

**Minutes of the  
Tobacco Education and Research Oversight Committee (TEROC)  
Tuesday, December 8, 2015**

Location:  
Hilton Los Angeles Airport  
La Jolla Ballroom  
5711 West Century Boulevard  
Los Angeles, CA 90045

Alternate Location:  
Stanislaus County Office of Education  
Fishbowl Room  
1100 H Street  
Modesto, CA 95354

**MEMBERS PRESENT:**

Dr. Michael Ong (Chair), Dr. Lourdes Baézconde-Garbanati, Mr. Richard Barnes, Ms. Vicki Bauman (from Modesto location), Ms. Pat S. Etem, Dr. Alan Henderson (Vice-Chair), Ms. Debra Kelley, Dr. Pamela Ling, Dr. Wendy Max, Dr. Claradina Soto, Dr. Mark Starr

**MEMBERS ABSENT:**

Dr. Robert Oldham, Mr. Myron Dean Quon

**OTHERS IN ATTENDANCE:**

Andrea Zvonicek, California Department of Public Health (CDPH)/California Tobacco Control Program (CTCP)  
April Roeseler, CTCP  
Dr. Bart Aoki, Tobacco-Related Disease Research Program (TRDRP)/University of California, Office of the President (UCOP)  
Dr. Catrina Chambers, CTCP  
Dr. Norval Hickman, TRDRP  
Dr. Phillip Gardiner, TRDRP  
Francisco Michel, CTCP  
Frank Ruiz, CTCP  
Jenny Wong, CTCP  
John Lagomarsino, CDE  
John Yi, American Lung Association  
Margarita Garcia, CDE  
Nadine Roh, CTCP  
Sarah Planche, CDE  
Tim Gibbs, American Cancer Society (ACS)/Cancer Action Network (CAN)  
Richard Kwong, CTCP  
Tom Herman, California Department of Education, Coordinated School Health and Safety Office (CDE/CSHSO)  
Tonia Hagaman, CTCP  
Xueying Zhang, CTCP

## 1. WELCOME, INTRODUCTION

The TEROC Chair, Dr. Ong, called the meeting to order at 9:38 a.m. TEROC members and guests introduced themselves.

## 2. APPROVAL OF MINUTES, CORRESPONDENCE, AND ANNOUNCEMENTS

Dr. Ong pointed out that there was one pending action item from the September 29, 2015 meeting regarding writing a letter of support for the Special Session bills. He commented that there was a lack of clarity about the best time to submit this letter. Mr. Kwong clarified that TEROC staff received information from the voluntary health agencies recommending waiting until January 2016, when the Legislature was scheduled to reconvene. However, he also conveyed that since the Public Health Committee scheduled an informational hearing on electronic cigarettes for December 17<sup>th</sup> in Oakland, the letter should be sent out during December 2015.

Approval of the September 29, 2015 meeting minutes with the following amendments:

- On page 8, the sentence “Dr. Ong thanked Mr. Soltani for presenting the Commission’s report” was revised to state: “Dr. Ong thanked Mr. Soltani for presenting the Commission’s report and indicated that TEROC will continue to monitor the marijuana movement moving forward.”
- On page 19, the sentence “The campaign will educate Californians about the negative impacts of cigarettes on the environment to include the billions of trees that are cut down every year to cure tobacco” was revised to state: “The campaign will educate Californians about the negative impacts of cigarettes on the environment to include the billions of trees that are cut down every year to cure the tobacco leaves.”
- On page 24, the sentence “Dr. Aoki shared some of the information presented at the marijuana briefing, including an analysis of the constituents of tobacco and marijuana secondhand smoke, which found that both have similar chemicals, including nicotine” was revised to state: “Dr. Aoki shared some of the information presented at the marijuana briefing, including an analysis of the constituents of tobacco and marijuana secondhand smoke, which found that both have similar chemicals, including trace amounts of nicotine.”
- On page 24, TUPE (Tobacco Use Prevention and Education) was spelled out.

Dr. Baézconde-Garbanati moved to accept the minutes as amended, seconded by Dr. Ling. Motion passed unanimously.

The chair reviewed TEROC-related correspondence:

### **Outgoing Correspondence:**

- October 2, 2015, TEROC sent a letter to Robert Croyle, Director of the Division of Cancer Control & Population Sciences at the National Cancer Institute (NCI) urging NCI to continue funding the

State and Community Tobacco Control (SCTC) Research Initiative and similar tobacco policy research.

- Dr. Ong reported that he had received an email from Michelle Bloch, Chief of the Tobacco Control Research Branch at NCI, acknowledging receipt and appreciation of the letter from TEROC.

### 3. **ENVIRONMENTAL UPDATE**

TEROC discussed tobacco control issues in the media, including the following news articles and reports:

- **U.S. Proposes Provision on Tobacco in Trade Pact**  
[http://www.nytimes.com/2015/10/02/business/international/us-proposes-provision-on-tobacco-in-trade-pact.html?\\_r=0](http://www.nytimes.com/2015/10/02/business/international/us-proposes-provision-on-tobacco-in-trade-pact.html?_r=0)
- **HUD proposes smoking ban in public housing**  
<https://www.washingtonpost.com/news/federal-eye/wp/2015/11/12/hud-proposes-smoking-ban-in-public-housing-citing-dangers-of-secondhand-smoke/>
- **7 in 10 Students Who Currently Use Tobacco Used a Flavored Product**  
<http://www.cdc.gov/media/releases/2015/p0930-flavored-tobacco.html>
- **FDA Authorizes New Tobacco Products**  
<http://thehill.com/regulation/healthcare/259675-fda-authorizes-new-tobacco-products>
- **FDA Bans Sales of 4 Cigarette Products by R.J. Reynolds**  
[http://www.nytimes.com/2015/09/16/health/fda-orders-rj-reynolds-to-stop-selling-4-cigarette-products.html?\\_r=0](http://www.nytimes.com/2015/09/16/health/fda-orders-rj-reynolds-to-stop-selling-4-cigarette-products.html?_r=0)
- **FDA Sends E-Cigarette Regulations to White House for Review**  
<http://thehill.com/regulation/pending-regs/257920-fdas-tobacco-deeming-rule-under-final-review>
- **Nation's First Marijuana "Resort"**  
<http://www.usnews.com/news/us/articles/2015/11/09/south-dakota-tribe-burned-pot-crop-for-fear-of-federal-raid>
- **E-cigarette Sales Said to be Declining Rapidly**  
<http://www.marketwatch.com/story/e-cigarette-sales-rapidly-lose-heat-2015-11-18>
- **Man Critically Injured After E-Cigarette Explodes In His Face**  
[http://www.huffingtonpost.com/entry/e-cigarette-explosion\\_56532c70e4b0879a5b0b91da?ncid=txtlnkusaolp00000592](http://www.huffingtonpost.com/entry/e-cigarette-explosion_56532c70e4b0879a5b0b91da?ncid=txtlnkusaolp00000592)

- **“Mega-Donor” Comes Out in Support of California Tobacco Tax Initiative**  
<http://www.sacbee.com/news/politics-government/capitol-alert/article38153034.html>
- **More Than a Dozen Sickened After Bad Batch of 'Spice'**  
<http://www.nbcsandiego.com/news/local/Reported-Brawl-in-Gaslamp-District-Leaves-Two-Unconscious-352960091.html>

### **General Discussion**

Ms. Etem expressed her excitement about the new rule proposed by the Housing and Urban Development (HUD) Department to make public housing smoke-free. She indicated that advocates for smoke-free housing have been working on the issue since 1998. She suggested that TEROC write a letter to HUD in support of the policy.

Ms. Kelley reported that the California State University (CSU) System may be issuing stronger recommendations or requirements for campus smoke-free policies. However, recently there have been issues at San Diego State University (SDSU) concerning the implementation and enforcement of their campus smoke-free policy. Ms. Kelley indicated that although SDSU was the first CSU campus to adopt a smoke-free policy, there have been many problems with its implementation. Dr. Tom Novotny, a professor at SDSU and former TEROC member, brought to Ms. Kelley's attention that a change to weaken the smoke-free policy was moving forward at SDSU. This change would roll back the smoke-free campus policy and re-implement designated smoking areas.

Ms. Kelley indicated that she and other advocates were able to forestall changes to the policy by asking for a meeting with the University President. However, Ms. Kelley believes that tobacco control advocates need to work with SDSU to provide examples of best practices for implementing campus smoke-free policies, since SDSU has not done a good job implementing or enforcing their smoke-free campus policy. Ms. Kelley indicated there is an opportunity for TEROC to have a positive influence on the way the CSU and the community college system implements smoke-free campus policies. Ms. Kelley recommended that a letter from TEROC be drafted when more information becomes available regarding the CSU System's plans for the system-wide smoke-free campus policy.

Dr. Ong asked whether the California Youth Advocacy Network (CYAN) had been involved in helping SDSU formulate their policy.

Ms. Kelley responded that SDSU had not allowed external stakeholders to be on the committee that developed the campus smoke-free policy. She also indicated that Kimberlee Homer Vagadori, Project Director at CYAN, will participate in the meeting with SDSU administration on December 9, 2015.

Ms. Etem indicated that Statice Wilmore from the Pasadena Public Health Department has great resources on implementation of smoke-free campus

policies, based on the experience working with Pasadena City College. Ms. Kelley responded that she would reach out to Ms. Wilmore. She also stated that SDSU had developed an implementation plan but that much of the plan had not been executed. The SDSU administration has been unwilling to enforce the policy to its fullest extent.

Dr. Baézconde-Garbanati stated that it might be helpful to examine how well campuses are implementing smoke-free policies and to send recognition letters to those that are doing a good job. In addition, campuses that are not implementing their policies well should be monitored.

Dr. Henderson added that since one of the Special Session bills seeks to raise the minimum age to purchase tobacco to 21, this is an auspicious time to make the CSU System and community college administrators aware of the need for smoke-free campus policies.

Dr. Ong suggested that Ms. Kelley contact Cynthia Hallett of Americans for Nonsmokers Rights for their report that identifies all the tobacco-free universities and colleges. Dr. Ong also recommended contacting University of California (UC) representatives, including Karen Calfas from UC San Diego. He added that a meeting has been planned with UC president Janet Napolitano to discuss how to sustain the smoke-free campus efforts at the UC. Dr. Ong also stated that the lessons learned from the UC experience may be applicable to the CSU System and the community college system.

Dr. Baézconde-Garbanati indicated that she knows faculty at SDSU who are very committed to tobacco control and could provide “inside” support for the effective implementation of the smoke-free campus policy. Ms. Kelley indicated that engaging additional supporters would be very helpful. She added that she has been working with Jenny Quintana, who headed up the smoke-free campus effort, as well as Garrett Marr and Dr. Tom Novotny.

Dr. Max asked whether the CSU System proposal would include e-cigarettes.

Ms. Kelley responded that she did not know if it would, but that the current SDSU policy does include e-cigarettes.

Dr. Max stated that TEROC might want to encourage all campus smoke-free policies to include e-cigarettes.

Dr. Ling asked if it would be helpful if TEROC wrote a letter regarding the smoke-free campus issue at SDSU.

Ms. Kelley responded that a letter would be helpful. However, it was not clear whether it would be most helpful to write a letter to SDSU, to all the individual campuses, or to the CSU Chancellor.

Dr. Ong commented that in the past, letters have been written to individual campuses, but that ultimately it would be helpful to write to the CSU as a whole.

Dr. Ong suggested that a subcommittee be created to develop the letter, in order to work on it before the next TEROC meeting.

Ms. Kelley inquired whether non-TEROC members could be involved in the subcommittee discussions.

Dr. Ong replied that non-TEROC members can participate in subcommittee discussions, but that voting on subcommittee decisions is limited to TEROC members only.

Ms. Etem suggested that Statice Wilmore be invited to the subcommittee.

Dr. Ong offered to provide input to the subcommittee from the UC perspective and also suggested inviting Julie Chobdee, UC Riverside, who was involved in adopting the UC system-wide tobacco-free policy.

Dr. Ling proposed contacting Amanda Fallin at the University of Kentucky who did a TRDRP-funded study on campus smoke-free policies in California.

Dr. Ong explained that subcommittees allow TEROC to get work accomplished between meetings. There are four regularly scheduled meetings per year. Two meetings take place in Sacramento around the time that the Governor's Budget and the May budget revision are released. The other two meetings take place during the fall in the Bay Area and in Los Angeles. Periodically, meetings take place in other areas of the state. In addition to the four required meetings, additional TEROC meetings may be scheduled for specific purposes, as is the case when TEROC develops the Master Plan.

Dr. Ong reported that a second marijuana initiative was filed, which is backed by Sean Parker, the co-founder of Napster and former president of Facebook. This initiative adheres more closely to the recommendations in the Blue Ribbon Commission on Marijuana Policy (BRC) report. Dr. Ong believes that changes to the initiative are still forthcoming. He also indicated that he had been contacted by a member of the BRC requesting that TEROC submit comments on the initiative to the Secretary of State. Since the 30-day comment period did not allow for TEROC membership to discuss the issue, Dr. Ong directed staff to submit TEROC's July 17, 2015 letter to the BRC as TEROC's public comment.

Dr. Ong indicated that the initiative includes some provisions where the tobacco control impact is unclear. One issue related to secondhand smoke is that the initiative specifically states that individuals can smoke marijuana in a private dwelling, which includes apartments. Other stipulations state that provisions of the initiative are not to supersede laws regulating secondhand smoke in public places, but it is not clear how conflicts would be resolved. Other provisions include a recommendation to task the public university systems to conduct

research on marijuana policy, although funding is limited. The initiative would provide funding to the California Department of Health Care Services to fund Medi-Cal, and CDPH and CDE for prevention education and treatment for youth. CDPH would also have responsibilities in licensing and ensuring accurate labeling of marijuana products. Dr. Ong stated that TEROC will continue to monitor developments with the marijuana initiative.

Dr. Henderson pointed out that TEROC has the ability to publicly oppose the initiative.

Dr. Ong concurred and added that when the initiative language becomes final, TEROC will be able to vote on whether to oppose the initiative.

Ms. Etem asked whether there were any tobacco control groups that were involved in providing input into the development of the initiative.

Dr. Baézconde-Garbanati stated that although Mr. Abdi Soltani of the BRC presented to TEROC, the Committee needs additional presentations specifically on research currently available. She indicated that TEROC has not seen enough of the research to fully understand the potential impact of marijuana legalization as related to tobacco control.

Dr. Gardiner reported TRDRP held a research meeting on marijuana and that it would be beneficial to TEROC to hear a presentation on the content discussed during that research meeting. TRDRP staff can identify and coordinate relevant marijuana-related researchers to present at future TEROC meetings.

Ms. Etem indicated that it would also be helpful to receive input on marijuana as it relates to tobacco control from other programs overseen by TEROC.

Ms. Etem responded that this would be very helpful to the committee.

Ms. Kelley added that the American Lung Association (ALA) is focusing its efforts on the tobacco tax initiative. She added that when the medical marijuana initiative was introduced in 1996, ALA did not take a position. Talking points on the nexus of tobacco and marijuana would be very helpful in asking voluntary agencies to take a position on the marijuana initiative.

Dr. Ling suggested that the E-Cigarette Subcommittee members take on the task of working with other TEROC members to form a marijuana subcommittee and create these talking points.

Ms. Roeseler responded that CTCP could work with TRDRP and CDE on developing talking points on tobacco and marijuana.

Ms. Bauman volunteered to join the committee.

**Action Items:**

- Form a committee to work on smoke-free policy implementation at California universities and colleges with the goal of identifying best practices. The first task of the subcommittee will be to develop a letter to SDSU and Cal Poly San Luis Obispo. The subcommittee will be empowered to finalize and mail the letter to the two universities. Ms. Kelley moved that a committee be formed to work on smoke-free policy implementation at California universities and colleges. Dr. Baézconde-Garbanati seconded. Passed unanimously.
- Write a letter to HUD commending them for the proposed smoke-free public housing rule and recommending that the rule be strengthened by including e-cigarettes and hookah. Ms. Etem moved that TEROC write a letter of commendation to HUD. Dr. Henderson seconded. Passed unanimously.
- TRDRP and CTCP to develop talking points about the nexus between tobacco control and marijuana. Ms. Etem moved that the programs write the talking points. Dr. Baézconde-Garbanati seconded. Passed unanimously.
- TRDRP staff to conduct forums to present research on the nexus of marijuana and tobacco control. Ms. Etem moved that TRDRP identify researchers on marijuana and tobacco to present to TEROC. Dr. Baézconde-Garbanati seconded. Passed unanimously.
- The E-cigarette Subcommittee to transition to a “Convergence Subcommittee” to take on responsibility for work on the convergence of marijuana, traditional tobacco and electronic smoking devices. The subcommittee will work with staff from CTCP and TRDRP to develop marijuana talking points and explore creating a position statement. Ms. Etem moved that the “Convergence Subcommittee” work with the agencies on the talking points. Dr. Henderson seconded. Passed unanimously.

**4. TEROC E-Cigarette Position Statement**

Dr. Ong introduced the revised TEROC e-cigarette position statement and talking points. The document is intended to provide TEROC members a resource that they can use when presenting before a public body in favor of policies that regulate the sales and use of electronic smoking devices.

Dr. Ling added that TEROC had adopted an earlier version of the e-cigarette position statement two years previously, which addressed the use of e-cigarettes in places where use of other tobacco products was prohibited. The new document was created to update the talking points based on the current scientific evidence and to reflect the evolving nature of e-cigarette policy. The version presented incorporated feedback received from the TEROC membership at the September 29, 2015 meeting.

Dr. Max asked for clarification regarding speaking publicly as TEROC members rather than as private citizens.

Dr. Ong responded that when he speaks publicly he specifies that, while he is not communicating formally on behalf of TEROC, the statements he made are consistent with positions that the committee has taken publicly or are articulated in the Master Plan. Dr. Ong further explained that there might be situations where TEROC members are tasked to officially speak before a body on behalf of the committee.

Ms. Kelley stated that the tobacco and vaping industries have sought to have e-cigarettes regulated separately from traditional tobacco as a way of weakening their regulation. For this reason, the voluntary health agencies have taken a strong stand in favor of policies that explicitly define electronic smoking devices as tobacco products, even at the local level. This has been a challenge because, while seeking the gold standard for policies, tobacco control advocates do not want to stymie very good policies. Ms. Kelley wanted to make TEROC members aware that they may encounter situations where the voluntary health agencies may not support a particular policy because it does not define e-cigarettes as tobacco products.

Ms. Etem asked whether the talking points document would be disseminated by programs to their funded agencies.

Ms. Hagaman indicated that many local programs develop their own talking points. However, CTCP is also developing talking points that will be made available to the field.

Dr. Ong indicated that the new position statement on e-cigarettes should be posted to the TEROC webpage. TEROC staff will determine the best depository for the full talking points document and notify members.

Dr. Gardiner inquired whether the supporting facts should be posted as well.

Dr. Ong responded that the TEROC webpage might not be the optimal location for that type of information.

Dr. Gardiner recommended that the E-cigarette Subcommittee discuss this and determine the best location for supporting facts documents, which should be updated on a regular basis.

Dr. Ong suggested that the programs determine the best host for the supporting facts.

Ms. Roeseler pointed out that CDPH released the State Health Officer's Report on E-Cigarettes in January of 2015, which summarized the best science at that time. For this reason, CTCP has not released an e-cigarettes factsheet, but could develop one if needed.

Ms. Kelley stated that, from a local program perspective, it would be helpful for CTCP to develop and distribute a factsheet in order to have the best supporting information available when educating on the issue.

**Action Items:**

- Adopt the new TEROC Position Statement on Electronic Smoking Devices. Dr. Henderson moved to adopt the new TEROC Position Statement on Electronic Smoking Devices. Ms. Etem seconded. Approved unanimously.

**5. VOLUNTARY HEALTH AGENCY UPDATE**

Tim Gibbs of the American Heart Association, Cancer Action Network (ACS/CAN) reported on behalf of the voluntary health agencies.

Mr. Gibbs reported that the Special Session on Healthcare is ongoing and that the six tobacco-related bills are still alive. He added that there is a desire in the assembly to allow a vote. It is possible that a vote will be held early in 2016. The voluntary health agencies are preparing for intense lobbying in support of the bills. Mr. Gibbs also indicated that the bill to raise the tobacco tax, Senate Bill 14 X2, is still alive; however, the odds of the bill passing appear small.

Mr. Gibbs indicated that the priority for voluntary health agencies is passing the tobacco tax initiative. For that reason, the voluntary health agencies' preference is to limit the amount of legislative activity on tobacco control and to focus on the tax. However, there is a possibility that hostile legislation might be introduced, particularly on defining e-cigarettes separate from traditional tobacco products. The voluntary health agencies would vigorously oppose such legislation.

The tobacco tax initiative is getting close to the signature gathering stage. The title and summary for the initiative are due from the Secretary of State on December 15, 2015. The voluntary health agencies will ask volunteers to start gathering signatures immediately and collect through mid-April. The initiative will include e-cigarettes in the definition of tobacco products and will revise the definition of what constitutes a tobacco product. The initiative includes a tax of increase of \$2.00 per pack of cigarettes on top of the existing cigarette tax (\$0.87 per pack), and imposing an equivalent tax on e-cigarettes. The amount of tax on electronic smoking devices, their components and e-liquids will be based on a formula that the Board of Equalization will develop similar to the methods used for taxing Other Tobacco Products (OTPs). Only vaping products containing nicotine will be taxed.

**General Discussion**

Dr. Ong asked for a recommendation on timing for the letters of support.

Mr. Gibbs indicated that it is critical that the letter arrive before the legislature reconvenes on January 6, 2016.

Dr. Baézconde-Garbanati asked whether there would be a new strategy for Southern California given that the previous tobacco tax initiative (Prop 29) failed in this part of the state.

Mr. Gibbs responded that in 2012, the backers of Prop 29 did not have the resources needed to get their message out and compete with the Tobacco Industry. He added that this time the coalition of initiative backers, Save Lives California (SLC), includes more partners with resources, including the Service Employees International Union, the California Medical Association, and philanthropist Tom Steyer. All these partners have pledged to spend adequate resources to get the pro-initiative messages.

Dr. Gardiner asked what the SLC would do to reach out to minority communities, since many did not support Prop 29. He added that he was informed that a request for proposals (RFP) would be released to support outreach to minority communities.

Mr. Gibbs responded that he was not aware of the details of the RFP so he could not provide a status report on it, but would inquire about it.

Dr. Max indicated that during the past initiative process, the Los Angeles Times released an editorial critical of Prop 29. She asked whether there was a strategy in place to forestall a similar position by the newspaper on the new tobacco tax initiative.

Mr. Gibbs responded the Los Angeles Times editorial board likes the fact that most of the funds will go towards Medi-Cal and that no new programs will be created. On the other hand, in the past it has expressed opposition to taxing e-cigarettes. At the time of the meeting, the media consultants for the initiative have not been selected, so specific strategies have not been identified.

Dr. Gardiner asked whether a meeting with the Los Angeles Times editorial board is planned.

Mr. Gibbs responded that a meeting is planned but it would probably not happen until the summer of 2016.

Ms. Etem pointed out that CDPH and TRDRP have made strides in addressing health equity and reducing disparities. She added that these issues are very relevant to the initiative and make it very important for the campaign to be inclusive and diverse. Ms. Etem suggested that as the campaign evolves, it will be critical that initiative leaders reach out to diverse communities to assess whether they feel included in the process.

Mr. Gibbs acknowledged the need to have these conversations with diverse communities. He added that they when talking to voters the key messages about the initiative are: a) it will keep kids from smoking, b) it will save lives through

funding research for tobacco-related disease, and c) if you don't smoke, you don't pay.

Dr. Aoki stated that it will be critical to also provide messaging on how the initiative would address health equity and disparities in order to engage and excite the tobacco control community about the initiative.

Dr. Gardiner noted that feedback on Prop 29 provided by African American and Hispanic groups indicated that they wanted to know how the initiative would have impacted their respective populations. Dr. Gardiner strongly recommended that campaign organizers highlight the fact that the new initiative will set aside 15% of revenues collected for health equity and disparities work.

Dr. Ong stated that it will be important to address messaging on equity and disparities in order to win the support of specific populations, which will be required to win the election.

Ms. Kelley added that when reaching out to key influentials from communities of color groups at the local level, to ask them for their endorsement; it will be helpful to have those kinds of talking points. Providing information on how the initiative will impact their communities will be helpful in winning endorsements.

Dr. Ong indicated that TEROC will look forward to getting updated on the initiative campaign as it progresses. Mr. Gibbs asked whether TEROC was on record supporting the initiative. Dr. Ong responded that since the initiative had not been finalized as of the September 29, 2015 meeting, the committee had not taken a position on it yet.

Mr. Gibbs indicated that initiative language was now final.

#### **Action Item**

- TEROC to write a letter endorsing the tobacco tax initiative. This letter is to include recommendations on reaching out to minority communities and other priority populations and including appropriate messaging. Dr. Henderson moved that TEROC write a letter to endorse the tobacco tax initiative. Ms. Kelley seconded. Motion passed with Dr. Starr abstaining.

#### **6. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, CALIFORNIA TOBACCO CONTROL PROGRAM REPORT**

April Roeseler of the California Tobacco Control Program (CTCP) presented on behalf of the CTCP.

Ms. Roeseler reported on the *Joining Forces to Address New Challenges Conference*, which was held in collaboration with the Tobacco-Related Disease Research Program and the California Department of Education on October 27–29, 2015. She highlighted results from the conference evaluation which showed that participants rated the overall conference experience positively. The primary

complaints were that the rooms were too small and the breakout sessions were not long enough.

Ms. Roeseler indicated that CTCP presented the Carol M. Russell Leadership and Vision Award at the conference. Debra Kelley was the recipient of the award this year.

Ms. Roeseler reported that during the last few months the statewide multicultural technical assistance contractor, The LOOP, provided several webinars focusing on different populations and educational strategies. The LOOP worked with Gwendolyn W. Young on the webinar "Shaping and Moving Policy Using Film and Entertainment." The LOOP also conducted the following webinars "Use of Electronic Nicotine Delivery Systems among Asian American Young Adults in California," "Menthol and Other Flavored Tobacco Products: African Americans under Siege," "Connecting Cultural Strategies to Policy Change in Indian Country," and "Exploring Tobacco Control Engagement with the LGBT Communities."

Ms. Roeseler reported that in November 2015, seven CTCP-funded grantees received training on how to implement the minimal smoke-free home intervention. This intervention was developed by Emory University under the National Institutes of Health, State and Community Tobacco Control research initiative. The intervention recruits low income households which permit smoking inside the home. The intervention consists of three mailings and one intensive coaching telephone call to help the household establish a smoke-free home. She indicated that the projects went to Atlanta for the training. She also indicated that if the intervention works well, it would be great if CTCP could scale up the intervention up to reach larger communities.

Ms. Roeseler indicated that in September 2015, CTCP's Media Unit launched the #NOMASBUTTS bilingual media campaign. She indicated that CTCP initially planned to conduct advertising and public relations on the environmental impact of cigarette butts, but unfortunately, approvals were not secured. The public relations component would have centered on a tour of the Tree Stump featured in the #NOMASBUTTS TV ad. CTCP is hoping to do the Stump tour around Earth Day in 2016. Ms. Roeseler also reported that the second phase of the "Wake Up" anti-e-cigarette campaign launched in September 2015 in the major markets. The target audience was shifted to focus more on reaching parents and included placement of out-of-home advertisements in malls. Ms. Roeseler indicated that the media campaign experienced some resistance from mall management in the four major markets because many of these malls include businesses that sell electronic cigarettes.

Ms. Kelley indicated she reached out to Horton Plaza in San Diego, but did not receive any response on how to place anti-e-cigarette advertisements in the mall.

Ms. Roeseler highlighted the Great American Smokeout and the two events the California Youth Advocacy Network sponsored throughout California, including

the military smoke-free campaign and the smoke-free colleges and universities events. These events promoted smoke/tobacco-free policies and tobacco cessation.

Ms. Roeseler also reported that the “Wake Up” campaign received the “Best in Show” award from the 2015 Healthcare Marketing IMPACT awards presented by *Modern Health* and *Advertising Age*. She indicated the “Wake Up” campaign also won two gold awards in the Video and Integrated Campaign categories.

Ms. Roeseler reported that CTCP has been reaching out to pharmacies regarding Senate Bill 493, which expanded the scope and practice for pharmacists to be able to provide cessation aids, family planning, and immunizations. She indicated that CTCP’s partners at UCSF (i.e., Lisa Kroon and Robin Corelli) want to take the lead on educating and training pharmacists. To support this partnership, CTCP created several materials to help the public understand their pharmacist’s role as a cessation aid provider. These materials include: an evergreen article that provides current information on ending tobacco sales in pharmacies; a drop-in ad to support tobacco-free pharmacy work; a fact sheet focused on cessation aids pharmacists can provide; and a flyer encouraging people to talk to their pharmacist about quitting.

Ms. Roeseler also reported the Healthy Stores for Healthy Communities (HSHC) campaign is gearing up to collect data for the HSHC Spring 2016 campaign. CTCP put out a call to local lead agencies about what instruments and modules they will use. HSHC data collection will have a core module that includes tobacco, alcohol, and nutrition questions. It will also have optional modules that asked more in-depth questions. Thirty-nine (39) local agencies signed up to collect data on electronic cigarettes, 27 signed up to collect data on placement and exterior ads, 25 signed up to collect data on flavored tobacco products, and 17 signed up to collect data on price and promotions.

Ms. Roeseler reported that the Sexually Transmitted Disease (STD) Branch contacted CTCP about partnering with the HSHC campaign to address availability and accessibility of condoms in stores. CTCP agreed to include three condom-related questions (e.g., Where are the condoms on the shelf?, Are they locked on the shelves?, and What is the price of the condoms?) on the HSHC survey.

Ms. Roeseler indicated there was some pushback from some partners regarding the inclusion of condom-related question on the HSHC survey because they thought the questions might be offensive to community partners involved in the data collection. To alleviate concerns about including condom questions, the STD Branch hosted a webinar entitled “The Product that Saves Lives: An Explanation of Why the STD Branch is partnering with the Healthy Stores for a Healthy Community Campaign.” The STD Branch also presented information to the California Conference of Local Directors of Health Education to inform the audience about how importance the issue of condom access and price are to use

and to prepare the audience for the inclusion of condom questions on the HSHC survey.

Ms. Roeseler reported that CTCP has been running the “Tobacco’s Impact in My Community” photo contest. The American Cancer Society sponsored the contest and provided cash prizes to the contest winners. The California Department of Education, Tobacco Use Prevention Education Program, California Youth Advocacy Network and Breathe California – Emigrant Trails, and Counter Tobacco helped with this contest by promoting it to teens and young adults across California. The winning photos might be used by CTCP, including the media campaign, to educate communities about the negative impact that tobacco continues to have on California communities.

Ms. Roeseler indicated that for the first time ever, the Centers for Disease Control and Prevention developed a two-question module focused on marijuana. The module will be added to the 2016 Behavioral Risk Factor Surveillance Survey (BRFSS). She reported that the California Department of Health Care Services (CDHCS); Substance Use Disorders Prevention, Treatment, & Recovery Services Division; Prevention Branch agreed to fund the marijuana module added to the 2016 BRFSS. The cost of each question is \$7,500 and will provide CTCP with baseline data. However, CDHCS has not made a long-term commitment towards providing financial support for the marijuana module. Ms. Roeseler also indicated that CTCP added marijuana questions to the 2016 California Adult Tobacco Survey

Ms. Roeseler reported that CTCP has experienced a 20-30 percent vacancy rate over the past year, but the majority of the positions have been filled. She indicated Ms. Jenny Wong accepted the Health Program Manager I position in the Health Equity and Local Programs Unit, Mr. Scott Kelley accepted the Programmer IV, Supervisor position in the Knowledge and Management Unit, and Mr. Dahir Nasser accepted the Health Program Specialist I position in the Local Programs and Advocacy Campaign Unit. She also indicated that CTCP filled the Chief position in Local Programs and Advocacy Campaign Unit, but is awaiting final approval from Human Resources.

### **General Discussion**

Ms. Etem asked what marijuana questions are being included on the BRFSS.

Dr. Zhang responded the questions are on past 30-day use and how marijuana is consumed (e.g., smoke, eat, or vape it).

Dr. Baézconde-Garbanati asked if there will be an opportunity to add questions to the HSHC survey tool if a ballot for legalizing marijuana is passed.

Ms. Roeseler responded that could happen, but CTCP would have to justify why it has the authority to investigate marijuana in retail stores. Currently, CTCP can make the argument in favor of collecting marijuana prevalence data because of

the use of little cigars to smoke marijuana (“blunts”) and the vaping of marijuana products in electronic smoking devices.

Dr. Ong thanked Ms. Roeseler for her report.

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

Drs. Bart Aoki, Phillip Gardiner, and Norval Hickman of the Tobacco-Related Disease Research Program (TRDRP) presented on behalf of TRDRP.

Dr. Aoki began the report with the status of the TRDRP Cycle 25 Call for Applications. He indicated subsets of applications are due February 9, 2016. TRDRP will review the applications from February through March, will notify the recipients in May 2016, and the funding cycle will begin July 1, 2016.

Dr. Hickman reported on the *Joining Forces Conference*. He indicated TRDRP received the evaluation results on December 7, 2015. Results show that over the three days of the conference there were 509 attendees. The conference agenda included over 30 breakout sessions and 140 presenters. He indicated the goal of the conference was to blend topics each day so the conference was not only research-focused. He highlighted the gamut of research-related sessions offered at the conference including electronic cigarettes, marijuana regulation, early detection of tobacco-related cancers, cardiovascular disease, increasing access to tobacco treatment for priority groups, cutting-edge policies, and the new investigator session.

Dr. Hickman indicated that feedback from participants indicated that the collaborating agencies underestimated the level of interest for some of the sessions and that we could have benefited from a larger venue. He also indicated that research sessions could have done a better job of translating findings for use by community advocates, practitioners, and school educators. The evaluation showed the keynote speakers were well received. The conference also offered additional opportunities for individuals to network across counties.

Dr. Hickman highlighted Dr. Forsyth’s research on tobacco imagery in video games. He stressed this research because children are exposed to smoking while playing games. Unfortunately the session was poorly attended due to so many other great breakout sessions. Dr. Hickman indicated the purpose of this TRDRP-funded research was to explore whether games identified as favorites by gamers were recalled as containing tobacco content, to verify whether those games actually contained tobacco content, and to determine whether games are appropriately labeled by the Entertainment Software Rating Board (ESRB) for tobacco content.

Dr. Hickman reported the findings showed that ESRB labels rarely indicate that there is tobacco content in the games even though tobacco use is present. He stated that study recalled 31% (37 out of 118 games) of the games because they

had tobacco content. The study verified that 94% (35 out of 37 games) contained tobacco content, but through independent verification 15 additional games were identified as having tobacco content. Subsequently, 42% (50 out of 118 games) contained verified tobacco content, but only 7.6% of the 118 games receive an ESRB rate for tobacco content.

Dr. Hickman reported that Dr. Glantz has conducted research on smoking in movies and was able to show how powerful tobacco imagery can be on viewers. Dr. Hickman suggested that it is important to protect kids while they are playing video games because imagery sometimes is more important than words. He also indicated that 84% of parents are aware of the rating system and 69% regularly check a game rating before purchase. The key take-home messages are that tobacco imagery is present in games and is recalled consciously by players. Additionally, many ESRB game ratings do not reflect the tobacco content that is in fact present in games.

Dr. Hickman also reported on the Tobacco-Use Prevention and Education (TUPE) evaluation. He indicated that the major aims of this evaluation is to: 1) examine the extent of implementation and consistency with best practices of the TUPE program, 2) compare schools that received TUPE funds and non-TUPE funded schools, 3) examine the extent to which emerging tobacco products are addressed, and 4) provide data-driven recommendations. Dr. Hickman indicated that Dr. Shu-Hong Zhu is going to create an algorithm with the collected data. That data will be used to create a composite score to identify how well schools are doing regarding tobacco prevention efforts, policy work, and the consistency of implementation. It will also be used to see how the schools are fully implementing TUPE programs.

Dr. Hickman indicated that TRDRP is keeping the start date for the TUPE contract at October 1, 2015 although there are still some challenges and delays with executing the grant between the agencies involved. Currently, CTCP and TRDRP contracts and funding are in place. The CDE contract is pending approval and execution. He believes the TUPE grant has one more contractual step to go through before funding is made available to Dr. Zhu at the University of California San Diego.

Dr. Gardiner began his report with the Request for Quotation (RFQ) on Electronic Cigarette (e-cigarette) Public Policy Research. He indicated the RFQ team met earlier in the year regarding e-cigarette taxation. The outcome from that meeting was agreement that there is a need to find out the public perception of e-cigarettes. E-cigarette questions were added to the Field Poll and were administered to a representative sample of California adults in September and early October 2015.

Dr. Gardiner reported the findings from the Field Poll showed that 70% or more of adults registered to vote favored: 1) taxes on e-cigarette and other vaping products in California and devoting the money for public education programs, research, and enforcement of the laws related to their use; 2) regulation and

licensing of retailers of e-cigarette and other vaping products in California in the same ways as retailers of combustible cigarettes; and 3) laws that prohibit the use of e-cigarettes in places where smoking is prohibited. The Field Poll also showed that a lower percentage of adults (57%) favored a state law that restricts adding flavors to e-cigarettes and other tobacco products. Seventy-one percent indicated that in their opinion e-cigarettes and other vaping products contribute to young people becoming addicted to nicotine.

Dr. Gardiner indicated that the RFQ team is identifying places (ideally two in southern California and one in the Central Valley) where they can conduct e-cigarette focus groups to add to what was learned from the Field Poll and to obtain a pulse on what e-cigarette attitudes are in these communities. He indicated the plan is to have a report to TRDRP in late April 2016 then plan how to disseminate that information to the tobacco control field and TEROC.

Dr. Gardiner continued his report by focusing on California marijuana policies. He thanked Dr. Ong for the TEROC to the Blue Ribbon Commission and for providing questions within the letter that led to the July 31, 2015 meeting in Oakland. He indicated there were two important points that came out of the meeting: national legalization of marijuana (state-by-state adoption) and, from a tobacco control perspective, renormalization of smoking behavior. He also indicated that during their meeting someone highlighted the issue of aerosolizing/vaping marijuana.

Dr. Gardiner reported that subsequent to the July 2015 meeting, TRDRP had begun working with Dr. Suzaynn Schick, Dr. Matt Springer, Ms. Rachel Barry, and others to put forth a special project to identify the contents of aerosolized marijuana, the contents of aerosolized tobacco, and how the two compare. Dr. Gardiner TRDRP hopes the research will start in early January 2016 and that a report will be available in March or April 2016. He also reported that in May or June 2016 TRDRP hopes to provide, via a webinar, a research presentation on the link between e-cigarettes and marijuana to educate the public about these public health issues.

Dr. Aoki alerted TEROC that TRDRP is sending a report to the Legislature on the number and amount of research grants, pending research grants, list of funded awards, programs accomplishments, and future direction of TRDRP.

### **General Discussion**

Dr. Ong asked what the best forum would be for presenting the research on e-cigarette and marijuana to the public or the broadest audience.

Dr. Gardiner responded that a live webinar may be the best way to get the information out. The webinar would be recorded and made available to those who could not attend. He indicated the webcast would probably be in the Bay Area.

Ms. Etem asked about the Field Poll findings and whether they would be added in the webinar, especially reporting that the majority of California adults support e-cigarette taxation.

Dr. Baézconde-Garbanati added that the Field Poll showed regional and socio-demographic differences in support for e-cigarette taxation. For example, support for e-cigarette taxes was higher among those with higher education and living in the northern part of the state compared to those with lower education and living in the southern part of the state. However, there were no racial/ethnic differences in support for e-cigarette taxation.

Dr. Gardiner responded more broadly, that there are still discussions regarding the coupling of laws that regulate different products, heightened push back from the vape community, and what drives votes. He said the group will continue to use the Field Poll numbers to show that California adults support taxation of e-cigarettes, but ultimately the proposed policies for taxing e-cigarettes are still combined with the tobacco tax.

Dr. Ling indicated the Bermuda Triangulum was funded by the National Cancer Institute to collect data. She indicated that she agrees that when you have multiple products included in one policy or law inevitably there is opposition. She also indicated that the e-cigarette subcommittee has considered including flavors in the TEROC position statement, but ultimately did not think it made since to emphasize flavoring in one type of product over another.

Dr. Gardiner responded that it should be menthol and other flavors because menthol typically is left out of flavor-restricting policies. Ideally it is a problem with all flavored products.

## **8. California Department of Education Report**

Tom Herman, John Lagomarsino, Sarah Planche, and Margarita Garcia presented on behalf of the California Department of Education (CDE)/ Coordinated School Health and Safety Office (CSHSO).

Mr. Herman began the report with the *Joining Forces Conference*. He indicated that it was a great success. The evaluation results reported by CTCP and TRDRP are consistent with what CDE heard from their county coordinators. The county coordinators were very pleased with the conference and thought this was not only the best tobacco conference, but the best conference they had attended.

Mr. Herman continued the report with the contract for the TUPE evaluation. He indicated the TUPE contract is in the Contracts Office where the budget and scope of work are under review. He indicated that the TUPE evaluation will be able to adhere to the original start date of October 1, 2015. He thanked Dr. Hickman for being able to move the Advisory Committee forward in light of the contract delays. He also indicated that CDE is looking forward to hearing about the work of the Advisory Committee and working collaboratively with the group moving forward.

Mr. Lagomarsino indicated it has been an arduous journey to get the TUPE evaluation contact approved, but is confident the approval is forthcoming.

Mr. Herman indicated CDE has been in contact with the Youth Decoy project in Fresno to assist them in recruiting youth for their project to support and enforce the STAKE Act. This partnership is ongoing as it advances the goals of prevention and youth engagement in tobacco control.

Mr. Herman reported that CDE convened the 3<sup>rd</sup> Advisory Group meeting on November 6, 2015, to provide input on the TUPE program. He indicated CDE would like to move forward on changing the current funding cycle from one year to three years. This recommendation is supported because it aligns with other funding agencies, it streamlines and simplifies the funding process, and CDE no longer has the staff to adhere to the various funded timelines.

Mr. Herman reported that in 2016, Sarah Planche will serve as a member of the Material Review Board to evaluate instructional materials related to tobacco and nicotine prevention for the California Healthy Kids Resource Center and the California After School Resource Center. The primary objective of the material review is to identify and acquire a high-quality collection of resources to circulate to California educators, administrators, after school staff, and community leaders via the CDE library and Web site.

Mr. Herman indicated that CDE's TUPE program in Los Angeles County Office of Education (LACOE) is planning for the second annual Youth Advocacy Leadership Conference. CDE expects 250 middle and high school students will converge on the California Endowment Center to receive information, skills-building activities, and strategies for effective education and advocacy. Presenters will include the California Youth Advocacy Network, Friday Night Live, and colleagues from LACOE. These groups will work with students on communicating to city councils, creating video messages, photo-documentation, and print media, and reaching target populations.

Mr. Herman indicated that there is an increasing number of local educational agencies that have adopted a policy to prohibit electronic nicotine delivery devices on school premises and ensure that the policy is abided by parents, staff, and visitors. As of December 2015, over 375 local educational agencies have adopted such a policy.

Mr. Herman indicated CDE was pleased to help promote CTCP's 2015 Tobacco's Impact in my Community Photo Contest and appreciated the opportunity to help make some recommendations for the selection process.

Mr. Herman reported that CDE co-sponsored the Northern California Safe and Healthy Schools Conference on November 12-13, 2015 in Berkeley. The

conference was designed to offer quality training and information on topics and model programs of interest to prevention professionals and educators. He indicated the participants had 40 classes to choose from, covering a variety of topics for both new and seasoned professionals. The tracks included School Health, Mental Health and Nursing, Alcohol, Tobacco and Other Drugs, Youth Development, School Safety and Crisis Response, and Bullying Prevention as these topics all support the healthy development of the whole child. He also reported that information on e-cigarettes, hookah pens, emerging products and industry trends were provided to participants, along with resources from the California Healthy Kids Resource Center. Approximately 300 people attended the conference.

Mr. Herman indicated that CDE is maintaining a monthly call with their county TUPE coordinators to improve communication and collaboration. CDE's evaluation contractor, Duerr Evaluation, sits on these calls to provide updates, share resources, and announce upcoming trainings.

Mr. Herman reported that Grant Award Letters were mailed to all Cohort K Tier 1 and Tier 2 grant recipients. Tier 2 recipients were asked to adjust their budget from 10% to 22% less as a result of the technical adjustment from the Department of Finance for fiscal year 2015-16. He also indicated CDE received 14 applications for the Cohort L Tier 1 TUPE grant. CDE will review and score the applications the first week of December. Cohort L Tier 2 Request for Applications had been slated for release by November 20, 2015 but CDE adjusted the release for December 2015.

Mr. Herman indicated that CDE continues to emphasize the use of the California Smokers' Helpline as one tool to assist both students and school staff to quit using tobacco.

He also indicated the TUPE program at Contra Costa County conducted a presentation entitled "Vape Pens & Teens: What Educators Need to Know" on November 10, 2015. A follow up train-the-trainer training on this topic was held on December 7, 2015. The goal was to identify school and community-based organization who are equipped to provide presentations and trainings on the issue of adolescent e-cigarette use, local district tobacco-free schools policies, and prevention/intervention strategies.

Mr. Herman indicated that CDE presented to a group of 35 health ministers from South Korea on tobacco prevention efforts in California schools. He reported that Mr. Lagomarsino and Ms. Planche did a fantastic job presenting work from CDE on school-based interventions. Mr. Herman also reported the ministers had great questions and were very curious about CDE's program because the smoking prevalence in Korea is 46 percent for adults and approximately 9 percent for youth.

### **General Discussion**

Dr. Soto indicated the South Korean groups had wonderful things to say about their meeting with CDE. She also inquired about the grant awards and asked about their purpose, objectives and reach.

Mr. Lagomarsino responded that 11 out of 14 applications were awarded this year and the funding amount ranged from a minimum of \$35,000 to a maximum of \$2 million over three years. He also indicated that after CDE received the technical adjustment from the Department of Finance, CDE sent out revised award letters informing grantees they had to reduce the amount of funding to each award by 10 percent to 22 percent depending on the award amount. He highlighted that CDE is now receiving the signed letters back from the awardees accepting the reduced funding amount. He indicated that CDE is talking with each grantee about how the funding cuts are affecting their programs and how they can make adjustments to their budgets.

Mr. Herman indicated that the goal of each grant is for each grantee to declare their school as tobacco-free; they must implement prevention, cessation, and other efforts at the school sites. He also indicated that it may be a good idea for CDE to provide a short presentation on the grant award process to give TEROC an overview of the goals and objectives of the TUPE program.

Mr. Herman added that implementing the California Youth Tobacco Survey is also a requirement for funded schools. Participating in this survey allows CDE to collect data on tobacco use, youth risk behaviors, and perceptions among tobacco-funded sites.

Dr. Max asked whether CDE, CDPH and TRDRP planned to continue conducting a joint conference and whether the *Joining Forces Conference* saved the agencies money, compared to conducting separate conferences.

Dr. Hickman indicated that continuing to hold a joint conference depends on timing for each agency. He also indicated that while there were financial benefits, staff responsibilities were heavy. He also indicated that timing of other conferences is a strong determining factor for future conference collaborations.

Mr. Herman indicated that the Joint Conference had a much greater number of attendees so that may have offset some of the cost saving.

Ms. Bauman indicated she was very proud of how well all the students presented at the conference. She indicated that the students did a really good job articulating the use of TUPE funding at their respective schools.

Ms. Hagaman indicated it was a great experience and an opportunity for exposure to science, policy, and experts in the field.

Mr. Herman stated that CDE would certainly support the idea of another joint conference.

**9. Public comment**

Dr. Ong reiterated the Joint Conference was a success and that TEROC could encourage use of joint funding to continue to support an economically efficient conference.

Ms. Etem asked if it was possible that under Prop 10, representatives from First Five could support a conference or a joint conference in the future.

Ms. Roeseler indicated that CTCP is building a relationship with First Five. CTCP was scheduled to provide a webinar to First Five county commissioners on December 9<sup>th</sup> on e-cigarettes and nicotine. She indicated that First Five was interested in receiving subject matter expertise and help with communicating and educating the populations they serve about these issues. She also reported that First Five provides \$1.4 Million to California Smoking Quitline each year. She also indicated that of the current \$0.87 tax per pack of cigarettes, First Five gets \$0.50, while CTCP gets \$0.03.

The meeting was adjourned at 2:57 PM.