

**Minutes of the
Tobacco Education and Research Oversight Committee (TEROC)**
Meeting on Wednesday, July 21, 2011

Hilton Oakland Airport Hotel
1 Hegenberger Rd.
Oakland, CA 94621

Hotel Monaco
501 Geary Street
San Francisco, CA 94102

MEMBERS PRESENT:

Dr. Wendel Brunner, Ms. Pat S. Etem, Dr. Lawrence Green, Dr. Alan Henderson, Dr. Michael Ong (Chair), Dr. Dorothy Rice, Ms. Peggy Uyeda, Dr. Valerie Yerger, Dr. Shu-Hong Zhu

MEMBERS ABSENT:

Dr. Lourdes Baezconde-Garbanati, Dr. Pamela Ling, Mr. Naphtali Offen, Ms. Kathleen Velazquez

OTHERS IN ATTENDANCE

Dr. Bart Aoki, University of California, Office of the President (UCOP), Tobacco-Related Disease Research Program (TRDRP)

Majel Arnold, California Department of Public Health (CDPH), California Tobacco Control Program (CTCP)

Glen Baird, CTCP

Dr. Carol D'Onofrio, Consultant

Dr. Phillip Gardiner, TRDRP

Tim Gibbs, American Cancer Society

Tom Herman, California Department of Education (CDE), Coordinated School Health and Safety Office (CSHSO)

Carol McGruder, African American Tobacco Control Leadership Council (AATCLC)

Jonathan R. Polansky, Smokefree Movies Action Network

Dr. Todd Rogers, Consultant

Julie Waters, American Lung Association in California (ALAC)

Greg Wolfe, CSHSO

1. WELCOME, INTRODUCTION, AND OPENING COMMENTS

Tobacco Education and Research Oversight Committee (TEROC) Chair Michael Ong called the meeting to order at 9:40 a.m. TEROC members and guests introduced themselves.

2. ENVIRONMENTAL UPDATES & CORRESPONDENCE

Legislative Update

The Chair reported the following tobacco-related bills met the house of origin deadline:

- Assembly Bill (AB) 217, modifying the Labor Code exemption for smoking in long-term health care facilities. A committee hearing was postponed.

- AB 795, strengthening enforcement of tobacco policies at state colleges and universities.
- AB 1301, increasing penalties for selling tobacco products to minors.
- Senate Bill (SB) 332, authorizing landlords to prohibit smoking in rental units.
- SB 796, creating penalties for delivering prohibited items in state hospitals.
- SB 575, expanding smoke-free indoor workplaces. The Chair of the Assembly Governmental Organization Committee, Isadore Hall (D-Los Angeles) prevented SB 575 from being heard in his committee unless the author, Senator DeSaulnier accepted three amendments weakening the bill (deleting the prohibition for owner-operated business, restoring the exemption for long-term care facilities, and creating an exemption for tobacco manufacturers and distributors for quality control purposes). Since the author did not accept the amendments, the bill did not move forward and is now a two-year bill. It was noted that Assembly Member Hall has received contributions from the tobacco industry.

In email correspondence, the American Lung Association in California (ALAC) has requested TEROC express opposition to the proposed amendments to the Assembly Governmental Organization Committee.

Action Item

Ms. Etem moved that TEROC send a letter to Assembly Member Hall and members of the Assembly Governmental Organization Committee stating the proposed amendments to SB 575 are unacceptable to TEROC, and a letter to Senator DeSaulnier congratulating him on his commitment to a smoke-free California. Seconded by Dr. Rice, motion carried unanimously.

Three of the tobacco-related bills that did not meet committee or house of origin deadlines will become two-year bills and be considered in the second year of the 2011-2012 legislative session:

- AB 1030, allowing for suspension of distributor licenses for tax violations.
- AB 1218, prohibiting tax deductions for tobacco advertising expenses.
- SB 331, restricting sales of tobacco products near schools.

Two tobacco-related bills have not passed their house of origin, but are not subject to this deadline because the bills are tax and revenue measures: SB 330, increasing the state tobacco tax, and SB 653, authorizing counties, school districts, community college districts or county offices of education to levy, increase or extend many forms of local taxes, including cigarette and tobacco products taxes.

AB 80 would move the presidential primary from February to June, consolidating it with the statewide election. The bill has been sent to the Governor. This could mean the California Cancer Research Act will not go before voters until June 2012.

AB 1069, renewing the California Film and Television Tax Credit Program for a further five years, has passed the Assembly and is in the Senate Appropriations Committee.

Jonathan Polansky addressed the correspondence he had submitted to TEROC regarding AB 1069 and the Centers for Disease Control and Prevention's (CDC) recent Morbidity and Mortality Weekly Report. He indicated TEROC had been prescient in taking a national lead in highlighting that state subsidies for movies depicting smoking undermine public health expenditures for youth smoking prevention. Mr. Polansky highlighted several issues regarding AB 1069:

- California has a healthy, vigorous film industry that many claim does not need subsidies.
- 10 top-grossing movies featuring smoking have received \$50 million in tax credits to date, and they have grossed more than \$1 billion at the box office. Thirty percent of tax credits to date have been awarded to films featuring smoking, and half of these films have been youth-rated.
- AB 1069 passed easily through the Assembly, but could face more scrutiny in the Senate. A column in the *Los Angeles Times* has disputed the economic arguments in favor of subsidies. The health concerns raised by Dr. Jonathan Fielding and TEROC have been ignored in the debate to date. The CDC has also suggested state and local health departments' work with state policy makers to harmonize their state movie subsidy programs with their tobacco-control programs by limiting eligibility for subsidies to tobacco-free movies.
- The California Legislature will take the bill up again after August 15.
- Mr. Polansky urged TEROC to support a proposed amendment to prohibit subsidies to any film or television production depicting tobacco use.

TEROC previously wrote to the California Film Commission regarding prohibiting tax credits to films depicting tobacco use. The Commission responded that introducing such a requirement would be the proper subject of legislation.

Mr. Polansky indicated that the program also provides subsidies to television programs claiming they would be produced elsewhere without California tax credits. Mr. Polansky confirmed that small production companies are eligible for the tax credits and funds are set aside for that purpose, but he is not aware of the competitiveness of small, minority-owned companies. It was noted that these small companies could be strategic partners in promoting smoke-free movies.

Action Item

Dr. Rice moved that TEROC write a letter to the Senate Appropriations Committee in support of amending AB 1069 to prohibit subsidies to films depicting tobacco use in light of the health costs involved. Seconded by Dr. Yerger, motion carried unanimously.

CDPH 2010 Prevalence Data

The state's adult smoking rate has hit a record low of 11.9 percent, down from 13.1 percent in 2009.

Report on Tobacco Industry Political Spending

A new report that details tobacco industry campaign contributions and lobbying expenditures was released by ALAC's Center for Tobacco Policy & Organizing.

National Prevention Strategy Released

The U.S. Surgeon General Regina Benjamin and members of the National Prevention Council released the first ever National Prevention Strategy, which includes recommendations supporting a Tobacco Free Living priority area.

New California's Comprehensive Cancer Control Plan

On July 15, 2011, the California Dialogue on Cancer released a new *California's Comprehensive Cancer Control Plan*, a strategic plan to reduce the cancer burden in California.

Launch of FairTradeTobacco.org

The Chair referred to an email from Mr. Offen alerting members to the launch of www.FairTradeTobacco.org, drawing attention to tobacco as a human rights issue.

3. APPROVAL OF MINUTES FROM MAY 18, 2011 TEROC MEETING

Acceptance of Minutes moved by Dr. Rice, seconded by Dr. Zhu, motion carried unanimously. The notes from the May 17, 2011 Master Plan meeting were also considered.

4. MASTER PLAN 2012-14

"Saving Lives, Saving Money" was confirmed as the title of the 2012-2014 Master Plan.

The Chair raised the possibility of expanding the Executive Summary and distributing hard copies to legislators at a legislative briefing in February 2012. TEROC has not held legislative briefings in the past. The Executive Summary could be expanded to be approximately half the length of the current Master Plan. Discussion ensued on whether the full Master Plan should be available on-line only or also in hard copy. The field could be educated about reasons for this proposed change, including funding reductions and the environment, and asked for feedback on a Webinar. This could also promote dialogue between TEROC and the field about Master Plan contents. Wide distribution of the Executive Summary to advocates, coalitions, community leaders, and others should be considered, including social media options.

Discussion ensued on the drafts of sections and Objectives for the Master Plan. Members agreed to create a new Objective 6: Preventing Initiation.

Members agreed to the following timeline and meeting schedule:

By August 8, 2011: Work Groups will provide redrafts of Objectives and Strategies to the writers.

By August 15, 2011: The writers will develop a consolidated draft of 2012-2014 Principles, Objectives, and Strategies to be distributed to members for review.

By September 1: A half-day web conference meeting will be scheduled to discuss the draft. At least 3 locations open to the public will be identified—one in the Bay Area, one in Sacramento, and one in Southern California.

By mid-September: The writers will incorporate feedback and complete a full draft of the Master Plan.

Late September: TEROC will discuss the complete draft of the 2012-2014 Master Plan at a meeting (to be announced).

5. PUBLIC COMMENT

Carol McGruder from the African American Tobacco Control Leadership Council referred to correspondence presented to TEROC at its May 17-18, 2011 meeting. She expressed the hope that the new Master Plan would include specific language stating tobacco control funding should be earmarked for programs for priority populations that are disproportionately affected by tobacco.

The meeting was adjourned at 4:00 p.m. Next meeting: To be determined.