

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

Meeting on Monday, September 8, 2008

Hilton Garden Inn
1800 Powell Street
Emeryville, CA 94608
(510) 658-9300

MEMBERS PRESENT:

Kirk Kleinschmidt (Chair), Dorothy Rice, Peggy Uyeda, Alan Henderson, Michael Ong, and Wendell Brunner

MEMBERS ABSENT:

Lourdes Baézconde-Garbanati, Michael Velázquez, Pamela Ling, and Lawrence Green

OTHERS IN ATTENDANCE:

John Francis, California Department of Public Health (CDPH), California Tobacco Control Program (CTCP)

John Lagomarsino, California Department of Education (CDE)

George Lemp, Tobacco Related Disease Research Program (TRDRP), University of California Office of the President (UCOP)

Bart Aoki, TRDRP, UCOP

April Roeseler, CTCP

David Cowling, CTCP

Josephine DeLeon, CDPH

Colleen Stevens, CTCP

Tonia Hagaman, CTCP

Majel Arnold, CTCP

Philip Gardiner, TRDRP

Rich Heintz, Local Lead Agencies, Project Director Association

Tim Gibbs, American Cancer Society

Donald Lyman, CDPH

1. WELCOME, INTRODUCTION, AND OPENING COMMENTS

Tobacco Education and Research Oversight Committee (TEROC) Chairperson Kirk Kleinschmidt called the meeting to order at 9:40 a.m.

Mr. Kleinschmidt asked for all those attending to sign in, established ground rules, and shared that the meeting would be recorded for meeting accuracy.

2. APPROVAL OF MINUTES FROM MAY 20, 2008 AND JULY 18, 2008 TEROC MEETINGS, CORRESPONDENCE, AND ANNOUNCEMENTS

May 20, 2008, page 9. The action item to request to be on the California First 5 meeting agenda for July 17 was not followed up on. This issue was put on hold for the next meeting to reflect the appropriate date of July 18, 2008.

July 18, 2008, page 11. The minutes incorrectly listed Tobacco-Related Disease Research Program (TRDRP) employees as TEROC employees. The July 18 minutes will be corrected.

The minutes were approved unanimously.

Mr. Kleinschmidt identified and briefly discussed the correspondence received concerning the organizational changes to the University of California Office of the President (UCOP) research effecting TRDRP. Additional outgoing correspondence concerned the UCOP reorganization and a letter to the National Council of Legislators from Gaming States concerning TEROC's support of smoke-free casinos. Correspondence was provided to all meeting participants.

The next meeting date is scheduled for January 20, 2009, in Sacramento after the state budget is released. Department of Finance will be invited to present on the Proposition (Prop) 99 budget.

3. ENVIRONMENTAL DEVELOPMENTS

Stan Glantz, et. al. published a research paper: *Effect of the California Tobacco Control Program on Personal Health Care Expenditures*. The paper estimates that the California Tobacco Control Program (CTCP) saved some \$86 billion in personal health care costs over the first 15 years of the program.

Food and Drug Administration (FDA) Authority: On Wednesday, July 30, the House of Representatives passed H.R. 1108, the Family Smoking Prevention and Tobacco Control Act by a bipartisan vote of 326-102. This bill would provide the federal FDA with the authority to regulate tobacco products. The next step for this legislation would be a vote by the full Senate.

Tobacco-Free Pharmacies: San Francisco Board of Supervisors, voted eight to three to eliminate tobacco sales from drugstores. Retailer tobacco permits are due to expire on September 30 for any pharmacy defined as a drugstore which includes the handful of independent pharmacies that have a retail tobacco permit as well as chains such as Walgreens, Rite Aid, and Longs.

Smoke-Free Movies: On July 11, 2008, at a press conference with Governor Schwarzenegger, six major Hollywood studios (Sony Pictures, Universal Studios, Time Warner, Paramount Pictures, Walt Disney Studios, and Twentieth Century Fox) agreed to include California's anti-smoking advertisements (ads) on all new G, PG, and PG-13 rated DVDs that depict tobacco use.

Altria purchased US Tobacco (UST), the maker of Skoal and Copenhagen. This moves Philip Morris into the smokeless environment.

4. UNIVERSITY OF CALIFORNIA–TOBACCO-RELATED DISEASE RESEARCH PROGRAM (TRDRP) REPORT

Interim Directors Dr. Bart Aoki and Dr. George Lemp provided the report by referring to their agency report and a PowerPoint presentation.

- Objective 1: Strengthening of the CTCP. The TRDRP is working on a couple initiatives to strengthen their research activities. TRDRP released a new call for applicants on September 2, 2008. As a part of the call, an annual funding mechanism will fund projects that address questions specific to tobacco-related disease or tobacco control issues in California. To be competitive, proposals must present a compelling justification, including evidence if available, supporting the California-specific criterion. The maximum award will be \$170,000 annually, and up to \$510,000 over the three-year grant. Applications are due December 5, 2008.

Question (Q): What is the total amount of the award?

Response (R): This has not been determined. TRDRP has an anticipated amount, but it will be dependant on the quality and number of applicants seeking funds through this mechanism.

Q: What is the typical timeline for the release? Was the timeline pushed up and what was the reason for this?

R: Yes. The release is about six weeks early, and was based on the TRDRP Scientific Advisory Committee (SAC) meeting and unanimous recommendations on August 21, 2008. Prior to this, Dr. Steven Beckwith had asked if TRDRP and the SAC if they would be willing to release the call earlier. Peer review for the applications will occur in February and March.

Q: How does this change the research structure?

R: TRDRP will still have seven study sections, which is the same as previous years. The reviews would occur late February and early March, and TRDRP hopes to have more social-behavioral and policy related research, which focus on addressing high priority issues in California. The criteria have to be fully defined as to what would fit within the research.

- TRDRP is also working to develop Rapid Tobacco Policy Research Awards with a proposed initiation during fiscal year (FY) 2008-09. TRDRP will propose the initiative to the SAC, and the need to research pressing policy issues. TRDRP believes this will require collaboration between agencies and stakeholders. The rapid policy research would need to occur within six months of receiving the award, which will be between \$100,000 and \$200,000.
- TRDRP has met with the California Department of Public Health (CDPH), CTCP and will be planning a future meeting to identify research specific to pressing policy issues. Meetings will also need to involve various stakeholders to identify issues for a legislative year and identify questions that can be answered quickly.

- The concept of rapid policy research comes from HIV/AIDS research which has had a direct impact on policy outcomes.

Q: Would this be new to tobacco program research?

R: Yes.

Q: How do you see the machinery within the UCOP and TRDRP interacting within this granting process?

R: The program will be managing the content specifics of any of the calls for applications. As far as the proposal for the rapid policy research, the program staff would be heavily involved.

Q: How much money will be put into this?

R: Around \$500,000 initially, but the SAC will still need to weigh in on this. TRDRP would anticipate funding of three projects in the first year at approximately \$100,000 to \$200,000.

Q: Will this take a lot of staff time to shepherd this through initially, compared to a typical call?

R: Yes. Particular time will also be required for dissemination of research findings.

Q: Who will make the final decision? Is it the SAC?

R: The Sac would have to make the decision on the areas and the funding model. TRDRP staff will make recommendations to the SAC.

Q: Could you provide an example of how this impacted policy?

R: Dr. Lemp provided a detailed description of how this helped allocate more federal funding for HIV/AIDS.

Q: From where do you anticipate to fund this research?

R: Proposals would come out of the general research funds, but the SAC needs to discuss on October 21, 2008. The issue will come into more focus when the results come back from the review process to know if funds can be invested into policy research.

Q: When do you plan to start this?

R: This FY. We will need the SAC to move on this, and we will need additional collaboration and input.

Q: Has this been part of the SAC discussion?

R: Not in a regular meeting, but it has been discussed with some of the SAC leadership.

Comment (C): This is the kind of thing that we should see the TRDRP program do. I think these are good initiatives, but there is still concern with the UCOP reorganization changes and the need to support tobacco control research. This

initiative will help to confront whether the UCOP are capable of supporting this type of research and the needs in tobacco control. If this can occur with the changes in the UCOP, then the organizational changes should be supported. Nevertheless, it will be very important for TRDRP to increase involvement, collaboration, and dissemination of information that will help to further tobacco control. Moving forward is a good thing as it will help to answer the questions of the UCOP reorganization in a concrete way and determine if the reorganization will support the purpose of the TRDRP. In order to be successful in the public health arena, TRDRP should be able to articulate the public health aspects and demonstrate impact in California.

- Dr. Lemp provided a copy of the planned funding cycle for TRDRP and the other research programs. With the reorganization timeline this will leave TRDRP responsible for the majority of all granting requirements.
- The Program Application and Review Center (PARC) formally known as the “Hub” will be phased in throughout UCOP research, and beginning in 2009-10. The PARC is the planned support for TRDRP grant review functions. They will provide procurement (“Call”) templates and boilerplate language, as well as posting and dissemination of the calls. The PARC will provide templates and instructions, update review Web site and application database, provide basic applicant technical support, and refer content-specific inquiries to the TRDRP program. Also, PARC will confirm reviewer participation, provide follow-up communication and support reviewer travel, manage meeting site logistics, produce audited ranked application lists, and produce applicant review summary templates.
- TRDRP will be required to develop program priorities and seek SAC input, develop program and content-specific application requirements, provide content-specific information to applicants, identify and recruit reviewers, assign proposals to reviewers, serve as scientific review administrator during meetings, address content-specific issues during review, and document review and develop content of summary statements.
- Dr. Lemp outlined the proposed research program timelines and estimated interface with the PARC during the 2008-09 and 2009-210 FYs. The PARC will likely only provide review services within the first year and build on this in the second.
- The PARC is only getting vacancy announcements out now, and realistically, will not be actively in place until October or November of this year.
- TRDRP will continue to move forward with their procurement and UCOP reorganization.

Q: TEROC has not received a response from Dr. Beckwith yet. Will there be a response? Will TRDRP be part of this PARC?

R: Dr. Beckwith is in the process of responding, but UCOP and TRDRP are still moving forward with the reorganization to be included within PARC. As Dr. Beckwith said previously, if there was consensus for the research to be moved outside of the university, he would be okay with this. However, he did not

think it was in the interest in the program to have TRDRP removed from UCOP. Though TEROC has asked for a two-year moratorium for including TRDRP within the PARC, the extended timeline and early release of the new procurement call has essentially created a one-year moratorium with the PARC not being involved. For this year and granting cycle, the PARC will have limited involvement with TRDRP that will occur only near the end of the process. While it is not a moratorium, it is a one-year delay.

C: I still do not understand the math? We do not even know what the benefits would be from the reorganization. It sounds like UCOP is trying to fix a program that did not need to be fixed. What are the funding dollars behind this?

C: I think we should take a position to support the two initiatives presented by TRDRP that seek to strengthen California tobacco control initiatives and rapid response policy research.

Action Item:

TEROC made the decision to formally support the initiatives regarding funding California-specific research and rapid response policy research. TEROC passed a motion to send a letter to Dr. Beckwith. The letter will encourage the two TRDRP initiatives while highlighting TEROC's continued concern with the UCOP reorganization.

Q: As interim directors, how do the roles of Dr. Aoki and Dr. Lemp differ?

R: Each are working half-time with HIV/AIDS and TRDRP. For the most part, they are actually more focused on TRDRP. While they do share many responsibilities Dr. Aoki is the most appropriate contact regarding operational and staffing issues.

Q: What is the timeline for finding a permanent director for TRDRP?

R: Dr. Lemp responded that this question was asked during the August 21, 2008 meeting with the SAC. In a response letter from Dr. Beckwith, he stated that more needs to be done prior to finding a permanent director for TRDRP. The timeline is currently being set aside for the time being. He did not have a sense of when they might begin looking for a permanent director, but imagined it could be a year before that would begin.

C: There was still a question of why one Full Time Employee (FTE) was going to fund both Dr. Aoki and Dr. Lemp when they are trying to implement these new initiatives and reduce administrative costs. Perhaps this is needed in order to lead the program. Regardless, there is far more support being provided by Dr. Lemp and Dr. Aoki as compared to the amount provided previously. The primary concern is still that there have been efforts to recruit a director and they have stopped. There is no clear reason for this. The feeling is that not trying to recruit is irresponsible to the program and the California Health and Safety Code. It is the responsibility of the UCOP to address this issue, and the current response is not substantive.

R: Dr. Lemp reiterated that Dr. Beckwith wanted to investigate what the problem was, and understand why the process had failed. He also feels confident that the interim leadership can meet the needs of the program.

The Chair stated that TEROC will raise these issues at the next meeting, and will continue to reinvestigate TRDRPs progress. This should continue to be on the agenda in consideration to the response received. TRDRP should be more cognizant of the needs within public health, value public health research, dissemination, and collaboration.

5. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH-TOBACCO CONTROL PROGRAM UPDATE

The CDPH program update was provided by Donald O. Lyman, M.D. Dr. Lyman discussed the following:

- The new CDPH is now over one year old. In that time, it was decided to make tobacco a primary prevention Branch. Though this will not have substantial changes internally to the program, it will elevate the program and provide a new Chief position. Dr. Lyman hopes to have someone in that position by the New Year.
- The California adult smoking prevalence for 2007 was released. Smoking in California increased from 13.3 percent in 2006 to 13.8 percent in 2007. Dr. David Cowling further explained that this increase was not statistically significant but it was the first increase since 2001 and the first increase of more than 0.1 percent since the change in the definition of smoking in 1996. The smoking among men decreased non-statistically significantly from 17.5 percent in 2006 to 17.1 percent in 2007. The smoking prevalence increase among women from 9.1 percent in 2006 to 10.7 percent in 2007 is statistically significant. Overall, there is a flattening off of prevalence.

Q: Is this occurring among other groups?

R: Yes. By age.

Q: Why is the flattening occurring?

R: Overall, the real price of tobacco has decreased by \$0.71 per pack over the past four years. The cost of media has increased significantly and decreased the intensity of the media buys. The amount of funding among local lead agencies has decreased significantly. Overall, we are seeing a drop in the intensity of the program due to diminished funding.

C: Yes and the tobacco industry continues to be a relentless adversary in California.

Q: How does the Program compare nationally?

R: Nationally, we are much lower than most states in funding. Other states have also seen a flattening as well in adult prevalence.

Q: Are there programmatic shifts that can be made to address this?

R: We have been working to educate the Department regarding the value of a tobacco tax price increase as a strategy to reduce prevalence. We are also working on an application with the Centers for Disease Control and Prevention (CDC) to get more funding. Currently, we get one of the lowest appropriations in the nation for tobacco control. We have also been creating more efficiency in our operations to decrease costs and maximize efforts in our media and evaluation, and with the utilization of web-based technologies. Additionally, we have a number of policy proposals which are still waiting approval. Dr. Lyman included that the Governor's office is aware of this need and a tobacco tax continues to be in play with legislative leaders.

- With the Governor's Executive Order, this has had an impact on the program and the Department. The Department was required to get rid of the retired annuitants and contractors. For CTCP, this specifically impacted the Evaluation Unit and their contractors. Presently, all evaluation contracts were placed on suspension. When this occurred, the California Adult Tobacco Survey was in the field and had to be pulled, even though a third to half of the data had been collected. This required the contractor to lay off 150 interviewers, and will require them to rehire and train new interviewers when the survey begins again. This will add additional costs to the evaluation. Additionally, another UC evaluation contract had to place their employees on un-paid leave.

Q: Will this suspension continue until and after the budget is passed?

R: That is unclear. Presently, there is a way for exceptions to be made, and the appeal is going forward, but has not been granted. Some contracts have been carrying their employees in the meantime, but there is no real idea as to when this will end.

Q: Would it be helpful for TEROC to weigh in on this?

R: Yes, this would be well received.

Q: What are the contract priorities?

R: The California Tobacco Survey, the Youth Tobacco Purchase Survey, and the Tobacco Control Evaluation Center. Other contracts include Michael Ong's Secondhand Smoke Economic Input Study.

Action Item:

TEROC will write a letter stating that they are terribly unhappy that these contracts are suspended and request restoration. The letter will cite all contracts but also prioritize the main contracts of concern. The letter will also address that these contracts are not funded through General Fund revenues and that the monies have already been allocated.

- In July, the state of California announced a historic partnership with the Entertainment Industry Foundation (EIF) and all six major motion picture studios

to include California's anti-tobacco ads on DVDs. These DVDs are for movies which depict tobacco use and are rated G, PG, or PG-13. Under the agreements with Sony Pictures, Universal Studios, Time Warner, Paramount Pictures, Walt Disney Studios, and Twentieth Century Fox, the studios will be able to use four of California's anti-tobacco ads. The four ads currently available for use include Icons, Bubbles, Programmed, and Daddy's Tape. Additional anti-tobacco ads may be included on DVDs in the future. Under this agreement which runs through the end of 2009, EIF will pay all associated talent fees for these ads. The initiative came from Secretary Belché's office, and the distribution is at a minimum nationally, and sometimes more global. The first movie to include a commercial is Sony's movie "21." Sony produced over four million DVDs for distribution. We still want to see Hollywood give smoking movies an R-rating.

- In May and June, CTCP developed new ads for the media campaign. They will hopefully be released in November, after the election for approximately 12 weeks: six in the fall, and six in the spring.

Q: Is the recollection of ads going down?

R: Yes. The decrease is attributed to decreases in funding available and the airtime purchased.

Q: Does this have an impact on cessation?

R: Yes. But, there are increases seen in referrals and other activities such as the "gold rush" which are described in more detail in the update.

6. CALIFORNIA DEPARTMENT OF EDUCATION (CDE) REPORT

The CDE update was provided by John Lagomarsino who presented the following:

- Staffing: The replacement for Meredith has been selected for approval. CDE anticipates the new staff to begin by the end of the month.
- Collaboration. CDE continues to meet with CTCP, and attended CTCP's Rural Tobacco Control conference. There also continues to be good collaboration between counties and schools.
- Attachment one is a run down of local program progress results over the past year. Overall, there is approximately 88 percent compliance with community involvement with tobacco control education plans.
- Approximately 72 percent of the local education agencies were found compliant for adopting and enforcing a tobacco-free campus policy.

Q: How does this reflect with last year's compliance?

R: This is actually a bit lower.

Q: How do you work with non-compliant agencies?

R: With all non-complaint agencies, CDE works with them individually and will require each agency to submit a plan on how they will fix the problems and come into compliance. There is a good deal of follow up. Sometimes there are minor problems, and they have a shorter amount of time to become compliant. For

those who have significant issues (e.g., major policy issue), more time and follow-up is required.

- Taskforce Recommendations: A copy of the drafts for the new Request for Applications (RFA) were provided. Currently the Request for Proposals (RFP) is under the review process, but it is in line with the taskforce recommendations. The RFP has been simplified, streamlined, and will address the different needs for different schools. Funding will begin July 1, 2009. RFA call to go out the middle to late October 2008, and return in early January 2009. Notifications of award will be sent out following review.
- Part one of the grade four through eight entitlement applications have been returned. For this year, approximately 65 percent of the local education agencies are looking to accept the funds. The decision on whether to apply or not by agencies is partially due to the purchasing power of the money and the requirements of the funding. At this time, the funding is not sufficient to meet the needs and conditions required by law.
- With this being the start of the consolidated application, and the last year of entitlement funding, CDE is planning on sending out information to all agencies to educate them of the changes being made.
- With the new consolidated application, CDE is not sure how many applications they will receive. They will likely have applications from the 50 grants which are ending and applications from those funded through entitlement funding. CDE will have data on how many agencies applied by November, and will provide an update at the January meeting.

7. LEGISLATIVE AND TOBACCO POLICY UPDATE

Timothy Gibbs from American Cancer Society (ACS) provided the legislative and tobacco policy update by discussing the following:

- Currently, with the budget impasse, the Governor has threatened to veto all bills until the budget is passed. Mr. Gibbs was unsure when the Governor will receive the bills and the timeline for signing the bills, if and when the budget passes.
- Assembly Bill (AB) 2344 (Beall). This bill would increase the fee for a state tobacco retailer license from \$100 to \$185 and require this fee to be paid annually. Status-Since August 14, AB 2344 has been passed by both the Assembly and the Senate and waiting to be sent to the Governor. The bill would help pay for services which are currently funded by Prop 99 monies. This would generate more funding to go back to tobacco-tax programs.
- AB 3010 (Blakeslee). This bill would authorize the Director of the Department of Mental Health to prohibit smoking by patients and staff at any of the five state mental hospitals upon the request of the director of one of those hospitals. Status-AB 3010 will now be sent to the Governor, who will have until September 30 to sign it into law, veto it, or allow it to become law without his signature.
- Senate Bill 1598 (Padilla). The ACS, American Heart Association (AHA), and American Lung Association (ALA) ended up opposing the bill due to changes

made to the language. As a result, Senator Padilla removed the bill from consideration.

- AB 2662 (Dymally). This bill would eliminate the Medi-Cal restriction that requires patients to undergo a behavior modification program before they can be prescribed prescription drugs to assist them with quitting smoking. The bill was placed on suspense.
- The ACS, AHA, and ALA all support the Beall and Blakeslee bills.

8. PUBLIC COMMENT

The chairman opened the meeting to public comment.

No public comments were made.

9. 2009-2011 MASTER PLAN (MP)

- Mr. John Francis provided the committee members with a review of the Survey Monkey that went to the field and stakeholders related to the MP objectives and strategies. Overall, the responses were strong and there was little negative feedback.
- The MP cover designs were reviewed and voted on. Feedback included that the cover should increase font size and strengthen the graph pictured on the front. There should also be a meaningful image on the back of the document.
- Members had a conversation regarding their recommendation for a tobacco tax that the amount they would recommend to earmark to tobacco control. The committee agreed that \$0.25 of a \$1.50 tax should be earmarked for funding.
- The Committee further discussed the concerns with the reorganization of TRDRP and the level of detail provided concerning budget savings and their new program infrastructure. The MP needs to clearly address this issue and convey that TRDRP needs to ensure that they continue an effective research program, and that the three agencies function at a high level to provide what is required by law. TRDRP needs to increase collaboration, conduct research that benefits the program, increase understandings of the effects of tobacco and society, and understand policy and tobacco control strategies.
- Comments were provided to update the “milestones” section that highlights the 20 years of accomplishment.
- The MP needs to identify the tobacco-related legislation that TEROC supported.
- Highlight that tobacco control is a primary strategy for health care reform, and sight the new article which calculates the return on investment of California’s program on health care expenditures. There needs to be a box that discusses the point that tobacco control reduces health care costs.
- Committee wants to convey that they are not satisfied with progress made for smoke-free movies. The MP needs to highlight that while progress has been made, Hollywood has to make more substantive changes.
- Include photos from the “Be A Reel Hero” contest.
- Highlight Prop 86, and address the tobacco industry money spent, and how many votes the initiative failed by.
- The MP was opened for public comment, with no additional input received.

- The Chairman proposed a motion to accept the report with the discussed changes and stylistic revisions to be made. The Committee discussed the types of revisions that would be made, the production timeline, and distribution of the document. The Committee voted in support to pass the MP on for production and distribution.
- The Committee further discussed other activities which could go along with the release of the MP, but decided that the current distribution to legislature, programs, stakeholders, and TEROC Web site between January 5 and 15, 2009, would be sufficient.

Mr. Kleinschmidt adjourned the meeting.