



NORTH DAKOTA TOBACCO PREVENTION & CONTROL ADVISORY COMMITTEE MEETING – FINAL

1:00 p.m. to 3 p.m., Thursday, March 31, 2016

ND Center for Tobacco Prevention and Control Policy conference room, 4023 State Street, Suite 15, Bismarck, North Dakota

PARTICIPANTS:

Advisory Committee members present: Mr. Jay Taylor – Chair, Dr. Beth Hughes, Dr. Eric Johnson, Ms. Sarah Leingang, Ms. Hannah Rexine, Mr. George Keiser.

Advisory Committee members absent: Dr. John Warford, Ms. Becky Anderson, Ms. Clara Sue Price.

BreatheND Center staff present: Ms. Jeanne Prom, Executive Director.

Assistant Attorney General present: Mr. Dave Schaibley.

Public present: Ms. Erin Hill Oban, Tobacco Free North Dakota; Ms. Kristie Wolff, American Lung Association in North Dakota; Mr. Neil Charvat, N.D. Department of Health; and Ms. Kristen Renner, graduate student.

AGENDA ITEMS	DISCUSSION	OUTCOME/ACTION
Call to order and introductions – Chair Mr. Jay Taylor Roll call and determination of a quorum – Ms. Jeanne Prom		Chair Mr. Jay Taylor called the meeting to order at 1:07 p.m., reminded all present to refrain from using cell phones, including texting, during the meeting, and led introductions of members, staff and the public present. Executive Director Ms. Jeanne Prom called the roll, recorded roll as members joined the meeting, and reported when a quorum was present.
Adoption of agenda	Dr. Beth Hughes requested her report be moved to the first order of business under “New business.”	Mr. George Keiser moved to approve the agenda with amendments: moving “Evaluating the Effectiveness of the State Plan report from Executive Committee – Dr. Beth Hughes” and other new business to be the next orders of business. Dr. Beth Hughes seconded. Motion carried.
OLD/UNFINISHED BUSINESS	DISCUSSION	OUTCOME/ACTION
		Moved by motion to later in the agenda.

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NEW BUSINESS	DISCUSSION	OUTCOME/ACTION
Evaluating the Effectiveness of the State Plan report from Executive Committee – Dr. Beth Hughes	Dr. Hughes also participated in the development of the next year's State Plan work plan.	Dr. Hughes reported that at the Executive Committee meeting March 9, 2016, the Executive Committee reviewed and formally accepted the Advisory Committee's evaluation of the State Plan. The Executive Committee edited the language in Goal 1, Objective 1 to reflect support for an increase in the price of tobacco, through tax increase or another method for FY2017 and beyond. This broadens the objective language without changing its intent. For the updated Goal 1, Objective 2, the Executive Committee approved the rationale and strategy requested by the Advisory Committee and provided by Center staff. The Executive Committee agreed with changes to Goal 1, Objectives 3 and 4. All actions are recorded in the March 9, 2016 Executive Committee meeting minutes.
Raise It For Health North Dakota – RIFHND representatives	<p>The Advisory Committee member discussed the final measure language, which was distributed by Ms. Erin Hill Oban, Tobacco Free North Dakota, and Ms. Kristie Wolff, American Lung Association, of the Raise It For Health North Dakota coalition. Mr. Keiser complimented Ms. Hill Oban and Ms. Wolff on the measure language.</p> <p>Ms. Prom provided guidance from Mr. Dave Schaibley, the agency's assistant attorney general, on allowable activity by state agencies and state employees on initiated measures. Mr. Schaibley joined the meeting at 2:45 p.m. and further explained the guidance.</p>	<p>Ms. Erin Hill Oban, Tobacco Free North Dakota, and Ms. Kristie Wolff, American Lung Association, provided an update on Raise It for Health North Dakota activities. On March 16, 2016, the coalition of health and veterans' groups announced their intentions in a news conference and submitted an initiated measure language to raise North Dakota's tobacco tax to the Secretary of State, who approved the measure for circulation on March 29, 2016.</p> <p>Ms. Hill reviewed each section of the measure. The measure:</p> <ol style="list-style-type: none">1) creates a Veterans' Tobacco Tax Trust fund administered by the existing Governor-appointed Administrative Committee on Veterans' Affairs to manage half of new revenue generated, to meet

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		<p>unmet healthcare and other needs of N.D. veterans and their families;</p> <p>2) defines inhalation devices, liquid nicotine, and tobacco products;</p> <p>3) regulates liquid nicotine distributors and dealers;</p> <p>4) increases tax on cigarettes from 44 cents to \$2.20/pack;</p> <p>5) increases tax on other tobacco products from 28 to 56 percent of wholesale purchase price, eliminates the current weight-based taxation of snuff and chewing tobacco, and replaces it with the percentage of wholesale purchase price taxation method;</p> <p>6) deposits half of the revenue into the existing Community Health Trust Fund to be allocated to behavioral health (70 percent), local public health (20 percent) and chronic disease (10 percent);</p> <p>7) levies an initial one-time tax on existing inventory;</p> <p>8) holds harmless the current tax revenue directed into the state general fund; and</p> <p>9) updates other language in the tobacco tax law, some updates which were proposed in 2015 legislative session bills.</p> <p>The coalition expects their volunteers will collect the required number of signatures by the July 11, 2016 deadline to place the measure on the November 8, 2016 statewide ballot.</p> <p>Mr. Taylor moved the Advisory Committee pass a resolution that continues to support its State Plan, which from the beginning has included the best practice of raising the tobacco tax as one of the</p>
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		<p>most effective ways to decrease youth smoking. Mr. Keiser seconded. Discussion: The resolution would not be a resolution in support of any specific process used to raise the tax. Motion carried.</p> <p>Ms. Prom can provide a resolution draft at a future meeting.</p>
Approval of minutes – January 21, 2016 meeting		Mr. Keiser moved to approve the minutes from the January 21, 2016 meeting. Ms. Hannah Rexine seconded. Motion carried.
Biennial report and Trans-Pacific Partnership – Ms. Prom		<p>Ms. Prom will schedule a meeting with the Governor's office to discuss the biennial report, and will inform all committee members of the meeting. Members will participate based on their availability.</p> <p>Ms. Prom received approval from all Advisory Committee members, and will send letters to the North Dakota congressional delegation, requesting that they support the tobacco control language in the final negotiated version of the Trans-Pacific Partnership trade agreement.</p>
State Plan Quarterly Report (Year 7, Quarter 2, October to December 2015) – Ms. Prom	Ms. Prom reviewed the summary of progress for fiscal year 2016 quarter 2 (October through December 31, 2015), and reported that Quarter 3 fiscal reports are not yet available until after the quarter ends March 31, 2016.	The Advisory Committee reviewed and discussed progress documented in the quarterly report.
Advisory Committee update		Mr. Taylor reminded the Advisory Committee that the terms of Dr. Hughes, Dr. Eric Johnson and Ms. Clara Sue Price expire on June 30, 2016. These members need to work with their nominating organizations to submit the required number of names to the Governor's office within the next two months, so the Governor can either reappoint current members, if interested and eligible, or

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		appoint another individual to serve. Dr. Hughes has served two consecutive three-year terms and is not eligible for reappointment at this time. Dr. Johnson is interested in reappointment. Ms. Prom will ask Ms. Price about her intentions.
BreatheND update	Ms. Prom provided an update, including information on the biennial agency audit by the Office of the State Auditor's office. The agency did not receive any formal recommendations. The one informal recommendation asks the Advisory Committee "establish policies to clarify the duties that constitute official work of the Advisory and Executive Committees and to quantify the number of hours committee members must work to be reimbursed for a full day." Dr. Hughes participated in the exit conference with the auditor and agency management on March 17, 2016, and Dr. Hughes and Ms. Prom agreed with this recommendation.	Mr. Taylor moved that Ms. Prom draft a policy for the June 23, 2016 Advisory Committee meeting that clarifies the duties that constitute official work of the Advisory and Executive Committees and quantifies the number of hours committee members must work to be reimbursed for a full day. This was requested in the informal recommendation by the Office of State Auditor in its 2013-15 biennial audit of the agency. Mr. Keiser seconded. Motion carried.
OTHER BUSINESS	DISCUSSION	OUTCOME/ACTION
2016 meeting schedule – next meeting, future meetings	Mr. Keiser explained the budget challenges facing the interim legislature now, and will face the legislature in the 2017 session.	The next meeting of the Advisory Committee is 1-3 p.m., Thursday, June 23, 2016 at the Center or by phone. Other future meetings are 1-3 p.m., Thursdays: October 20 and December 15.
Remuneration		The Advisory Committee members should complete their remuneration forms and submit by email, fax, regular mail or in person to the Center.
Adjourn		Chair Mr. Taylor adjourned the meeting at 3:30 p.m.