



NORTH DAKOTA TOBACCO PREVENTION & CONTROL ADVISORY COMMITTEE MEETING – Final

3:00 p.m. to 5:00 p.m., Monday, March 23, 2015

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 (by phone), Dr. Eric Johnson (by phone), Ms. Clara Sue Price (by phone), Ms. Becky Anderson, Ms. Sarah Leingang

Advisory Committee members absent: Mr. George Keiser, Dr. John Warford, Ms. Hannah Rexine

BreatheND Center staff present: Ms. Jeanne Prom, Executive Director; Ms. Barbara Andrist, Statewide Programs Manager; Larry Shireley, Evaluation Programs Manager; Susan Simonson, Health Communications Coordinator; Ms. Kory Hagler, Administrative Assistant.

Guests: None.

Public: None.

AGENDA ITEMS	DISCUSSION	OUTCOME/ACTION
<p>Call to order and introduction of new members – Chair Mr. Jay Taylor</p> <p>Roll call and determination of a quorum – Ms. Jeanne Prom</p>	<p>Chair Mr. Jay Taylor reminded the group and guests present that Advisory Committee meetings, like church, is a time to limit cell phone use to emergencies only; otherwise cell phones should be turned off, or silenced and not used. Mr. Taylor introduced the new Advisory Committee member Becky Anderson and two new Center employees, Larry Shireley and Susan Simonson.</p>	<p>Chair Mr. Jay Taylor called the meeting to order at 3 p.m. Ms. Jeanne Prom, executive director, recorded the roll. A quorum was established at 3:09 when Ms. Clara Sue Price joined by phone. Ms. Sarah Leingang arrived at 3:20 p.m.</p>
<p>Adoption of agenda</p>	<p>No discussion</p>	<p>Dr. Beth Hughes moved to approve the agenda as distributed. Ms. Price seconded. Motion carried.</p>
<p>Approval of minutes – October 16, 2014</p>	<p>Ms. Price provided a brief update on the N.D. Professional Assistance Program as a follow-up to her comments at the October 16, 2014 meeting.</p>	<p>Ms. Price moved to approve the minutes as distributed. Dr. Hughes seconded. Motion carried.</p>

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UNFINISHED BUSINESS		
<p>Executive Committee Membership – Mr. Taylor</p>	<p>The committee decided to complete the nominations and voting process to fill the open position on the Executive Committee (EC) at this Advisory Committee (AC) meeting, rather than at a special meeting when all Advisory Committee members might be present. Ms. Price said it she felt it was important to have public health represented on the EC, and it was noted that Ms. Becky Anderson was appointed to the most recent position nominated by the N.D. Public Health Association. Ms. Jeanne Prom explained the AC and the EC responsibilities. EC roles are directive, not advisory.</p> <p>Ms. Clara Sue Price suggested that the chair of the Advisory Committee should always be on the Executive Committee.</p>	<p>Ms. Price nominated Ms. Becky Anderson to be considered for the Executive Committee. Ms. Anderson declined the nomination, citing her desire to have more Advisory Committee experience.</p> <p>Dr. Hughes nominated Mr. Jay Taylor to be considered for the Executive Committee. Dr. Eric Johnson seconded the motion. Roll call vote: Ms. Anderson – aye; Dr. Hughes – aye; Dr. Johnson – aye; Mr. Taylor – aye; Ms. Leingang – aye; Ms. Price – aye; Dr. John Warford, Ms. Hannah Rexine and Mr. George Keiser were absent and not voting. Motion carried.</p> <p>Dr. Hughes moved that Mr. Jay Taylor continue to serve as the Advisory Committee Chair. Ms. Price seconded the motion. Discussion: If an Advisory Committee chair in the future was not able to serve on the Executive Committee simultaneously, this policy can be reconsidered. Motion carried.</p>
NEW BUSINESS		
<p>Advisory Committee terms expiring June 30, 2015 – Mr. Taylor</p>	<p>Ms. Prom reminded members who have terms expiring June 30, 2015 to notify their nominating organizations soon of their intentions to seek or not seek a second nomination. Nominating organizations should submit nominees to the Governor’s office to allow the Governor time to make final appointments before, or shortly after. terms expire.</p>	<p>Ms. Samantha Doll will work with the committee members Ms. Hannah Rexine, Mr. Taylor and Ms. Anderson in contacting their respective nominating organizations.</p>

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<p>State Plan Year 6 (2014-2015) Quarters 1 & 2 Progress Report (including local public health unit aggregate data and BreatheND Center updates) – Ms. Barbara Andrist</p>	<p>Ms. Barbara Andrist reviewed highlights from the report and committee members discussed the progress.</p> <p>Ms. Prom reviewed recent, current and upcoming health communications campaigns, including a statewide smoke-free law campaign and business mailing in May-June 2015.</p> <p>Dr. Johnson reported on tax increase testimony he and others provided to the 2015 legislature, and how some legislators said they did not believe the science. The committee discussed the issue of who and what is believed and trusted by legislators and the public.</p> <p>Ms. Prom shared information on the Office of Attorney General (OAG) pursuing \$200,000 from Master Settlement Agreement (MSA) annual payments. This is not the MSA funding from the Strategic Contribution Fund which is used by the Executive Committee. Funds the OAG requested are to be used if other funds are depleted in the defending the tobacco industry lawsuits against the states. The lawsuits relate to states' efforts to collect payments from non-participating manufacturers. The 2015 legislature will decide if this request will be part of the OAG budget.</p>	<p>Dr. Hughes thanked Ms. Andrist for the excellent reports.</p>
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<p>Evaluating Effectiveness of State Plan – Ms. Andrist</p>	<p>Ms. Andrist provided the draft evaluation of the effectiveness of the State Plan, including suggestions made by the evaluator, RTI International. Ms. Andrist asked for comments on the report, status of goals and objectives, and next steps.</p> <p>The committee’s comments included a comment from Ms. Price on tribal tobacco tax challenges; discussion about a desire for more progress with tobacco-free K-12 schools; and discussion about raising the minimum age of legal use of tobacco from 18 to 21.</p> <p>Ms. Andrist noted that the statewide Raise It For Health coalition spearheaded by partners including American Cancer Society Cancer Action Network (ACS), Tobacco Free North Dakota and American Lung Association, led the tax increase efforts with many activities to educate the public and legislators during quarters 1 and 2. During the legislative session, Ms. Andrist and Ms. Prom also spoke with many legislators about the tax increase benefits. ACS public opinion poll showed 69% of N.D. adults supported \$1.56 increase in the tax if it was used for health. These strong poll results were shared with the legislature and released in a news conference in January.</p> <p>Center staff are working directly with N.D. University System on tobacco-free higher education policy.</p>	<p>Dr. Hughes moved to accept the Evaluation of the Effectiveness of the State Plan report with two additions of 1) updating dates and 2) incorporating federal tax increase into the other tax increase objective in Goal 1. Dr. Johnson seconded. Motion carried. This report will be presented at the March 25, 2015 Executive Committee meeting.</p>
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	<p>Local public health units have helped pass 23 point-of-sale ordinances covering e-cigarettes and similar products.</p> <p>RTI suggested that the objective on the federal tobacco tax increase be included in the state tax objective as part of raising the tobacco tax in general.</p> <p>Many of the smoke-free objectives with multi-unit housing, casinos, outdoor areas and pre-emption will continue as drafted in the current work plan. The federal office of Housing and Urban Development (HUD) may issue rules making HUD properties smoke-free.</p> <p>NDQuits progress shows continued strong 30-day quit rates but limited reach. To increase reach, activities will focus on priority populations and geographic areas. Cessation efforts include offering the 5As in healthcare settings and continuing work in behavioral health.</p> <p>Ms. Andrist also reported on the status of the two e-cigarettes bills being considered in the Senate Judiciary Committee. That committee discussed that HB 1078 is not comprehensive enough, and the committee will further discuss HB 1186. The Senate committee does not want to tax e-cigarettes.</p>	
Legislative Update – Ms. Prom	Ms. Prom reported on the status the legislative bills, including the agency budget (HB 1024), Department of Health budget (HB 1004), tax bills that failed (SB 2322, HB 1421), tax	The agency budget (HB 1024) is slightly above the amount requested due to the addition of the Governor’s compensation package. Final budget will likely include a \$500,000 grant to be given to

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	<p>housekeeping bill (HB 1133), and three e-cigarette bills (HB 1265, HB 1078 and HB 1186).</p> <p>The committee discussed the tax bills and their challenges. Ms. Price noted the “no tax” pledge was a challenge and that the Department of Human Services could provide Medicaid data. Dr. Johnson said using the term “user fee” related to costs and resulting cost savings, rather than the word “tax,” might have been a better approach, while the legislators discounting the science needs to be countered.</p>	<p>the Department of Health to make up for a reduction in the grant the department receives from the U.S. Centers for Disease Control and Prevention. The combined budgets from this agency and the DOH’s budget for tobacco control reaches the CDC Best Practice level.</p> <p>Current legislative work on policy is focused on passing more comprehensive e-cigarette provisions in HB 1186. The House amended the original bill and the bill now includes the following provisions: must be 18 or older to purchase, child resistant packing required, vending machines defined. The definition of e-cigarettes and self-service displays could be improved. The bill still includes weak penalties and a definition for alternative nicotine products which is not needed. That extra definition of a class of products that doesn’t exist could be used to avoid future taxation, as was tried in a failed attempt to amend HB 1133, a tax law housekeeping bill. HB 1186 does not require a license for selling e-cigarettes. Ms. Andrist is working closely with T.J. Jerke from Tobacco Free North Dakota and Kristie Wolff from American Lung Association on the e-cigarette legislation.</p>
<p>Quarterly Budget Reports– July through September 2014 and October through December 2014 – Ms. Prom</p>	<p>Ms. Prom explained the report.</p>	<p>The committee received the report and had no questions.</p>
<p>OTHER BUSINESS</p>		
<p>2015 meeting schedule</p>		<p>Next meetings: 1-3 p.m. on Thursdays June 18, October 15 and December 10, 2015.</p>

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Remuneration		Remuneration forms are available on the Advisory Committee area of the website. Each committee member should print, complete and sign their form prior to returning it via fax, email, mail or in person.
Adjourn		Chair Mr. Taylor adjourned the meeting at 5:18 p.m.