices.

Dr. Ong asked how CDE is currently tracking local educational policy regarding e-cigarettes. Mr. Lagomarsino indicated that there is currently no formal tracking system; however CDE will be meeting with county coordinators and will ask them to collect the information regarding e-cigarette policy changes and provide it to CDE.

Ms. Bauman discussed district e-cigarette policy and suggested tracking through the discipline codes through suspension.

Dr. Baezconde-Garbanati asked if CDE was working with grantees regarding e-cigarettes. Mr. Herman indicated that they are conveying to the grantees that it is an appropriate use of their funds.

Dr. Green and Mr. Herman discussed Education Code Section 48900 (j) and explored whether or not it could provide a model. Mr. Herman thought it wouldn't provide an appropriate model but looking to the Health and Safety Code, describing drug paraphernalia, could help them in creating a model.

Dr. Ong asked if CDE plans to follow-up with attendees of the webinar to obtain a sense of the usefulness of the webinar. Mr. Lagomarsino advised Dr. Ong that they have received several emails requesting the use of the slides and conveying feedback. Mr. Wolfe described the webinar as a catalytic moment for CDE in the future of tobacco control.

Mr. Lagomarsino described his experience presenting at the 2014 PDM and encouraged collaboration between the county offices of education and the LLAs.

TEROC discussed the retirement of Greg Wolfe; he and his continuous enthusiasm will be greatly missed in the tobacco control community.

The Chair thanked Mr. Herman and Mr. Lagomarsino for the presentation. The Chair also thanked Mr. Wolfe for his good work in tobacco control.

8. VOLUNTARY HEALTH AGENCY UPDATE

Jamie Morgan (AHA), Kimberly Amazeen (ALAC), Lindsey Freitas (The Center), and Tim Gibbs (ACS) presented on behalf of the voluntary health agencies.

Ms. Amazeen began the presentation by introducing Lindsey Freitas, with The Center. The Center tracks tobacco policy in California, including e-cigarette policy.

Ms. Amazeen and Ms. Morgan continued by presenting a potential tobacco tax initiative in 2016. The initiative will fund prevention, research, and healthcare. Senate Bill 768, a Cigarette and Tobacco Product Tax bill, died. However, Senator Kevin de León and Senator Mark Desaulnier are both interested in introducing tobacco tax bills.

Discussion continued regarding the large number of freshman legislators and strategizing on how to work with them to move forward proactively with tobacco control.

Ms. Freitas presented information regarding additional legislation. February 21, 2014 is the last day for legislators to introduce new bills during the 2013-2014 legislative session. There are currently several tobacco-related bills that could receive action in the coming year.

Four bills have not met the deadline for two-year bills and will not move forward:

- AB 320: Tobacco Use in Schools
- AB 746: Smoking: Prohibition in Multifamily Dwelling
- AB 1142: Smokefree Beaches and Parks
- SB 768: Cigarette and Tobacco Product Taxes

Three new tobacco-related bills have been introduced:

- AB 1839: Tobacco film tax credit bill
- AB 1500: Internet Sales of Cigarettes and Electronic Cigarettes
- AB 1504: Single Use Cigarette Filers

One bill carried over from 2013

- SB 648: Electronic Cigarettes: Restriction of Use and Advertising

Dr. Green prompted discussion by noting that the Governor Brown had accepted tobacco industry money. Ms. Freitas confirmed that he had accepted approximately \$27,000 in 2013 and \$26,000 in 2012. The Center will soon release a new database which will include contributions to legislators. Surprisingly, elevated numbers of democrats are now accepting tobacco industry money.

Dr. Ong questioned who would be the regulatory authority over e-cigarettes for taxation purposes, keeping in mind the Proposition 99 language including the definition of tobacco products being defined as “all forms of cigars, smoking tobacco, chewing tobacco, snuff, and any other articles of products made of or containing at least 50 percent, tobacco but does not include cigarettes.” Dr. Ong noted that it might be the BOE, but wanted to confirm.

Ms. Morgan suggested questioning the BOE and the AG’s office to provide feedback. There is a multi-level approach to addressing e-cigarettes. Direction needs to come from the federal level. States need to license e-cigarettes and share data with the federal government and FDA so they can take it to the next level.

Dr. Ong discussed increases in the Unallocated Account. Although all Prop 99 funded programs are worthwhile programs, Dr. Ong noted that it was strange that funds were being taken away from programs that prevent hospitalizations due to tobacco-related diseases and morbidity; resulting in a reduction in the amount of hospitalizations and giving the funds to downstream programs such as the hospital fund. Dr. Ong questioned who

the best individuals are to address these issues. Ms. Morgan suggested the Senate and Assembly Budget Committees.

Dr. Baezconde-Garbanati asked for the official position on e-cigarettes from ALA, ACS, and AHA. Ms. Amazeen replied that ALA supports taxing e-cigarettes at an equivalent rate to other tobacco products. Ms. Morgan is waiting for a white paper from AHA before taking an official position. Mr. Gibbs answered that ACS is becoming more flexible in engaging in the e-cigarette issue.

Ms. Morgan thanked TEROC for their engagement in legislation and state contracting; she felt TEROC's involvement was very helpful.

Action Item

Dr. Henderson moved that TEROC write a letter to the Senate and Assembly Budget Committees reminding them of the importance of allocating Prop 99 funds into prevention programs, rather than intervention programs, such as hospital services and breast cancer detection; motion seconded by Dr. Baezconde-Garbanati; motion carried unanimously.

9. PUBLIC COMMENT

There were no public comments.

Dr. Ong moved to adjourn the meeting. The motion passed unanimously.

The meeting was adjourned at 4:00 PM.

A Master Plan meeting will take place in the same location on Thursday, February 13, 2014.