

**Tobacco Education and Research Oversight Committee (TEROC)  
Meeting Minutes**

Friday, July 26, 2019  
12:00 p.m. – 2:00 p.m.

**Location**

1500 Capitol Avenue  
Building 172, Training Room C, 72.148  
Sacramento, CA 95814

**Alternative Locations**

SAY San Diego  
Mid-City Family Resource Center  
4275 El Cajon Blvd, Suite 101  
San Diego, CA 92105

Placer County Department of Health  
and Human Services  
Public Health Division  
11484 B Avenue  
Auburn, CA 95603

University of California, Merced  
Social Science & Management Bldg,  
Room 365  
5200 Lake Road  
Merced, CA 95343

Palm Springs Animal Shelter  
4575 E Mesquite Ave  
Palm Springs, CA 92264

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

University of California, Los Angeles  
1100 Glendon Ave  
Suite 850 (8<sup>th</sup> floor), Room 852  
Los Angeles, CA 90024

1400 Arcadia Place  
Palo Alto, CA 94303

**Members Present:**

Jim Keddy

**Members who joined via Teleconference:**

Dr. Michael Ong (Chair), Dr. Wendy Max, Ms. Vicki Bauman, Ms. Patricia Etem, Dr. Edith Balbach, Dr. Robert Oldham, Dr. Mariaelena Gonzalez, Mr. Primo Castro

**Others in Attendance:**

Richard Kwong, California Tobacco Control Program (CTCP); Sandra Soria, CTCP; Mandy Hauck, CTCP; Rebecca Williams, CTCP; Sarah Planche, California Department of Education (CDE); Mayra Miranda, CTCP; Kristen Mar, CTCP; Nadine Roh, CTCP

**Others who joined via Teleconference:**

Nancy Davis, Stanislaus County Office of Education; Jamie Morgan, American Heart Association (AHA); Lindsey Freitas, American Lung Association (ALA); Tracy Richmond McKnight, University of California Office of the President, Tobacco Related Disease Research Program (UCOP, TRDRP); Shelly Brantley, California Health Collaborative; Nancy Tapia, Merced County Public Health; Maria Galvan, California Health Collaborative; Sarah Alnahari, University of California, Merced

Time	Agenda Item	Minutes
12:00PM – 12:15PM	<p><b>Welcome and Introductions</b></p> <p><u>Expected Outcome:</u></p> <ul style="list-style-type: none"> <li>Review meeting agenda, meeting purpose, and goals</li> </ul>	Dr. Michael Ong, TEROC Chair, called the meeting to order. TEROC members and guests introduced themselves.

<p>12:15PM – 1:00PM</p>	<p><b>American Lung Association (ALA), American Cancer Society Cancer Action Network (ACS CAN), American Heart Association (AHA)</b></p> <ul style="list-style-type: none"> <li>Legislative session update</li> </ul> <p><u>Expected Outcome:</u></p> <ul style="list-style-type: none"> <li>Determine TEROC next steps</li> </ul>	<p>Ms. Jamie Morgan and Ms. Lindsey Freitas provided a legislative update.</p> <p>Ms. Morgan provided an update on Senate Bill (SB) 38 and SB 39. SB 38 had hostile amendments added as it passed through the Senate Appropriations Committee. The bill was moved to the inactive file. SB 39 is now in the Assembly Appropriations Committee.</p> <p>Assembly Bill (AB) 1639 was introduced by Assembly Member Gray, who stated the intent is to deal with e-cigarette use among youth. The bill includes provisions from multiple bills currently in the Assembly Governmental Organizational (GO) Committee, including marketing of e-cigarettes, flavored tobacco products, enforcement, and youth possession provisions. AB 1639 will be heard on August 20, 2019 in the Assembly Health Committee.</p> <p>The bill exempts menthol in the flavor regulation component. Assembly Member Gray agreed to remove the youth possession violation from the bill. There is concern the bill may implicitly preempt local communities. There isn't specific language stating local jurisdictions are preempted, but one section specifically states locals are not preempted.</p> <p>The California Medical Association (CMA) gave testimony in support of the bill with removal of the youth possession clause. ALA, ACS CAN, and AHA are in the process of finalizing their positions.</p>
<p>1:00PM – 1:45PM</p>	<p><b>Discussion</b></p> <ul style="list-style-type: none"> <li>Legislation</li> <li>Questions and comments</li> </ul> <p><u>Expected Outcome:</u></p> <ul style="list-style-type: none"> <li>Determine TEROC next steps</li> </ul>	<p>The Assembly Health Committee requires letters to be submitted one week prior to hearings. Ms. Freitas added that although the Assembly GO Committee agreed to remove the youth possession clause, the amendments have not yet been published because the Legislature went on summer recess. The bill will be updated when the Legislature reconvenes on August 12, 2019. Ms. Morgan encouraged everyone to provide feedback as soon as possible because the Assembly Health Committee is reviewing information and feedback now.</p> <p>Dr. Ong stated TEROC is not interested in compromising on the exclusion of menthol and mint. The other provisions of the bill are less troubling since some of it is already being done. Other TEROC members agreed.</p> <p>It was suggested that banning or exempting certain products could lead to legal issues for California. An example was given of when Indonesia launched a trade</p>

		<p>dispute against the United States (U.S.) because clove cigarettes were banned.</p> <p>Dr. Ong reiterated that TEROC is not interested in compromising on excluding menthol. Dr. Edith Balbach added that it is important to include that TEROC is not interested in preempting local jurisdictions from making additional laws.</p> <p>The reasoning behind the CMA supporting the bill is not known. Dr. Ong and Dr. Oldham stated they could inquire about a reason. It was also suggested that knowledge about any specialty medical organizations opposing the bill may be helpful.</p> <p>Dr. Ong reiterated that while TEROC appreciates the effort to improve some aspects of regulation within California, they strongly oppose the exclusion of menthol in the regulation of flavors and it needs to be included in any type of flavored tobacco regulation. They also strongly support that local jurisdictions not be preempted by state regulation from passing more restrictive policies. An amendment to say “intention” instead of “effort” was suggested.</p> <p>The penalty period was decreased in the bill because it should not take a retailer five years to lose their license if they are a bad actor. Additionally, there does not seem to be any conversations about increasing the fines more than what is included in the bill.</p> <p>Dr. Ong motioned to write a letter in opposition of AB 1639 as it is currently written. Mr. Castro seconded the motion. Motion passed unanimously.</p> <p>A question arose as to if the TEROC letter should state opposition to the youth possession clause because it has not yet been removed from the print version of the bill.</p> <p>Dr. Oldham motioned to amend the letter to indicate acknowledgement and appreciation for removing the youth possession clause and that TEROC opposes including the youth possession part. Dr. Max seconded the motion. Motion passed unanimously.</p>
1:45PM – 2:00PM	Public comment	No public comments or questions.
2:00PM	Adjourn	Dr. Ong adjourned the meeting.