

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

Meeting on Tuesday, September 27, 2011
Sheraton Grand Hotel
1230 J Street
Sacramento, CA 95814

MEMBERS PRESENT:

Dr. Lourdes Baezconde-Garbanati, Dr. Wendel Brunner, Ms. Pat S. Etem,
Dr. Pamela Ling, Mr. Naphtali Offen, Dr. Michael Ong (Chair), Ms. Peggy Uyeda,
Ms. Kathleen Velazquez, Dr. Shu-Hong Zhu

MEMBERS ABSENT:

Dr. Alan Henderson, Dr. Lawrence Green, Dr. Dorothy Rice, Dr. Valerie Yerger

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
Whitney Chamberlain, American Heart Association (AHA)
Dr. David Cowling, CTCP
Dr. Mary Croughan, UCOP
Dr. Carol D'Onofrio, Consultant
Corrine Fishman, American Cancer Society (ACS)
Gretta Foss-Holland, CTCP
Dr. Phillip Gardiner, TRDRP
Justin Garrett, American Lung Association in California
Tonia Hagaman, CTCP
Tom Herman, California Department of Education (CDE), Coordinated School
Health and Safety Office (CSHSO)
Jim Knox, ACS
Dr. Caroline Kurtz, CTCP
Nicole Kwon, CTCP
John Lagomarsino, CSHSO
Linda Lee, CTCP
Deana Lidgett, CTCP
Karl Madayag, ACS
Carol McGruder, African American Tobacco Control Leadership Council
(AATCLC)/URSA
Jamie Morgan, AHA
April Roeseler, CTCP
Dr. Todd Rogers, Consultant
Nadine Roh, CTCP

Gordon Sloss, CTCP
Colleen Stevens, CTCP
Greg Wolfe, CSHSO

1. WELCOME, INTRODUCTION, AND OPENING COMMENTS

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

2. APPROVAL OF MINUTES FROM JULY 21, 2011 AND AUGUST 31, 2011 TEROC MEETINGS, CORRESPONDENCE, AND ANNOUNCEMENTS

Acceptance of Minutes moved by Ms. Etem, seconded by Dr. Zhu, motion carried unanimously.

Incoming Correspondence:

The Chair reviewed correspondence, including:

- Email from Amy Patterson, M.D., National Institutes of Health (NIH), regarding reorganization of Substance Use, Abuse and Addiction Research at NIH, dated May 31, 2011.
- Email from Mary Croughan, University of California Office of the President (UCOP), regarding Tobacco-Related Disease Research Program (TRDRP) Director Appointment, dated June 16, 2011.
- Email from Greg Oliva, California Department of Public Health (CDPH), regarding California's Community Transformation Grant application, dated July 7, 2011.
- Email from Larry Green regarding University of California (UC) Regents' endorsement of the California Cancer Research Act (CCRA), dated September 6, 2011
 - Attachment: TRDRP Scientific Advisory Committee (SAC) Letter of Support.
- UC Health Article regarding UC Regents CCRA endorsement, dated September 15, 2011.
- Letter from UC Regents acknowledging receipt of TEROC letter and reporting their endorsement of CCRA, dated September 20, 2011.

Outgoing Correspondence:

- Email to Bruce Lee, Department of Finance, regarding TEROC Proposition (Prop) 99 Budget Line Item, dated May 27, 2011. The Chair reported the line item has been retitled "TEROC Evaluations."
- Letter to Senator DeSaulnier regarding support for Senate Bill (SB) 575, dated May 27, 2011.
- Letter to Superintendent of Public Instruction, Tom Torlakson, regarding California Department of Education (CDE) representation on TRDRP's SAC, dated June 29, 2011.

- Letter to Public Health Institute Director regarding support for Community Transformation Grant application, dated July 12, 2011.
- Letter to Senator Kehoe regarding Assembly Bill (AB) 1069, dated August 10, 2011.
- Letter to Senator DeSaulnier regarding SB 575 Committee hearing, dated August 17, 2011.
- Letter to Assembly Member Hall regarding SB 575 Committee hearing, dated August 17, 2011.
- Letter to Assembly Member Hall regarding attendance at TEROC meeting to discuss SB 575, dated September 8, 2011.
- Letter to Assembly Member Hill regarding attendance at TEROC meeting to discuss AB 1301, dated September 8, 2011.
- Letter to UC Regents regarding endorsement of the CCRA, dated September 8, 2011. The Chair noted this had been addressed directly to the UC Regents. TEROC had previously passed a motion for a letter of support. The Chair suggested that preparing an Open Letter to the People of California that could be used for multiple purposes, may be an option.
- Certificate of Appreciation to Paul Knepprath.

At the May 17, 2011 meeting, there had been a motion to write to UCSF and CDPH regarding settling contract negotiations. The Chair reported negotiations quickly moved forward following that meeting and TEROC was advised the correspondence could then prove counterproductive so those letters were not sent.

3. **ENVIRONMENTAL UPDATE**

The Chair highlighted the following recent developments:

- **Californians Against Out-of-Control Taxes and Spending Website**
With major funding by Philip Morris USA and UST LLC, a website containing arguments against CCRA is at:
<http://www.stopoutofcontrolspending.com/>
- **Tobacco Product Regulation and the World Trade Organization**
On September 2, 2011, the World Trade Organization (WTO) released the report of a panel considering a complaint brought by Indonesia concerning prohibitions on certain flavored tobacco products by the U.S. The panel concluded that the U.S. violated WTO law by prohibiting clove-flavored cigarettes, but not menthol-flavored cigarettes.
- **Centers for Disease Control (CDC) Report on Adult Smoking in the United States 2005–2010**
The September edition of *CDC Vital Signs* presents the latest information about adult smoking in the United States.
- **Legislative Update**
AB 1069, extending the tax credit program for film and television productions, was amended in the Senate and the extension was reduced

to one year. The Assembly concurred to the amendments and the bill will be sent to the Governor. The issue of tobacco in films was not a focus during the passage of AB 1069.

4. LEGISLATIVE & VOLUNTARY HEALTH AGENCY UPDATE

Jim Knox of the American Cancer Society (ACS) provided an update on voluntary health agency activities and the status of legislation for this legislative session. Of the 15 tobacco-related bills, nine were heard in Committee, six passed their house of origin by the deadline, three passed both houses and two have been signed into law (SB 332, authorizing landlords to prohibit smoking in residential units and rental properties, and SB 796, creating penalties for delivering prohibited items in State Hospitals). The third bill passed, AB 795, providing for enforcement of smoke-free policies at college campuses through the assessment of fines, is on the Governor's desk and his decision is uncertain. If signed into law, fines would be capped at \$100.

The future prospects for SB 575 (DeSaulnier), removing many of the exemptions in California's Smoke-free Workplace law, are also uncertain. Obstacles unrelated to the merits of the bill remain, but it is important the tobacco control community communicates their readiness to continue to fight for the bill. Conflicts with AB 217, modifying the long term health care facility exemption, remain unresolved

Mr. Knox discussed the CCRA, which has now been confirmed for the June 2012 ballot, since pending legislation would only move ballot initiatives qualified in the future to the November ballot. The endorsement by the UC Regents is important given the concentration of research facilities in the UC system. The Sanford-Burnham Medical Research Institute, San Diego, and the City of Hope have also endorsed CCRA.

Volunteers are being mobilized for the CCRA campaign and 200 have been trained as spokespeople. Monetary resources will be needed for a viable media campaign. Mr. Knox was asked if the racketeering court decision against the tobacco industry would be a focus and he indicated the last ballot campaign had featured industry executives.

Discussion ensued on how best to incorporate the CCRA in Objective One of the new Master Plan (MP).

Members discussed a joint legislative hearing as a valuable strategy to pursue for the release of the MP. The Chairs of the Assembly and Senate Health Committees could be approached initially. A hearing could also feature UC researchers presenting their research on the impact of a tax increase, and a more broad-based coalition could also be mobilized including

priority populations and education representatives. Dr. Aoki indicated TRDRP was planning a legislative briefing on April 9 prior to the joint TRDRP/CTCP conference.

Action Item

Ms. Etem moved that TEROc explore convening a joint legislative hearing for the release of the MP. Seconded by Dr. Zhu, motion carried unanimously.

Discussion ensued on the use of public resources for lobbying. The distinction between lobbying and educating was discussed, with TEROc's dissemination of the impact of a tax increase in advancing MP objectives considered an education activity.

The Chair thanked Mr. Knox for his presentation.

5. CALIFORNIA DEPARTMENT OF EDUCATION (CDE) REPORT

Tom Herman, Greg Wolfe and John Lagomarsino presented the CDE update. Funding for Tier 1 Tobacco Use Prevention Education (TUPE) Competitive Grants for Cohort G (2011-14) will reach 130 Local Educational Agencies (LEAs) including awards to consortia. These grants are for adopting and enforcing tobacco-free policies and conducting the California Healthy Kids Survey. Tier 2 awards require a comprehensive program, including the development of tobacco-free advocates and involving youth representatives from priority populations. Mr. Wolfe reported 21 Tier 2 applicants were awarded a total of \$7,435,829.

The Coordinated School Health and Safety Office (CSHSO) has developed the 2012 Cohort H TUPE Tier 1 Request for Applications (RFA) (released) and Tier 2 RFA (pending approval). The Cohort H Tier 2 RFA will require grantee reports to describe the types of strategies used to reach priority population youth for participation. Mr. Wolfe reported current grantees are enthusiastic in their support for the mission of developing a new generation of tobacco advocates and providing opportunities for priority population youth, and outlined efforts to reach Lesbian, Gay, Bisexual and Transgender youth as an example of local efforts to involve priority populations.

The active cohorts (E, F and G) include approximately one-third of school districts and students. Approximately four to six percent of students attend charter schools. Ten counties currently have no competitive grants. Applicants are disqualified if they are not certified as tobacco-free.

Mr. Lagomarsino discussed the process for tobacco-free certification. County Offices of Education (COEs) are responsible for certification, with the COEs certified by CSHSO. The certification website has been updated with Frequently Asked Questions; sample policies, including a definition of tobacco

products which is encouraged in policy formulation, and includes e-cigarettes; and guidance on the prohibition funds from the tobacco industry or companies that accept these funds.

Of all LEAs, 55.22 percent are certified as tobacco-free, which includes:

- 100 percent of COEs
- 86.89 percent of school districts
- 4.17 percent of direct-funded charters

Eight counties have 100 percent of their LEAs certified as tobacco-free, but none of these counties contain direct-funded charter schools. Twenty-eight counties have all their school districts certified as 100 percent tobacco-free, and 16 more have five or fewer school districts not yet certified. Four regions have five or fewer school districts remaining to be certified. Mr. Lagomarsino distributed a list detailing certification status by county and region.

The recognition program for tobacco-free certification includes listing on the webpage and certificates and letters to the superintendent or lead administrator of each agency with copies to the governing board.

Recertification is required every three years. It was noted that certification status could provide an opportunity for local health departments to identify opportunities to work with LEAs on becoming certified. Some LEAs may have a tobacco-free policy that has not been submitted to the COE for certification. While not eligible for TUPE funds, private schools may adopt voluntary policies.

CSHSO continues to collaborate with CTCP on areas of mutual interest and cooperation. This includes promoting tobacco-free schools. A Tobacco-Free Schools Toolkit is pending approval from CDPH and CDE.

Action Item

Ms. Etem moved that TEROC write to the Director, CDPH and the Superintendent of Public Instruction in support of all California LEAs being tobacco-free; the approval and release of educational materials that can advance this objective; and continued interagency collaboration on achieving 100 percent compliance with the objective. Seconded by Dr. Brunner, motion passed unanimously.

The Chair thanked Mr. Herman, Mr. Wolfe and Mr. Lagomarsino for their presentations.

6. CALIFORNIA DEPARTMENT OF PUBLIC HEALTH (CDPH), CALIFORNIA TOBACCO CONTROL PROGRAM (CTCP) REPORT

Colleen Stevens provided an update on CTCP activities. The UC San Francisco contract was amended for a one year extension and layoff notices were rescinded.

An Affordable Care Act (ACA) grant of \$340,245 was awarded to CDPH for the California Smokers' Helpline's (the Helpline) Electronic Health Records (EHR) project; developing a Helpline cost-sharing model; and CTCP's Retail Environment Campaign. A Conference Support Award of \$50,000 was also awarded by the CDC for the Retail Environment Campaign. The Department of Health Care Services (DHCS) will be awarded \$10 million over five years for Medicaid Incentives for the Prevention of Chronic Disease, in collaboration with the Helpline. The Public Health Institute was awarded a Community Transformation Grant of \$5.9 million for project activities in California.

CTCP has released several sets of new data. The 2010 Adult Smoking Prevalence is 11.9 percent, down from 13.1 percent. The Youth Smoking Prevalence (high-school 30 day prevalence) is 13.8 percent, down from 14.6 percent. The Youth Purchase Survey's illegal sales rate is 5.6 percent, down from 7.7 percent.

CTCP is reviewing and updating the Communities of Excellence (CX) indicators and assets for procurements to be issued in 2012 for the 2013-16 funding period. This includes procurements for Local Lead Agencies (LLAs), statewide competitive grant projects, and community-based competitive grant projects. CTCP is soliciting recommendations to add, delete, combine or amend indicators and assets. An electronic survey has been prepared and will be available through October 21, 2011 to accept recommendations. TEROC members were invited to provide recommendations, and current CX Indicators and Assets were distributed.

On August 15, 2011, CTCP launched the second Be a Reel Hero contest calling for 30-second anti-tobacco television commercials. Two Facebook sites have been launched: *Finish the Fight Against Tobacco (FTFAT)*, an extension of Regional Forum strategies (workplace SHS exposure and price manipulation), and *Tobacco Free CA* targeting the general public, which will serve as the social media component of the soon to be relaunched TobaccoFreeCA.com website. Three Spanish-language television ads for the Hispanic advertising campaign, produced in June 2011, are pending CDPH approval.

With ACA funding, CTCP, in partnership with the Helpline and DHCS, developed an informational flyer (in English and Spanish) that will be mailed in December as part of the regular quarterly Medi-Cal communication to

approximately 4.2 million Medi-Cal beneficiaries explaining new benefits and how to access them.

One activity in CTCP's American Recovery and Reinvestment Act grant is a Nicotine Replacement Therapy (NRT) pilot project in which five counties were selected to distribute vouchers for free NRT patches to health care providers in safety net clinics. Due to a much smaller response than expected, CTCP worked with the Helpline to expand the distribution to 29 additional counties, all with adult smoking prevalence rates above 14 percent.

To support local projects working on adopting resolutions on Food and Drug Administration (FDA) regulation of menthol in cigarettes, CTCP has released a new Menthol Fact Sheet.

The Center for Tobacco Policy and Organizing has released results from a survey of 600 California voters assessing their views on tobacco retailer licensing (TRL) ordinances and other policies in the tobacco retail environment. The survey demonstrated strong support for the basic licensing ordinance and approximately 80 percent support for several policy options that can be "plugged-in" to the basic licensing ordinances.

CDPH continues to face significant staffing issues. In addition to the State's hiring freeze, CTCP and the Cancer Detection Section, *Every Woman Counts* program face additional obstacles due to concerns related to declining Prop 99 revenue. In addition, CTCP has funding for 19 Federal Special Project positions but a technical error has allowed for authority to fill only ten.

Action Item

Ms. Etem moved that TEROC write to the CDPH Director, with copies to the Chief Deputy Director of Operations and Chief Deputy Director of Policy and Programs, expressing concern regarding obstacles to hiring staff at CTCP; acknowledging program achievements; and stressing the need for CTCP to function as a vibrant, vital program to achieve the goals of TEROC's Master Plan. Seconded by Dr. Ling, motion carried unanimously.

7. UNIVERSITY OF CALIFORNIA, OFFICE OF THE PRESIDENT (UCOP), RESEARCH GRANTS PROGRAM OFFICE (RGPO) AND TOBACCO RELATED DISEASE RESEARCH PROGRAM (TRDRP) REPORTS

Dr. Mary Croughan reported on RGPO activities. Cuts to the UC budget are impacting the RGPO infrastructure. The Industry-University collaborations grant program has been eliminated. The proposed reorganized RGPO structure had 47 full-time equivalents (FTE), but positions that were to be filled will remain vacant, and only two layoffs in Evaluation and Outreach have occurred, for a total of 34 FTEs.

Dr. Bart Aoki reported on TRDRP activities. He indicated the recruitment of a TRDRP Program Officer for a vacant position is moving forward. Following a year-long strategic planning process, TRDRP activities are to be shared more equally between dissemination and translation, planning and fund development, outreach and proposal review, and monitoring and evaluation.

TRDRP released its new 2012 Call for Applications on September 1, 2011, and the funding announcement reflects changes in the program's priorities. There is an increased emphasis on policy-relevant research; new products and their health effects; health disparities; and early pathogenesis, early detection of disease, and secondary prevention approaches. A decreased emphasis is being placed on secondhand smoke basic studies and treatment of later stage disease, while the emphasis on prevention and cessation, and nicotine addiction, remains unchanged. All applicants for the 2012 Call for Applications must be responsive to at least one of the five new research priorities:

- Environmental Exposure
- Early Diagnosis
- Regulatory Science
- Disparities and Equity
- Industry Influence

With the change in priorities, new outreach efforts include tailored mailing lists and webinars. The 2012 Call for Applications maintains a mix of small and large grants, and all current grant types except for New Investigator awards; retains Conference and Cornelius Hopper Diversity Award Supplements; and adds special infrastructure awards to support electronic, biological, clinical, and informational support systems to serve as a resource for tobacco-related disease researchers in California and nationally. These awards would be for a maximum of \$250,000 over two years. Grant mechanisms include Single Investigator, Participatory and Collaborative; Career Development; and Special Projects Awards. For the first time, a letter of intent will be required.

A workshop for Community-Based Participatory Research awards is planned to strengthen Community Academic Research Awards (CARA) and School Academic Research Awards (SARA) applications, since few have been funded in recent years. Mock reviews of brief proposals will be included.

Dr. Aoki outlined TRDRP plans to convene a Legislative Briefing in April 2012 prior to the joint conference with CTCP focusing on research and practice, and discussed the recent Research Dissemination award focusing on priority populations. TRDRP's SAC formed a CCRA subcommittee which coordinated a submission to the UC Regents.

The presenters were asked to comment on the breakdown of Career Development Award recipients. Since graduate research programs in the

California State University system are limited, most are awarded to University of California researchers. Options for outreach were discussed. Some priority will be given to New Investigators in reviewing award applications.

Dr. Aoki was asked to comment on TRDRP's role in innovative youth programs and evaluation. He indicated that consideration is part of the ongoing SARA and CARA award planning process.

The presenters were asked how budget cuts have impacted outcomes for the goals of the RGPO reorganization. Dr. Croughan and Dr. Aoki indicated the infrastructure remains stronger than before in pre-award and post-award management, additional finance personnel and systems improvements, communications, and technology.

The Chair thanked Dr. Croughan and Dr. Aoki for their presentations.

8. DISCUSSION OF ASSEMBLY BILL (AB) 1301

Nathan Solov, Chief of Staff, Assembly Member Jerry Hill, discussed AB 1301 (Hill). AB 1301 aims to target retailers with repeat violations for sales to minors. The bill was moved to the suspense file in a Senate Committee so it is now a two-year bill and will move forward in January 2012, and TERO support would be appreciated at that time.

Under current law, the Board of Equalization (BOE) can be subject to license-related penalties only if the state's sales to minors' rate is 13 percent or higher. This has not occurred for many years. Current law also provides for an eight-tier scale of monetary penalties for violations occurring in a two-year period. AB 1301 would remove the 13 percent trigger, and create a new penalty scale, including license suspension after a third violation.

Currently, CDPH's Food and Drug Branch conducts Stop Tobacco Access to Kids Enforcement (STAKE) Act stings and cites violating retailers. In jurisdictions with local TRL ordinances, local stings may also occur. The original version of the bill faced opposition due to concerns about double penalties from both local and state laws, but concurrent penalties at both levels of enforcement would be rare.

When the legislative session resumes in 2012, plans include an amendment to AB 1301 to bring the efforts of CDPH and BOE together in a hybrid model so that STAKE Act stings could result in BOE action to suspend licenses for repeat offenders identified by CDPH.

Discussion ensued on youth purchase rates being found to be greater than 20 percent in jurisdictions conducting their own stings, and the problem of retailers using phone-trees to warn others of stings or license suspensions.

Concern was expressed about the frequency of STAKE Act stings being insufficient to enforce a stronger statewide TRL policy. Ms. Roeseler reported approximately 2,000 stings are conducted annually, but that reporting of violations to the BOE has not been mandated. The FDA is funding new enforcement efforts for regulation of the retail environment. Dr. Cowling confirmed the 13 percent trigger in the STAKE Act legislation stemmed from a 12.8 percent sales rate to minors at that time.

Concern was raised that the one-time state TRL fee of \$100 would be inadequate to fund administrative hearings that may be required for suspending and revoking licenses. Since the BOE is levying a fee on Prop 99 revenues for tax fraud enforcement, Mr. Solov was asked whether additional fees would be collected. Mr. Solov indicated the bill does not mandate BOE administrative hearings. Amendments are planned to increase the fine structure in the bill. Members expressed concern that fines alone would be insufficient to fund adequate enforcement stings. CDPH currently receives block grant funds from the Department of Alcohol and Drug Programs for stings.

Mr. Solov was asked whether TRL fees could be increased for retailers or an annual fee established. Mr. Solov indicated this could make passage politically difficult. Dr. Brunner indicated fees under local TRL ordinances are typically \$200-\$400 annually, and the \$200 annual fee in Contra Costa county remains insufficient to fully fund enforcement efforts.

Discussion ensued on the impact of TRL on youth smoking rates. While research is poor in this regard, it fails to factor in the lack of enforcement and TRL's potential for reduced access to tobacco for the entire community.

Mr. Solov indicated he would continue to keep TEROCC informed regarding the progress of AB 1301. The Chair thanked Mr. Solov for his presentation.

9. DISCUSSION OF 2012 MASTER PLAN (MP)

Discussion ensued on the 2012 Master Plan.

10. PUBLIC COMMENT

Carol McGruder reported that the African American Tobacco Control Leadership Council (AATCLC) is planning a town hall meeting in Los Angeles on October 22, 2011 at the California African American Museum with Karen Bass. AATCLC is also working with the black legislative caucus. An AATCLC press conference on support for CCRA is also planned.

The meeting was adjourned at 4:01 p.m. Next meeting: September 28, 2011.