

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

Monday, March 4, 2019

10:30AM – 12:30PM

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	Center for Tobacco Research and Education University of California San Francisco 530 Parnassus Avenue, Suite 366 San Francisco, CA 94143	University of California, Los Angeles 1100 Glendon Ave Suite 1820, Room 1829 Los Angeles, CA 90024
Stanislaus County Office of Education 1100 H Street, Fishbowl Room Modesto, CA 95354	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
Placer County Department of Health and Human Services Public Health Division 11484 B Avenue Auburn, CA 95603		University of Southern California Keck School of Medicine 2001 N. Soto Street, Room 111 Los Angeles, CA 90032

Members Present:

Dr. Mark Starr, Mr. Jim Keddy

Members who joined via Teleconference:

Dr. Michael Ong (Chair), Ms. Patricia Etem, Dr. Claradina Soto, Mr. Primo Castro, Ms. Mary Baum, Dr. Robert Oldham, Dr. Pamela Ling, Dr. Edith Balbach

Others in Attendance:

April Roeseler, California Tobacco Control Program (CTCP)	Francisco Michel, California Department of Education (CDE)
Mayra Miranda, CTCP	Sarah Planche, CDE
Mandy Hauck, CTCP	Kristen Mar, CTCP
Rebecca Williams, CTCP	Nadine Roh, CTCP
Gordon Sloss, CTCP	Karen Leaf, Department of Justice (DOJ)

Others who joined via Teleconference:

Cynthia Hallett, American Nonsmokers' Rights Foundation	Tracy Richmond-McKnight, University of California Office of the President, Tobacco-Related Disease Research Program (UCOP, TRDRP)
Jamie Morgan, American Heart Association (AHA)	Bart Aoki, UCOP, TRDRP
Tim Gibbs, American Cancer Society Cancer Action Network (ACS CAN)	Felicia Brannon, University of California, Los Angeles
	Elizabeth Escalante, Stanislaus County Office of Education

Time	Agenda Item	Minutes
10:30AM – 10:45AM	<p>Welcome and Introductions</p> <p><u>Expected Outcome:</u></p> <ul style="list-style-type: none"> Review meeting agenda, meeting purpose, and goals 	<p>Dr. Michael Ong, TEROC Chair, called the meeting to order. TEROC members and guests introduced themselves.</p> <p>Dr. Ong invited Dr. Bart Aoki to make an announcement from UCOP, Tobacco-Related Disease Research Program.</p> <p>Dr. Aoki thanked Dr. Mhel Kavanagh-Lynch who has been serving as the interim director of the TRDRP for the last 8 months. She has kept the program going and worked well with TRDRP staff. Dr. Aoki announced they appointed a permanent director, Dr. Tracy Richmond-McKnight, effective March 1, 2019. She has been a Program Officer for a number of years and has been involved in public engagement components of the program. She was a UCSF faculty for 15 years and a director for translational research at a biomedical company before joining TRDRP.</p> <p>Dr. Ong welcomed Dr. Richmond-McKnight.</p>
10:45AM – 11:30AM	<p>American Lung Association (ALA), American Cancer Society Cancer Action Network (ACS CAN), American Heart Association (AHA)</p> <ul style="list-style-type: none"> Legislative session update Local policy update <p><u>Expected Outcome:</u></p> <ul style="list-style-type: none"> Determine TEROC next steps 	<p>Ms. Jaime Morgan and Mr. Tim Gibbs provided an update on legislation related to tobacco control.</p> <p>Mr. Gibbs stated that additional legislation has been introduced since the last TEROC meeting. Assembly Bill (AB) 739 (McCarty and Wood) is a companion bill to Senator Hill’s Senate Bill (SB) 38. According to Mr. Gibbs, AB 739 differs from SB 38 by placing the proposed legislation in the Health and Safety Code instead of in the Business and Professions Code, where SB 38 is suggesting the amendment to the STAKE Act. Mr. Gibbs stated it would be appreciated if TEROC could write a letter in support of both bills.</p> <p>Mr. Gibbs mentioned SB 39, which requires a signature from someone 21 years of age or older upon delivery and would require the package to indicate that it contains tobacco products. Mr. Gibbs stated a letter would also be appreciated for this bill.</p> <p>Ms. Morgan stated SB 8 has the support of AHA, ALA, and ACS CAN since it removes a parks director’s ability to create an exemption, which was an issue in the past.</p> <p>Ms. Morgan stated that AB 131 was introduced and would restrict advertising to youth by electronic cigarette manufacturers. The Tobacco Control Legal Consortium was consulted on whether the state could legally restrict</p>

manufacturers as stated in the bill and more guidance is needed before all three organizations can take a position.

There is no update on SB 193 but AHA and ACS ACN are unlikely to take a position on it.

AB 1625 is a bill sponsored by the Attorney General's (AG) office and Ms. Karen Leaf provided a description. The bill creates a public list, maintained by the AG, of unflavored tobacco products. The bill was a result of communications with communities that passed ordinances banning the sale of flavored tobacco products. They indicated that it was challenging for some retailers and enforcement agencies to determine which products were covered by local legislation. Other locations outside of California had similar problems- Chicago created a database of flavored products but found it challenging to maintain.

The bill attempts to address this challenge by creating a list of unflavored products that will be maintained on the AG's website. It creates a presumption that products not on the list are flavored. This will hopefully be a useful tool for local communities in knowing whether a product is flavored or unflavored. AB 1625 would complement the flavored tobacco legislation and it uses the same definition of flavored tobacco products as SB 38.

Ms. Leaf stated that the bill would also be a different list than the tobacco directory because that is a cigarette directory and the bill covers a much broader definition.

Ms. April Roeseler clarified that the idea is if a product is not on the list of unflavored tobacco products, a retailer cannot sell it in jurisdictions that ban or restrict the sale of flavored tobacco products.

Ms. Leaf stated that the list is not prohibiting sales but providing information to any jurisdiction that regulates the sale of flavored products.

Ms. Roeseler mentioned CTCP is doing an evaluation of communities that have and do not have flavor restrictions, and putting together a list is very onerous for those that have to do it. This bill puts the requirement on the tobacco industry to be able to sell products. Ms. Leaf added that they are focusing on entities that should have this information such as manufacturers and importers.

Ms. Patricia Etem asked how regulation would happen if there are separate flavors that can be mixed into an unflavored base. Ms. Leaf stated that the definition of

flavors is any taste or aroma that creates a distinct flavor other than tobacco itself. Ms. Leaf stated it might be possible for a consumer to add flavoring after purchase, but it's not an effort to regulate what people do in their homes.

Dr. Ong questioned who would test the product if the manufacturer/importer is stating the product is not intended to have a flavor. Ms. Leaf stated the bill gives the AG's office the authority to ask the manufacturer/importer to provide documentation that the product lacks a characterizing flavor. It is expected there will be instances where there will need to be verification.

Ms. Leaf confirmed the bill was introduced to the Legislature a week ago and stated it had not been calendared for a policy committee yet.

Ms. Carol McGruder had heard about this bill and thinks it is a great idea since it puts the onus on the manufacturers. Ms. McGruder suggests including language that the manufacturer is responsible for costs associated with verification if products are said to be non-flavored but are in fact flavored. Ms. McGruder stated that being able to add flavors to an unflavored base is forthcoming and needs to be thought about.

Dr. Ong asked if the AG's office would like a TEROC letter of support for this bill. Ms. Leaf stated that she is not the legislative advocate but she believes it would be appreciated. Dr. Ong thanked Ms. Leaf.

Dr. Ong referenced back to the list of bills and asked Mr. Gibbs and Ms. Morgan if AB 1718 is similar to SB 8. Ms. Morgan stated it is similar to SB 8 except it allows the park director to identify parks and beaches that can be exempted. They are supporting SB 8 because it is a stronger bill.

There is a spot bill by Senator Rubio, SB 538, to develop a policy to identify a list of e-cigarettes and including photos. This will be given to teachers to help identify if students are smoking e-cigarettes. Ms. Morgan suggested the author's staff speak with CDE to see if there is something similar being developed by TUPE.

Ms. Sarah Planche of CDE stated there are examples of e-cigarettes available to educators. She can work with the agencies to distribute the information more widely.

Dr. Ong summarized that TEROC is being asked to write letters supporting SB 8, SB 38 and AB 739 since they are

		<p>similar, SB 39, and AB 1625. Dr. Ong asked if there were any other requests before motions.</p> <p>Ms. Mayra Miranda of CTCP stated TEROC is already writing letters of support for SB 8, SB 38, and SB 39. Dr. Ong clarified that the letter of support for SB 38 would need to be amended to include AB 739.</p> <p>Ms. Etem motions to amend the letter of support for SB 38 to include AB 739 and to write a letter of support for AB 1625. Motion is seconded by Dr. Claradina Soto.</p> <p>Motion passed with Dr. Mark Starr abstaining.</p>
<p>11:30AM – 12:15PM</p>	<p>Discussion</p> <ul style="list-style-type: none"> • Legislation and evolving local policy efforts • Questions and comments <p><u>Expected Outcome:</u></p> <ul style="list-style-type: none"> • Determine TEROC next steps 	<p>Mr. Primo Castro provided an update regarding legislation in Beverly Hills. Mr. Castro stated the City Council moved the discussion to the Health and Safety Commission. They met for the first time on February 25th and will meet again on March 25th. The City Council and Health and Safety Commission appear to want to move forward with the issue and Mr. Castro suggested TEROC move forward with a letter of support.</p> <p>Mr. Castro clarified that the city is talking about prohibiting the sale of all tobacco products in the city of Beverly Hills and that the entire city council is in support. He further clarified that this would not make it illegal to smoke in the city.</p> <p>Mr. Castro reminded the group that the city of Beverly Hills prohibited the sale of flavored tobacco products last year. He stated that this is the next step for them.</p> <p>Dr. Pamela Ling asked if the letter would be in support of communities banning sales, as there is not specific language nor has the city determined how they will proceed. Dr. Ong agreed and stated it is similar to other letters of support.</p> <p>Ms. Etem stated she supports this, but questioned how tobacco programs would be impacted if more cities followed suit. Dr. Ong stated they have always been supportive of running the tobacco control programs out of business. He questions what to do if there are loopholes for sales not covered by Proposition 56 and Proposition 99.</p> <p>Dr. Rob Oldham agreed on a letter of support, but also on having this discussion. He questioned what would happen if there are smokers but no way to do tobacco control.</p> <p>Ms. Roeseler stated CTCP is working on contracts that will start in the summer, and will focus on strategic planning</p>

		<p>around endgame strategies, research that is needed if excise taxes are no longer an option, and resources for retailers.</p> <p>Mr. Castro restated the motion to write a letter in support of Beverly Hills to prohibit the sale of all tobacco products. Ms. Etem seconded. Motion passed with Dr. Starr abstaining.</p> <p>Mr. Gibbs mentioned that the Sacramento flavors ordinance will be heard on March 26th. He will see if the TEROC open letter can be used in support, and deliver to the City Council if it is. He clarified that ACS CAN doesn't normally ask for letters on local advocacy unless they are major issues.</p> <p>Ms. Cynthia Hallett mentioned that the cities of San Francisco and Berkeley are looking to weaken their outdoor smoke-free parks laws to allow for marijuana festivals. This is an ongoing concern with the legalization of recreational marijuana. She questioned if TEROC would be willing to write an open letter on smoke-free laws including second marijuana smoke and vapors, indoor and outdoor locations, and protecting smoke-free laws.</p> <p>Ms. Mary Baum agreed and stated she has been battling party buses. She has been going back and forth with Senator Hill regarding the driver being exposed and SB 625 contained an exemption that allowed party bus numbers to increase (SB 625 would allow smoking and ingestion of cannabis by a passenger in a bus, taxicab, or limousine if no passenger is under the age of 21 and if the driver's compartment is sealed off and separately ventilated from the passenger compartment).</p> <p>Mr. Gibbs stated a bill introduced by Senator Hill would allow party buses. Ms. Baum stated that the bill is only compartmentalizing the driver and the enforcement component is done by California Highway Patrol, with local jurisdictions not able to go onto the bus to make sure the compartment is intact. She stated they worked with the California Narcotics Officers Association to support a better fix since it doesn't address the whole issue. She likes the inclusion of smoking marijuana indoors and outdoors in the open letter.</p> <p>Ms. Etem stated in order to have a comprehensive letter, it would be helpful to hear from the field and local jurisdictions how legalization is impacting policy.</p>
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12:15PM – 12:30PM	Public comment	There were no public comments.
12:30PM	Adjourn	Dr. Ong adjourned the meeting.