

**Tobacco Use Prevention & Control  
Commission Meeting Minutes  
January 29, 2016  
Lucas State Office Building, 312 E 12<sup>th</sup> St, Des Moines  
Room 517-518  
9:00 a.m. to 12:00 p.m.**

<p><b>Voting Members:</b></p> <ul style="list-style-type: none"> <li>• Chad Jensen - Chair</li> <li>• Micki Sandquist</li> <li>• Brian Pins</li> <li>• George Belitsos</li> <li>• Cassie Johnson</li> </ul>	<p><b>Non-voting Members:</b></p> <ul style="list-style-type: none"> <li>▪ Senator Herman Quirmbach</li> <li>▪ Austin Henderson, ISTEP President</li> <li>▪ Matt Gannon, Attorney General's Office</li> </ul>
<p><b>Voting Members Not Present:</b></p> <ul style="list-style-type: none"> <li>• Jenn Habel</li> <li>• Caitlyn Martin</li> </ul>	<p><b>Non-voting Members Not Present</b></p> <ul style="list-style-type: none"> <li>• Senator Julian Garrett</li> <li>• Representative Joel Fry</li> <li>• Representative Marti Anderson</li> <li>• Melissa Walker, Department of Education</li> <li>• Deana Jones, Department of Human Services</li> <li>• Dale Woolery, Office of Drug Control Policy</li> </ul>
<p><b>Tobacco Use Prevention and Control Staff:</b> Jerilyn Oshel, Garin Buttermore, Sheri Stursma, Robbyn Duchow, Megan Aucutt, Joann Muldoon, Emily Vogt, Sieglinde Prior</p> <p><b>IDPH Staff:</b> Polly Carver-Kim,</p> <p><b>Guests:</b> Jessica Ekman, ABD; Beth Turner, ALA; Stacey Frelund, AHA; Jen Schulte, ACS-CAN; Heather Adams, AG's Office;</p>	

**I. Introductions & Welcome**

**Chad Jensen**

- Chad called the meeting to order at 9:05am
- Agenda Correction: No changes to the agenda
- Chad introduced George Belitsos as the Commission's newest member.
- Brian Pins announced that he has accepted another job and will be stepping down from the Commission.

## II. Approval of Meeting Minutes

Chad Jensen

- Minutes: move to approve by Brian Pins; second by Micki Sandquist, Unanimous approval

## III. Old Business

- A. Strategic Plan Update: Chad Jensen  
Chad reported that the Committee met and updated the strategic plan. Items were added to make the plan stronger. Changes to the plan are in red in your handout. George moved to adopt the changes to the strategic plan. Micki second.  
George asked where in the plan e-cigs have been placed. Jerilyn answered that e-cigs haven't been singled out. George would like commission to focus on this issue regardless of what new items may come up next year.  
George proposed amending the motion to approve by asking the Division to add a step to the plan that "the commission explore and take a position regarding electronic smoking devices", Micki second.  
Motion and amendment pass unanimously.
- B. Evidence Based and Best Practice Talking Points: Jerilyn Oshel  
Jerilyn stated that the packet includes answers to questions that the commission asked for more information about.
- C. Vacancies Update: Jerilyn Oshel  
Jerilyn stated that there is a document in their folder with the updated Commission roster.  
Jerilyn stated that there are two positions vacant. Jerilyn indicated that these do not include Brian's spot. Jerilyn stated that the Department has met with the Governor's office to make it clear that filling these vacancies are a priority. Micki asked questions to clarify who can apply such as gender and political party balance. Jerilyn stated that Rick Riley who was our DHS rep has left and has been replaced by Deana Jones

## IV. New Business

- A. Commission Overview Training: Heather Adams  
Heather Adams handed out a packet for members regarding some of the legal responsibilities that commission members will be expected to follow. Heather pointed out some of the most important laws that apply to the commission and they include:
- Board Enabling Act (pg. 2)
- Review of Chapter 142A and 142A.3 and 142A.4 which lay out the purpose and intent of the law and the Commission's make up and responsibilities.
- Administrative Rules are included in packet and must be reviewed by boards every 5 years. Rules should be easy to understand, consistent, and fair.
- Open Meetings Law: Requires notice of meetings and minutes of those meetings. This applies to in-person meetings and electronic meetings. Emails that happen simultaneously could be covered but receiving an individual email would not.

Minutes (pg. 6): Serve 2 functions. One is to organize what happened at meetings and second are a way for the public to know what happened at the meeting.

Closed Session (pg. 7): This happens very rarely. It would be good to consult with Heather before the Commission decides to go into closed session. George: Would giving input on the division's administrator be a reason to go into closed meeting? Heather: If there are perceived personnel issues by the Commission, a closed session may be called but discussion of the duties of the position would not require a closed session

Open Records Law (Page 8): All records, including emails, that relate to commission business are open records.

Relating to Commission Members Work as Judges (Page 10): This has happened a few times in the past.

Last page lists 6 different laws that could relate to you.

- The gift law: \$3 max from restricted donors (ask Heather)
- Lobbying: Commission members cannot lobby as commission members. They can provide information and education upon request. Ask Heather for further advice. Chad asked: Can I talk to legislators about something tobacco related? Heather: Make sure the legislator knows you do not represent the Commission and please let staff know.
- Board members are indemnified from personal liability regarding their work on the board.
- Sales or leases of goods or services
- Conflicts of interest
- Anti-Trust

Senator Quirnbach provided an overview of the Legislature's intent with the law that created the program. He indicated that the Commission is not supposed to be neutral and this is clearly stated in the law's intent. He stated that the Commission does operate in a political environment so some care must be taken. He stated when talking to legislators it is vital to make sure you make it clear you do not represent the Commission.

#### B. Division Evaluation Completed by UNI

Jerilyn Oshel

Jerilyn stated that the division evaluation will be based off of the strategic plan. UNI will be completing an evaluation of the Division again. Jerilyn indicated that this has been done in the past but not recently. She stated that Commission members should expect an email from UNI regarding the Evaluation piece

#### C. Tobacco Control Initiatives in Healthy Iowans

Jerilyn Oshel

Jerilyn asked if the Commission would like to be a part of the next 5 year Healthy Iowan's goals update or is it better that the Division respond? She stated that the goals correspond with the Division's CDC objectives. She stated that one way or another we want to be in the plan but we just need to decide if the comments will come from the Commission or the Division.

The commission asked the Division to submit this. The Commission would like a report of what the Division has reported to the Healthy Iowan's goals at the next meeting.

D. Overview of Smokefree Homes Website

Sieglinde Prior

Sieglinde gave an overview of the new SmokeFree Homes website. [smokefreehomes.iowa.gov] Commission members were invited to look over the site and if they had any comments or suggestions to send them to Sieglinde at Sieglinde.prior@idph.iowa.gov

V. Division Director's Report/Update

Jerilyn Oshel

A. Budget Update:

Jerilyn stated that payments for Quitline aren't reflected on the budget document in the packet. When those payments appear the numbers will change quite a bit. She reported that the Department sent the first letter asking about Community Partnerships spending. She indicated that a second letter will go out in March. The letter will be sent to Partnerships who aren't spending down to a level the Department thinks is appropriate given the time of year.

B. Quitline Report: Reports in Handouts.

Jerilyn introduced Megan Aucutt as the new Quitline Coordinator. Megan reported that the Dashboards (data from QL) are in the packet. Megan reviewed dashboard reports. She stated that we have dispersed QL Banners in Spanish due to partnership requests. She also reported that we are in the final stages of the QL RFP. The new RFP will be 6 years in length. The new RFP will take effect July 1, 2016. Alere and National Jewish have applied for the RFP. The Division plans to announce the results of the RFP before the next meeting.

C. Report to Governor:

Jerilyn reported that Chad helped the Division prepare a report to the Governor. The document (in folder) was based off of last year's submission. This year's report included what each Community Partnership has been accomplishing in the past year. Also new is the number of QL callers per county. Jerilyn will send out Fiscal Year 16 numbers as they are not on the handout. Numbers in report are only phone counseling sessions and do not include web users.

George made a motion that the Department pursue language that would require people using Quitline to be asked if they have private insurance coverage for Nicotine Replacement Therapy (NRT) and to deny NRT to those who say they have coverage. (The change to current guidelines is, if the caller says they don't have coverage they can receive NRT. The intent would be if they say I don't know that they receive NRT.) Cassie second;

Brian asked what the numbers are this year and Jerilyn responded that hard numbers are unknown now. Brian asked when Jerilyn would hear back from Pharmacy Association and Jerilyn responded around mid-February so we will know who the Quitline vendor will be. Micki asked if we have heard from CPs about the effect of not giving NRT and Jerilyn responded that there was a lot of confusion about whether or not Quitline was providing NRT. She stated that the Medicaid benefit hasn't changed. She also reported that the funds weren't removed from the appropriation, just our ability to use those funds for NRT with someone who currently has NRT coverage.

Senator Quirnbach stated that he feels the Commission convey to the Department lobbyist to remove the language or to require Quitline to ask if they have insurance. He stated that this change would remove the burden from the Department to the caller. He also indicated that the removal of the prohibition from the language will have a similar effect.

Beth Turner indicated that some counties in the metro have had an increase in Quitline calls and that the change hasn't affected every county negatively.

Vote: The motion (above) carries unanimously.

## **VI. Legislative Report**

### **Legislators**

Senator Herman Quirnbach stated that he filed bill a year ago to end the casino loophole. He has heard that the House will have a subcommittee meeting about this. He indicated that this is good news but still a long way from changing a law.

Senator Quirnbach reported that after discussion from a previous meeting, he filed SF2016 to increase the age of purchase for tobacco items. He stated that this has gone to subcommittee and he thinks it's unlikely for this to pass this year but it is a good first step.

## **VII. Legislative Update**

### **Advocates**

Micki Sandquist reported that the American Lung Association will release the State of Tobacco Control report in February and send that to the legislators.

## **VIII. Youth Executive Council**

### **I-STEP Executive Council/ Robbyn**

Austin Henderson reviewed the map showing ISTEP Chapters and membership with the Commission and stated that there are 1,998 members as of January 28, 2016. He reported that April 26<sup>th</sup> is the ISTEP Summit. Austin reported that Through With Chew Week (TWCW) is coming up in February and we are disturbing an educational/ marketing kit for Chapters to use.

Cassie Johnson reported that they have held regional meetings in four locations during October and November. She stated that these meetings helped to plan TWCW and the Great American Smokeout.

She reported that this year's TWCW theme is music based "Spotify" based off of the music app Spotify. Cassie went over the contents of the Spotify package going out to the Chapters. She reported that this activity is a partnership with the I-Smile program to help increase oral health. I-Smile is a program in the Bureau of Oral Health within Iowa Department of Public Health.

George asked why ISTEP chose to do one summit rather than four regional summits. Cassie and Austin stated that it was to get everyone in one place and to hold it during the school year. Jerilyn stated that Iowa code also says the President of ISTEP and the youth commission members must be elected at the youth summit. She also indicated that this one meeting will allow attendees to meet everyone who is running for president/commission.

## **IX. Other Attendee Reports**

### **A. Attorney General's Office**

**Matt Gannon**

Matt reported the first hearing of the 2004 arbitration panel will be next week in Washington D.C. He reported that it has been a long struggle getting everyone to the table. George asked what the hope will be for the outcome of the arbitration. Matt explained the issue arises out of the Master Settlement Agreement (MSA). He stated that we've been arguing since the agreement about how much money the agreement covers. The arbitration in question adjusts the amount tobacco companies pay the states based on third party tobacco company sales. Matt reported that Attorney General Miller issued a statement over the holidays about e-cigarettes. The statement can be found on the website in the new section of the AG website.

### **B. Office of Drug Control Policy**

**Dale Woolery**

Not in attendance

### **C. Alcoholic Beverages Division**

**Jessica Ekman**

Jessica Ekman reported that ABD included 2 documents in the packet. She reported that costs through December is one and the second is Tobacco at a Glance report which looks at enforcement and training. Jessica also handed out FY15 analysis. Questions over that handout can be directed to Jessica. Her contact info is on the bottom of the report.

### **D. Iowa Medicaid Enterprise**

**Deana Jones**

Not in attendance

### **E. Department of Education**

**Melissa Walker**

Not in attendance

## **X. Public Comment**

No public comment

## **XI. Next Commission Meeting Agenda**

**Jerilyn Oshel**

- Micki asked that Jerilyn update the Commission in March about reverted funds language.

## **XII. Adjournment**

- Adjourn 11:28 AM Brian Pins moved, Cassie Johnson second, unanimous approval
- Next meeting March 25, 2016 in room 517 of the Lucas State Office Building in Des Moines