



NORTH DAKOTA TOBACCO PREVENTION & CONTROL ADVISORY COMMITTEE MEETING - FINAL MINUTES

1:00pm., Thursday, November 7, 2013
Center Conference Room

PARTICIPANTS:

Advisory Committee members present: Mr. Nathan Marion – Chair, Dr. Beth Hughes, Ms. Clara Sue Price. Mr. Jay Taylor.

Advisory Committee members participating via teleconference: Ms. Renae Byre, Dr. Eric Johnson, Dr. Kermit Lidstrom, Ms. Holly Scott, Ms. Jayne Vetter.

Advisory Committee members absent: none.

Center Staff present: Ms. Jeanne Prom, Executive Director; Ms. Alysia Maxwell, Temporary Administrative Assistant; Ms. Kelli Ulberg, Community Programs Manager; Ms. Donna Thronson, Health Communications Coordinator; Ms. Barbara Andrist, Statewide Programs Manager.

Office of Attorney General staff present: Assistant Attorney General Mr. David Schaibley.

Center contractors present: none

Public: Krista Fremming, Department of Health; Erin Hill-Oban, Tobacco Free North Dakota ; Kimberly Schneider, American Lung Association in North Dakota.

AGENDA ITEMS	DISCUSSION	OUTCOME/ACTION
Call to order		Chair Mr. Nathan Marion called the meeting to order at 1:06 p.m. Ms. Jeanne Prom recorded the roll. A quorum was established.
Introduction of new members		Mr. Marion introduced new Advisory Committee members Ms. Clara Sue Price who attended in person and Dr. Eric Johnson who was attending via the phone.

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Adoption of agenda	.	Dr. Beth Hughes moved to adopt the agenda with a change in the order of one agenda item -- election of the Executive Committee member – moved to the top of new business. Ms. Jayne Vetter seconded. Motion carried.
Approval of meeting minutes	Draft minutes from the July 25, 2013 meeting were reviewed.	Ms. Jayne Vetter moved to approve the minutes as distributed. Ms. Renae Byre seconded. Dr. Johnson abstained due to absence at the meeting. Motion carried.
Statutory Authority of Advisory Committee	<p>Attorney General Mr. David Schaibley discussed the roles of the Advisory Committee and Executive Committee. Mr. Schaibley explained that the Executive Committee's implement the state plan by employing staff to carry out the duties.</p> <p>Advisory and Executive Committee meetings are regular or special open meetings that are noticed to the public. The public is permitted to attend, but cannot participate unless asked by the committee. Special meeting discussion is limited to agenda items. A quorum of committee members discussing committee</p>	<p>The Advisory Committee has four statutory roles:</p> <ol style="list-style-type: none">1) Initiate the comprehensive state plan;2) Select the Executive Committee;3) Fix compensation of Advisory and Executive Committee;4) Annually evaluate the effectiveness of state plan and propose any changes to Executive Committee. <p>The Executive Committee:</p> <ol style="list-style-type: none">1) Implements and administers comprehensive plan including determining appropriateness of expenditures;2) May seek advice of Advisory Committee in implementing the

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	<p>business in person or using technology constitutes an unintentional meeting that must be avoided.</p> <p>Executive sessions of committees may be held for specific reasons and are closed to the public. In all cases, staff hired by the Executive Committee are not considered the public.</p> <p>The committee documents are open records and Center staff assure appropriate records are kept. Certain very specific information such as social security numbers and confidential documents are exempt from open records laws.</p> <p>Roll call votes should be recorded on substantive matters.</p>	<p>plan, but Executive Committee is the final decision maker.</p> <p>3) Employs staff, accepts and provides grants, enters contracts, leases property, and other duties as described in NDCC 23.42.04.</p> <p>Advisory and Executive Committee members are not required to have a state email account, but should keep committee emails separate from personal email accounts.</p> <p>Advisory and Executive Committee members are required to vote on issues before them unless they have a conflict of interest as defined NDCC 23.42.06. The statute defines a conflict of interest as a: 1) direct, 2) substantial, 3) personal and 4) pecuniary interest in a matter. It is unlikely many issues would meet this threshold. Grants to local public health units are provided to an agency and not to an individual, so issues about grants to agencies would generally not pose a direct, substantial, personal and pecuniary conflict of interest for individuals on the committee who may be employed by a grantee</p>

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		agency. Mr. Schaibley defined a personal interest as related directly to an individual and not to the agency that employs the committee members. Mr. Schaibley responded to questions about local public health unit grants and employees. LPHU employees who are committee members can disclose a conflict of interest that does not meet the statutory threshold, but are not required to make this disclosure. The committees will seek Mr. Schaibley's advice if needed on applying the definition of this threshold.
Unfinished business		
March 2013 appropriation status report		The committee acknowledged receipt of the corrected March 2013 Appropriation Status Report. The Peoplesoft system generated an incorrect amount caused by a system error.
Work Plan—Year 4 progress, Year 5 Quarter 1 progress	Ms. Barbara Andrist gave synopsis.	The committee discussed the synopsis and provided input and ideas. Ms. Clara Sue Price noted that apartment owners will hold a state meeting in Minot. Dr. Hughes was impressed with the progress, including the amount of work in promoting smoke-free multi-unit housing.

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New business		
Election of Executive Committee member	The committee discussed term lengths and frequency of meetings.	Dr. Hughes moved to nominate Dr. Johnson. Dr. Kermit Lidstrom seconded. Roll call vote: Ms. Byre-yea; Dr. Hughes-yea; Dr. Lidstrom-yea; Mr. Marion-yea; Ms. Scott-yea; Mr. Taylor-yea; Ms. Vetter-yea; Ms. Price-yea. Motion carried. Dr. Johnson accepted as new executive committee member.
2011-2013 biennial report—Ms. Jeanne Prom.	Ms. Prom requested a meeting with the Governor and/or staff to discuss the report.	The biennial report includes the determination that the program is meeting the requirements of the law.
State Plan update, Year 5-6 Work Plan	<p>Ms. Andrist described the process used to develop the updated state plan by a group of stakeholders. She reviewed each part of the state plan, work plan, and one objective each from the grantee and advisory reporting forms.</p> <p>The committee discussed the level of increase in the tobacco tax as proposed. The increase proposed is \$1.56, to bring the per pack tax from 44 cents to \$2/pack. The national average is \$1.53/pack and surrounding states are: \$2.83 (Minnesota), \$1.53 (South Dakota) and \$1.70 (Montana). North</p>	Dr. Hughes moved to approve the plan if no substantive changes were submitted to Ms. Andrist by the committee by November 30, 2013. Ms. Vetter seconded. Discussion: The committee would meet in a special meeting before January 1, 2014 to review the plan again if any substantive changes were submitted by committee members by the deadline. Roll call vote: Ms. Byre-yea; Dr. Hughes-yea; Dr. Lidstrom-yea; Dr. Johnson-yea; Mr. Marion-yea; Ms. Scott-yea; Mr. Taylor-yea; Ms. Vetter-yea; Ms. Price-yea. Motion carried.

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	Dakota has not raised its tobacco tax since 1993, and increasing the tobacco tax is one of the most effective ways to prevent tobacco use by youth. Committee members can propose a different level to Ms. Andrist by November 30, 2013, triggering additional review by this committee.	Mr. Marion thanked Ms. Andrist for all her work coordinating the development of the updated plan.
2014 meeting schedule	Advisory Committee discussed scheduling for 2014.	Advisory Committee will meet from 1:00 p.m. to 3:00 p.m. on the following Thursday in 2014 at the Center: Feb. 13 th , May 15 th , Aug. 14 th , and Oct. 16 th . Ms. Price moved to accept these dates. Dr. Hughes seconded. Motion carried.
Budget status reports	Ms. Prom presented and the committee discussed the June 2013 reports.	Advisory Committee acknowledged receipt of the reports, which were approved by the Executive Committee.
Interim study - comprehensive program		Ms. Prom explained the interim study.
National tobacco control issues	The committee discussed submitting comments to the Food and Drug Administration on regulating menthol and menthol substitutes, and to the U.S. Trade Ambassador on the proposed	Dr. Hughes moved to direct Mr. Marion, Ms. Prom and Mr. Schaibley work together to submit comments to the FDA on menthol and to the U.S. Trade Ambassador on the transpacific trade partnership. Ms. Byre seconded. Roll call vote: Ms. Byre-yea; Dr. Hughes-yea;

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	transpacific trade partnership agreement being drafted.	Dr. Lidstrom-yea; Dr. Johnson-yea; Mr. Marion- yea; Ms. Scott-yea; Mr. Taylor-yea; Ms. Vetter-yea; Ms. Price-yea. Motion carried.
BreatheND Center Updates	Ms. Kelli Ulberg explained additional funding available to local public health units. Ms. Donna Thronson reviewed ad campaigns and the public relations strategy.	
Next meeting		The next scheduled Advisory Committee meeting is Feb. 13, 2014.
Remuneration		Remuneration forms are available on the Advisory Committee area of the website. Each committee member should print and complete their form prior to returning it via fax, email, mail or in person.
Adjourn		Mr. Marion adjourned the meeting at 3:40 p.m.