

Minutes of the  
Tobacco Education and Research Oversight Committee (TEROC)  
Tuesday, February 6, 2018  
9:30am-4:00pm

Location  
DoubleTree Hotel Sacramento  
(<http://bit.ly/1AvxpWF>)  
2001 Point West Way  
Sacramento, CA 95815

**MEMBERS PRESENT:**

Dr. Michael Ong (Chair), Dr. Pamela Ling, Dr. Mark Starr, Dr. Wendy Max, Dr. Claradina Soto, Ms. Mary Baum, Dr. Alan Henderson, Ms. Vicki Bauman, Mr. Primo Castro, and Dr. Lourdes Baézconde-Garbanati

**MEMBERS ABSENT:**

Ms. Patricia Etem, Dr. Robert Oldham

**OTHERS IN ATTENDANCE:**

Lou Moerner, Northern California Indian Development Council (NCIDC)  
Dr. Elizabeth "Libby" Smith, University of California, San Francisco (UCSF)  
Dr. Ruth Malone, UCSF  
Dr. Patricia McDaniel, UCSF  
Jesse Elias, UCSF  
Dr. Bart Aoki, University of California, Office of the President, Tobacco-Related Disease Research Program, (UCOP/TRDRP)  
Ginny Delaney, TRDRP  
Raymond Boyle, TRDRP  
Cynthia Hallett, Americans for Nonsmokers' Rights Foundation  
Rich Kwong, California Department of Public Health, California Tobacco Control Program (CTCP)  
Jerry Katsumata, CTCP  
Darren Yee, CTCP  
Mayra Miranda, CTCP  
Tonia Hagaman, CTCP  
Frank Ruiz, CTCP  
April Roeseler, CTCP  
Merril Lavezzo, CTCP  
Xueying Zhang, CTCP  
Nadine Roh, CTCP  
Julia He, CTCP  
Sandra Soria, CTCP

John Lagomarsino, California Department of Education (CDE)  
Sarah Planche, CDE  
Margarita Garcia, CDE  
Gonzalo Coronado, Monterey County Tobacco Control  
Carol McGruder, African American Tobacco Control Leadership Council (AATCLC) and Advocacy and Data dissemination to achieve Equity for Priority populations on Tobacco (ADEPT)  
Dr. Caroline Peck, California Department of Public Health, Chronic Disease Control Branch  
Gordon Sloss, California Department of Public Health, Chronic Disease and Injury Control  
Tamu Nolfo, California Department of Public Health, Office of Health Equity  
Rebecca Lee, California Department of Public Health (CDPH)  
Nithya Rajaraman, CDPH  
Pratima Musburger, ChangeLab Solutions  
Lindsey Freitas, American Lung Association in California  
Dennis Cuevas-Romero, American Heart Association  
Tim Gibbs, American Cancer Society, Cancer Action Network (ACS CAN)  
Jim Knox (ACS CAN)

Kim Homer Vagadori, California Youth Advocacy Network

Bruce Harter

Amanda Wallner, Health Access Foundation, California LGBT Health and Human Services Network

Steven Pavlov, State of California, Department of Finance (DOF)

Maricris Acon, DOF

Phuong La, DOF

Jessica Sankus, DOF

Lina Grant, DOF

Jack Zwald, DOF

Neal Kohatsu, Adventist Health

Charmaine Monte, Stanislaus County Office of Education

Vanessa Hanson, Lassen County Public Health

Bob Curry, Marin County Tobacco Related Disease Program

Michael Magaña, Calaveras Tobacco Control Program/ Local Lead Project Directors Association, President

**OTHERS WHO JOINED VIA TELECONFERENCE:**

Inger Appanatis, San Luis Obispo Tobacco Prevention

Allison Berk, Sonoma County Tobacco Control

Jay Macedo, Sonoma County Tobacco Control

Terese Voge, Sonoma County Tobacco Control

Carley Moore, Sonoma County Tobacco Control

Kathleen Halvorson, CDE

Rich Heintz, Local Lead Agency, Project Directors Association

Evi Hernandez, California Health Collaborative

Kristina Herrera, Tuolumne County Tobacco Control Program

Kerianne Hess, Tobacco Reduction of Amador County

Christian Tucker, Tobacco Reduction of Amador County

James Jo, Riverside County Tobacco Control Project

Tamiko Johnson, Alameda County Health Department, Tobacco Control

Carissa Kellogg, Glenn County Tobacco Education Program

Vanessa Mercado, Glenn County Tobacco Education Program

Nancy Mahannah, Mono County Tobacco Education Program

Henry Montes, CTCP

Veronica Wogec, CTCP

Jessica Nila, Calaveras County Tobacco Prevention Program

Amanda Pitts, Colusa County Tobacco Education

Eipryl Tello, Long Beach Tobacco Education Program

Oralia Vallejo, Kings County Tobacco Control Program

Julie Williamson, Smoking & Tobacco Outreach and Prevention Program

Anabel Bolaños, Orange County Tobacco Use Prevention Program

Kate Bourne, Tulare County Tobacco Control Program

Nicole Coxe, Santa Clara County Tobacco-Free Communities

Heather Duvall, Stanislaus County Tobacco Control

Kyle Fliflet, Stanislaus County Tobacco Control

Analisa Zamora, Stanislaus County Tobacco Control

Felicia Flores-Workman, Solano County Tobacco Prevention and Education Program

Nora Flum, State of California, Department of Justice

Cindy Fulcher, Siskiyou County Tobacco Education Project

Tonya Gallow, Los Angeles County Tobacco Control and Prevention Program

Claire Garcia, Breathe California, Sacramento

David Modisette, Breathe California, Sacramento

Dr. Phillip Gardiner, UCOP/TRDRP

Uta Grieshammer, UCOP/TRDRP

Leila Gholamrezaei-Eha, Fresno County Tobacco Prevention Program

Vicky Gonzales, Ventura County Tobacco Education and Prevention Program

Wendell Greer

Flor del Hoyo, Kern County Tobacco Education Program  
Sarah Hagen, Placer County Tobacco Prevention Program

### **1. Welcome and Introductions**

The TEROC Chair, Dr. Michael Ong, called the meeting to order. Present TEROC members and meeting guests as well as guests on the webinar teleconference line introduced themselves.

### **2. General Business**

Approval of Minutes

Dr. Alan Henderson motioned to approve the December 18, 2017 meeting minutes without revisions. Motion was seconded by, Dr. Lourdes Baézconde-Garbanati and passed unanimously.

Dr. Ong reviewed the TEROC-related correspondence since the last general TEROC meeting on December 18, 2017.

Outgoing Correspondence:

1. December 26, 2017 letter to Assembly Member Al Muratsuchi, Chair of the Joint Legislative Audit Committee regarding concerns related to California State Auditor's proposed regulations in Title 2, Division 10, California Code of Regulations, Sections 61200-61240, regarding the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Proposition 56).
2. December 26, 2017 letter to Senator Richard D. Roth, Vice Chair of the Joint Legislative Audit Committee regarding concerns related to California State Auditor's proposed regulations in Title 2, Division 10, California Code of Regulations, Sections 61200-61240, regarding the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Proposition 56).

Incoming Correspondence:

1. December 18, 2017 letter from State Superintendent of Public Instruction, Tom Torlakson reappointing Vickie Bauman to serve on TEROC through December 31, 2019.
2. January 29, 2018 letter from Michael Magaña, President of the Local Lead Agency Project Directors Association, asking TEROC to assist in the maintaining the rollover provision for Proposition 56.
3. January 24, 2018 letter from Chair of the Senate Rules Committee, Kevin De León, announcing the reappointment of Pamela Ling M.D. to serve on TEROC through January 1, 2020.

### **General Discussion**

Dr. Mark Starr shared that he attended the California Occupational Safety and Health Administration (Cal/OSHA) Marijuana/Cannabis Industry Advisory Meeting on January 31, 2018, in Oakland, California on behalf of TEROC to discuss the unique health and safety hazards faced by workers employed in the marijuana industry, including secondhand smoke (SHS), fire/explosion, airborne contaminants, robberies/violence, and repetitive strain injuries.

Dr. Starr gave the following outline of the comments he made at the advisory meeting on behalf of TEROC:

TEROC comments re. SHS (M. Starr):

- A. Introduce self and TEROC
  - a. *Brief* history, oversight role, types of members
  - b. Tobacco focus, but also all smoking and SHS; “Triangulum”
  - c. Potential re-normalization of tobacco use
  - d. Prop 65 listing of marijuana smoke
  - e. Workplace focus is SHS, but also can be other airborne contaminants
- B. Some key data
  - a. Marijuana use among CA adults ~11% (2017, Online California Adult Tobacco Survey [CATS])
  - b. Marijuana use among HS students ~15% (2016, California Student Tobacco Survey [CSTS])
  - c. Adult marijuana use methods: 80% smoke, 31% vaporize (2017, Online CATS)
  - d. Adult marijuana SHS exposure last 2 weeks: 33% - most outdoors, but 6% at work (2017, Online CATS)
  - e. 89% of adults support or strongly support smoke-free environments (2017, Online CATS)
- C. TEROC perspective compatible with National Association of County and City Health Officials (NACCHO)’s *Medical and Recreational Cannabis and Cannabinoids Statement of Policy* (Inhaled cannabis products and delivery systems should be incorporated into existing laws related to clean indoor and workplace air quality, and, with potentially increasing cannabis use, legal cannabis should not undermine existing laws regarding clean indoor air.)
- D. California has significant smoke-free workplace protections, which also apply to cannabis and electronic smoking device use, but some product-specific businesses are allowed to have on-site consumption. TEROC supports Cal/OSHA’s efforts to consider any workplace protections that may be necessary to protect workers from exposure to cannabis secondhand smoke/vapor.
- E. Thanks for the opportunity / advisory meeting process.

Written comments are due Ms. Amalia Neidhardt at Cal/OSHA by March 1, 2018.

Dr. Starr shared that Cal/OSHA requested key data, which Dr. Starr stated that he would follow up with CTCP about, as well as suggested amendment language for purposes of including cannabis in clean indoor air regulations. Dr. Starr asked TEROC members if they had any additional suggestions.

Mr. Richard Kwong inquired how the amendments that Cal/OSHA’s advisory committee is suggesting align with the current law. There is a general prohibition on the consumption of marijuana: it is prohibited in public and anywhere smoking tobacco products is prohibited. Dr. Starr’s concerns and suggestions would be in line with existing law.

Ms. Mary Baum stated that there are loopholes that could be addressed. She suggested more time to decide what other concerns TEROC had before writing a letter. Dr. Wendy Max added a loophole that could be addressed would be smoking in nursing homes.

Ms. Cynthia Hallet of Americans for Nonsmokers’ Rights suggested that the comments should essentially leave no room for secondhand smoke exposure to occur. She further suggested defining marijuana as a tobacco product in order to include other forms of consumption.

Dr. Ong suggested that the letter to Cal/OSHA's Marijuana/Cannabis Industry Advisory Committee be tabled for further discussion later in the meeting. Given the deadline for submission, there would not be much time to meet the deadline.

Dr. Starr mentioned that TEROC's Cannabis/Marijuana Subcommittee had met and he has since connected with Lori Ajax, head of the Bureau of Cannabis Control, and was able to confirm her attendance for the June 7 TEROC meeting. Dr. Starr also shared that emergency regulations were released by the Bureau of Cannabis Control and that there is an opportunity for members to comment. As previously discussed, there is overlap between tobacco and marijuana and there may be some opportunities to address the overlap of issues, such as secondhand smoke and the retail environment. There is also an opportunity for members to comment this upcoming week in person. The Bureau of Cannabis Control's Cannabis Advisory Committee will be hosting subcommittee workshops on the various areas of regulation.

### **3. Environmental Developments**

Dr. Ong reviewed the environmental developments since the last TEROC meeting:

- [The passing of Richard Barnes](https://tobacco.ucsf.edu/passing-richard-barnes)  
(<https://tobacco.ucsf.edu/passing-richard-barnes>)
- [The Philip Morris Files – Part 3: Scientist describe problems in Philip Morris e-cigarette experiments](https://www.reuters.com/investigates/special-report/tobacco-iqos-science/)  
(<https://www.reuters.com/investigates/special-report/tobacco-iqos-science/>)
- [The Philip Morris Files – Part 4: How Philip Morris is selling regulators on its hot new smoking device](https://www.reuters.com/investigates/special-report/tobacco-iqos-marketing/)  
(<https://www.reuters.com/investigates/special-report/tobacco-iqos-marketing/>)
- [Vaping Can Be Addictive and May Lure Teenagers to Smoking, Science Panel Concludes](https://www.nytimes.com/2018/01/23/health/e-cigarettes-smoking-fda-tobacco.html)  
(<https://www.nytimes.com/2018/01/23/health/e-cigarettes-smoking-fda-tobacco.html>)
- [Teens who start vaping are more likely to end up smoking, UCSF study finds](https://www.sfchronicle.com/bayarea/article/Teens-who-start-vaping-are-more-likely-to-end-up-12467742.php)  
(<https://www.sfchronicle.com/bayarea/article/Teens-who-start-vaping-are-more-likely-to-end-up-12467742.php>)  
(<https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2669772>)
- [Some lawsuits can proceed over cigarettes touted as natural](https://www.denverpost.com/2017/12/29/american-spirit-cigarettes-lawsuits/)  
(<https://www.denverpost.com/2017/12/29/american-spirit-cigarettes-lawsuits/>)
- [Once pot friendly Northern California county bans marijuana](https://www.sfgate.com/news/us/article/Once-pot-friendly-Northern-California-county-bans-12504554.php)  
(<https://www.sfgate.com/news/us/article/Once-pot-friendly-Northern-California-county-bans-12504554.php>)
- [Cigarettes and pot linked to teen psychosis](http://www.cnn.com/2018/01/17/health/cannabis-cigarettes-teens-psychosis-study/index.html)  
(<http://www.cnn.com/2018/01/17/health/cannabis-cigarettes-teens-psychosis-study/index.html>)  
(<https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2669772>)
- [Tobacco Product Use Among Military Veterans – United States, 2010-2015](https://www.cdc.gov/mmwr/volumes/67/wr/mm6701a2.htm?s_cid=mm6701a2_w)  
([https://www.cdc.gov/mmwr/volumes/67/wr/mm6701a2.htm?s\\_cid=mm6701a2\\_w](https://www.cdc.gov/mmwr/volumes/67/wr/mm6701a2.htm?s_cid=mm6701a2_w))
- [Current Cigarette Smoking Among Adults — United States, 2016](https://www.cdc.gov/mmwr/volumes/67/wr/mm6702a1.htm?s_cid=mm6702a1_w)  
([https://www.cdc.gov/mmwr/volumes/67/wr/mm6702a1.htm?s\\_cid=mm6702a1\\_w](https://www.cdc.gov/mmwr/volumes/67/wr/mm6702a1.htm?s_cid=mm6702a1_w))

### **4. University of California, San Francisco (UCSF), Presentation:**

Dr. Ong introduced researchers, Dr. Elizabeth A. Smith, Dr. Patricia A. McDaniel, and Dr. Ruth Malone from UCSF, Department of Social and Behavioral Sciences.

Drs. Smith, McDaniel, and Malone presented on the results of interviews and focus groups consisting of legislators, tobacco control advocates, and leaders of tobacco control organizations. The purpose of the interviews was to learn their opinions and perspectives on the endgame concept and four specific endgame proposals.

**Endgame Proposals:**

1. Smoker registration,
2. Ban cigarette sales,
3. Tobacco-free generation, and
4. Retailer reduction

**Conclusions: Support**

- Among the groups, retailer reduction and the tobacco-free generation had the most support.
- Need for innovative policy solutions were well understood by elected officials
- California's role as a leader in tobacco control is well recognized.

**Conclusions: Reservations**

- Participants concerned about the impact of all proposals.
- Skeptical that proposals would achieve an end to tobacco use.
- Concern that endgame proposals would exacerbate existing inequalities.

**Recommendations**

- Explicit and realistic defined endpoint.
- Conceptualize near-term policies as steps toward an endgame.
  - Example: Ultimate goal of retailer elimination.
    - Interim steps: buffer zones, eliminate retailer types and retailer caps.

**General Discussion:**

Dr. Henderson inquired if California will stop distributors from selling would be part of an endgame strategy. Dr. Malone replied that stopping distributors would be a part of a staged solution.

Dr. Malone also added that eventually ending tobacco use could lead to what has been done with alcohol, such as state controlled sales of alcohol; the same would apply to tobacco.

**5. California Department of Finance (DOF)**

**Proposition 99**

Puong La presented on the Proposition 99 budget for the fiscal year (FY) 2018-2019 Governor's Budget.

For FY 2016-17, actual revenues came in lower by \$18 million compared to the FY 2017-18 Budget Act estimate:

- FY 2017-18 Budget Act: \$264.1 Million
- FY 2018-19 Governor's Budget: \$246.1 Million

Overall, program expenditures were close to the levels estimated at the FY 2017-18 Budget Act:

- FY 2017-18 Budget Act: \$316.8 Million
- FY 2018-19 Governor's Budget: \$316.6 Million

Ending account balances in FY 2016-17 (beginning balances in FY 2017-18) decreased by a total of \$15.8 million compared to the FY 2017-18 Budget Act estimates:

- Estimated balances totaled \$100.3 million at FY 2017-18 Budget Act

For the FY 2017-18 expenditures, there were minor changes to current year expenditures from the FY 2017-18 Budget Act for various state operation costs, such as adjustments for Employee Compensation, Retirement, and other statewide administrative cost changes.

Actual balances now total \$84.5 million at FY 2018-19 Governor's Budget.

**The FY 2018-19 Governor's Budget projects a year-over-year revenue decrease of \$4.1 million compared to revised estimates for FY 2017-18:**

- FY 2017-18 Revised Estimates: \$215.9 Million
- FY 2018-19 Governor's Budget: \$211.8 Million
- Proposition 10 Backfill is still assumed to be \$11.3 million
- Proposition 56 Backfill is assumed to be \$8.7 million, the same level as estimated for FY 2017-18.

Funds, including planned savings, were rolled over from FY 2017-18 ending fund balances, but the decrease in total revenues resulted in expenditure authority decreases in all but the Research Account, compared to FY 2017-18 revised estimates.

Expenditure changes to each account:

- Health Education Account:	-\$5.6 Million
- Hospital Services Account	-\$28.1 Million
- Physicians' Services Account	-\$11.6 Million
- Research Account	+\$6.7 Million
- Public Resources Account	-\$1.2 million
- Unallocated Account	-\$15.5 Million

**Proposition 56**

Maricris Acon presented:

**Revenue Forecast**

Projections of cigarette tax revenues are based on:

- Projected per capita consumption of cigarettes,
- Population growth,
- Impact from increasing the smoking age from 18 to 21 in effect as of June 9, 2016 (Chapter 8, Statutes of 2016) (SBX2 7), and
- Impact of \$2 tax increase in price due to Proposition 56.

The Governor's Budget projects revenue of \$1.4 billion in FY 2017-18, however the full amount available for allocation is higher since one quarter of FY 2016-17 revenue is included. The projected amount of revenue is \$1.4 billion in FY 2018-19.

Finance is forecasting a 20 percent decline in consumption as a result of Proposition 56 tobacco tax increase in addition to the current forecasted approximate 3 percent secular decline per year of cigarette consumption in California.

Proposition 56 requires a backfill for Proposition 99, Proposition 10, the Breast Cancer Fund, the state General Fund cigarette tax, as well as all state and local sales and use tax.

The Proposition 56 backfill is determined annually by California Department of Tax and Fee Administration (CDTFA), and is implemented to offset the changes in consumption resulting from Proposition 56 on the aforementioned funds.

The Governor’s Budget does not assume a Proposition 56 backfill to state and local sales and use tax funds because the decrease in cigarette consumption from the baseline is not expected to be large enough to offset the gains in ad valorem sales tax revenue resulting from the \$2 price increase. Proposition 56 sets defined allocations to various entities, including the University of California, Department of Justice/Office of the Attorney General, Department of Public Health, and Board of Equalization for specific purposes as follows:

Purpose	Annual Allocation
Graduate Medical Education	\$40 million to University of California
State Dental Program	\$30 million to Department of Public Health
Law Enforcement Efforts	\$48 million annually as follows: <ul style="list-style-type: none"> <li>•\$30 million for Department of Justice/Attorney General</li> <li>•\$6 million for Board of Equalization</li> <li>•\$6 million for Department of Public Health</li> <li>•\$6 million to Attorney General</li> </ul>

**The remaining revenue after the backfills and defined allocations are distributed as follows:**

Allocation	Purpose
82 % to the Department of Health Care Services	Funding for existing healthcare programs and services including those that provide healthcare, treatment, and services for Californians with tobacco-related diseases and conditions.
13% for Tobacco Prevention and Control: <ul style="list-style-type: none"> <li>•85% to Department of Public Health</li> <li>•15% to Department of Education</li> </ul>	<p>Department of Public Health funding for the implementation, evaluation, and dissemination of evidence-based health promotion and health communication activities.</p> <p>Department of Education funding for school programs to prevent and reduce the use of tobacco and nicotine products by young people.</p>
5% to University of California	Funding for medical research of cancer, heart and lung tobacco-related diseases.



## **General Discussion:**

Dr. Bart Aoki inquired of about the University of California's (UC) one-time adjustment and if it was reflected in FY 2017-18 or projected in future fiscal years. Ms. Acon replied that it was a one-time adjustment reflected in FY 2017-18.

Dr. Henderson inquired as to why Proposition 56 funds were not allowed to be treated as Proposition 99 funding. There is language in the Proposition 56 measure that gave programs permission to treat Proposition 56 funding as Proposition 99 funding. Specifically, multi-year spending authority and the ability to roll over funding into the next fiscal year. According to Ms. Acon, as it has been understood, programs receiving Proposition 56 funding have one year to encumber and two years to liquidate. She stated that she would refer to her supervisors to have the issue resolved within the year.

Mr. Primo Castro reminded those in attendance that the people of California voted for Proposition 56 to end the tobacco epidemic. Any unspent funds should remain in the fund and not be diverted to other funds.

Dr. Henderson stated that it was worrisome that discussions were still occurring instead of applying the funds towards tobacco prevention.

Mr. Jim Knox of the American Cancer Society, Cancer Action Network asked for clarification in terms of multi-year authority of Proposition 56. He asked how Proposition 56 and Proposition 99 can be similar funding, going to the same programs and not have the same spending authority.

Mr. Michael Magaña, President of the Local Lead Agency, Project Director's Association (LLA PDA) spoke on behalf of the LLA PDA and stated that the ability to rollover funding for Proposition 56 was important to the LLAs' work. With the passage of Proposition 56 and the increase of funding, LLA programs are receiving instructions to hire more staff; however many LLAs are reluctant to hire new staff due to the uncertainty of the ability to rollover these funds. The funds were received in January 2018 and the process to hire staff takes time. The inability to spend these funds and possibly return them makes it difficult for LLAs do their work.

Mr. Gonzalo Coronado, Project Director of the Monterey Tobacco Control Program and Mr. Bob Curry, Project Director of the Marin County Tobacco Control Program expressed concern that they as local programs may not be able to spend the money given the delay in receiving the funds and the fast approaching FY deadline. The assumption of many of the programs was that funding received from Proposition 56 would be applied in the same manner as Proposition 99.

Dr. Henderson stated that there are 58 counties and three cities who receive this LLA funding and whose work is delayed as a result of this issue. Mr. Knox stated there is specific language in Proposition 56 that like Proposition 99, allows local programs to rollover funds. Ms. Lindsey Freitas of the American Lung Association stated that there is a section in Proposition 56 that requires the multi-year spending authority provided to the California Tobacco Control Program and California Department of Education's Tobacco Use Prevention Education Program in Health and Safety Code Section 104466 of the programs' enabling legislation be applied to Proposition 56.

Dr. Bart Aoki inquired if the limited spending authority applied only to the prevention funds. Ms. Acon stated that it applied to all programs receiving Proposition 56 funds. Mr. Castro inquired if the delay in

funds would be an annual occurrence. Ms. Acon stated that this would not be an annual occurrence. She also stated that funding would stay within the specified program account in the future.

Ms. April Roeseler stated that the mechanisms to track spending for Proposition 56 and Proposition 99 would be complicated and cumbersome for local programs since programs will need to specify when they are using Proposition 56 funds for activities and when they are Proposition 99 funding. There would be two different ways to track funding.

Dr. Ong added that TEROC would like to be kept apprised of the status of the ongoing discussions that the DOF is having with the different departments and would most likely schedule a special meeting to further discuss this issue.

Mr. John Lagomarsino of the California Department of Education (CDE) stated that to the extent that the DOF can, CDE would like to know how DOF is expecting that programs keep track of the separate funding streams. Ms. Acon replied that she would check in with her Supervisor and have her colleagues contact him.

## **6. Voluntary Health Agencies Update**

Ms. Lindsey Freitas from the American Lung Association (ALA), Mr. Tim Gibbs from the American Cancer Society, Cancer Action Network (ACS CAN), and Mr. Dennis Cuevas-Romero from the American Heart Association (AHA), provided a legislative update on behalf of the ALA, ACS CAN, and AHA.

Mr. Cuevas-Romero said that the Legislature is reaching its deadline for new bill introductions; the deadline for new bill introductions is February 16, 2018. Two bills have been introduced to date; Senator Glazer has introduced both. Senator Glazer previously introduced a bill last year on Smoke-Free State Parks and Beaches. This year he separated the issue and introduced Senate Bill (SB) 835 – Smoke-Free State Parks and SB 836 – Smoke-Free State Beaches. Mr. Cuevas-Romero believes that Senator Glazer split the bills to see if Governor Brown would be more amenable to signing one or the other, since the Governor in the past has vetoed similar iterations of these bills. Mr. Cuevas-Romero stated Assembly Member Levine, author of Assembly Bill (AB) 725 – Smoke-Free State Beaches and Parks was vetoed last year, gutted and amended, AB 1097, to reintroduce Smoke-Free State Beaches and Parks. It has passed the Assembly's January deadline and is currently headed to the Senate.

Mr. Gibbs provided an update on the San Francisco flavored tobacco product referendum. Its outcome could have state and nationwide implications. The tobacco industry's filings were produced and they have spent \$3.5 million in anti-referendum messaging. In comparison, close to \$1 million has been raised by ACS CAN campaign to go towards referendum messaging and more is needed to counteract tobacco industry messaging. A full-time campaign manager and field team have been hired by the campaign to work on field activities.

Mr. Gibbs also shared that ACS CAN does not have a position on the SB 835 Smoke-Free State Parks and SB 836 Smoke-Free State Beaches bills. Mr. Cuevas-Romero added that AHA did not have a position on the bills as well.

Ms. Freitas followed up with TEROC on previous conversations about the State Auditor's Proposition 56 regulations. She recalled that TEROC sent a letter to the Joint Legislative Audit Committee (JLAC) in regards to this issue. Ms. Freitas stated that ALA has met with members of JLAC and they are hoping that this issue gets resolved within Office of Administrative Law (OAL) in which the Proposition 56

regulations must go through before they are finalized. If it is not resolved in OAL, then they will revisit the issue with the Legislature.

Ms. Freitas also provided an update on an issue that the national ALA has learned and informed California's ALA. An e-cigarette company called JUUL is trying to work with schools and is marketing a youth prevention program. This is of concern to the ALA and reminiscent of tobacco industry efforts that have been made in the past. Mr. Castro asked Ms. Freitas to explain the dangers of JUUL and heard that youth as young as sixth grade are using this product. Ms. Freitas replied that JUUL, which is incredibly popular with youth, is shaped like a flash drive and easy to hide in class. Mr. Castro asked if this device was something that could be filled with other contents. Ms. Kimberlee Homer Vagadori of the California Youth Advocacy Network (CYAN) confirmed to Mr. Castro that JUUL can be filled with other contents.

### **General Discussion**

According to Ms. Homer Vagadori, CYAN began monitoring and conducting informal research focus groups consisting of young people and tracking the JUUL product in California. JUUL is a device that has their own nicotine "pods." A major concern has been the ease of accessibility of JUUL for young people whether they purchase it online or through the various retailers that sell this product. There has been a major increase in the use of JUUL. However, the increase is not statewide. CYAN is seeing high use in urban communities; they have yet to see it in rural communities. The second challenge is the prevention programming that JUUL is promoting to schools. CYAN's concern is that given Tobacco Control's history, and looking back at how tobacco companies have sponsored youth prevention programs, there is a concern these tobacco industry-sponsored prevention programs do not address the real problem, which is youth access and preventing initiation of these products. The only way to do so is by removing flavors from them, which is not a current practice of JUUL. CYAN is informing their tobacco control partners and working closely with CDE and CTCP to ensure that California communities are aware of JUUL's prevention program promotion in schools. Partners at Stanford are quickly developing curriculum around JUUL so that it can be another resource to local partners.

At the last meeting, Ms. Freitas had asked TEROC to write letters to technology companies in regards to tobacco product policies and the sale of e-cigarettes online and JUUL is one of those products that has come up for sale on technology company websites such as Amazon.

Ms. Baum asked if CDE's efforts only pertained to those that received TUPE funding. She noted that the San Diego Unified School District does not receive TUPE funding and they are in search of prevention curriculum and are unsure of which prevention program to go with. Ms. Baum shared that her organization is working with the San Diego Unified School District but was hoping that CDE's efforts expanded past TUPE-funded schools. School districts not receiving TUPE funding are still seeing an increase in use and are searching for prevention programs. They are unaware of which prevention programs are genuine.

Ms. Homer Vagadori stated that all County Offices of Education have been notified and in CYAN's correspondence with County Offices of Education, they have distributed Stanford's Tobacco Prevention Toolkit curriculum. They are also advising LLAs to distribute this curriculum to County Offices of Education, school districts, and any other educational partners on their coalitions.

Dr. Ling asked if Stanford's curriculum explicitly included JUUL. Ms. Homer Vagadori confirmed that Stanford's e-cigarette lesson plan includes JUUL. There is an entire PowerPoint presentation and resources for teachers. An overall challenge for this toolkit is ensuring that all schools throughout the

State have access to it. Additionally, Ms. Homer Vagadori has been sharing this toolkit with national partners as well as pooling additional resources they may have related to JUUL. Dr. Ling asked if there is awareness from partners in the field about prevention programs that come from the company itself and if they have been used to undermine youth prevention efforts in tobacco control. Ms. Homer Vagadori replied that according to the responses she has received, JUUL is not being viewed in the same light as tobacco companies.

Ms. Roeseler commented that one reason for JUUL's prevention curriculum is not seen the same as RJ Reynold's curriculum, "Right Decisions, Right Now," is that there are two educators that are actually promoting the curriculum. They essentially have a spokesperson who comes from the California school system which provides JUUL with credibility. Ms. Homer Vagadori confirmed that many of the education efforts are coming from former educators in California, not only to California schools but also nationally.

Dr. Ling asked what sort of action TEROC and its partners needed to take in order to address this issue. Historically, these kinds of curricula are a tactic to delay policies that actually have a positive impact and decrease youth access. Sometimes, the content is designed to not do anything and can sometimes have counterproductive effects. Generally, the tobacco industry-sponsored programs are used as a tool to stop policies from being put in place that may affect their sales.

Ms. Homer Vagadori replied that CDE has been responsive to this issue. It is additionally helpful to have partners such as TEROC be responsive. A lobbyist working for JUUL had contacted Ms. Homer Vagadori about a possible partnership of which she declined. Ms. Homer Vagadori added that this lobbyist was a former lobbyist of RJ Reynolds and works for the cigar industry. It appears that JUUL is aggressive with their tactics and is looking to hire a youth prevention specialist, which is very reminiscent of Philip Morris' effort with their youth prevention program. Ms. Freitas shared ALA has noticed the areas JUUL representatives have visited are in jurisdictions pursuing flavors restrictions.

Mr. Lagomarsino shared CDE received news the California State Superintendent of Public Instruction's Office was approached by JUUL and they declined an offer to partner. A letter was sent by CDE to the Superintendent's office for review that would be distributed to schools about JUUL. Prior to this, an email was sent out to County Offices of Education notifying them of this issue and JUUL is considered a tobacco product under the Business and Professions Code and is therefore not allowed on school campuses at any point or time by either adults or students. They also reminded schools if they are receiving or looking to receive program funding, they are prohibited to work with any member of the tobacco industry. In CDE's email to schools, they also included Stanford's curriculum. The proposed letter was sent out today and is awaiting review by the Superintendent's office.

Ms. Hallett shared this behavior has been seen before and industry-sponsored prevention programs do not work. There are peer reviewed journal articles on the subject. This information was also part of the Department of Justice's Racketeer Influenced and Corrupt Organizations (RICO) case against the Tobacco Industry and they are having to make corrective statements about other areas. These industry-sponsored prevention programs are often biased and based on internal research. Should their programs ever be used, it is important that tobacco control programs are able to evaluate them. As a national organization, ANR has heard from partners in other states that JUUL may be trying to attend certain meetings and trying to speak at conferences. If the organizers of these conferences are allowing JUUL to present, they must also allow members of the tobacco control field to present, so that there is balance. Ms. Hallett stated that if these programs are allowed in schools the tobacco control community should be included in this as well as a form of accountability to ensure the information is not one-sided.

Mr. Castro motioned TEROC write a letter of support to the State Superintendent's office in support of CDE's efforts in addressing JUUL. Dr. Ling seconded Mr. Castro's motion to write a letter to CDE.

Dr. Ling stated she would be interested in evaluating JUUL's curriculum, having written one of the peer reviewed articles on youth smoking prevention programs. She stated if she could get a copy of the curriculum, the names of either the lobbyists, and/or the names of those promoting the curriculum, evaluation and research could be conducted.

Mr. Cuevas Romero suggested copies of TEROC's letter to the State Superintendent be sent to leadership in the Assembly and Senate, as well as both Chairs of the Assembly and Senate Education Committees in the event these members of the Legislature were not aware already of the situation with JUUL. Mr. Castro agreed and asked to amend his original motion to include all members of the Legislature and not just select committees. Dr. Ong asked if the members would like to wait for additional information from CDE before voting.

Mr. Cuevas Romero asked to return to the issue of MYSA. He suggested that TEROC write a letter to send to the Assembly Budget Subcommittee on Health and Human Services as budget hearings are set to begin. This letter would serve to inform the budget subcommittee members of the issue and provide them with an opportunity, should the MYSA issue be unresolved, to ask questions at the hearing and resolve it there. The Budget Subcommittee hearings are set to start at the end of February/beginning of March.

A motion for TEROC to write a letter to the Assembly Budget Subcommittee on Health and Human Services in regards to MYSA was made by Ms. Bauman. Mr. Castro seconded the motion.

Dr. Ong asked to amend the motion to include agency heads as well as the head of the DOF in the distribution of the letter so that all involved are aware of TEROC's view on MYSA for Prop 56. Motion was passed unanimously.

## **5. California Department of Education Report to TEROC**

Ms. Sarah Planche and Mr. John Lagomarsino presented on behalf of CDE:

The TUPE Request for Applications (RFA) Tier 1 grants are usually smaller amounts and often used for the administration of California Healthy Kids Survey and the enforcement of tobacco-free policies through a certification process. The total funding requested by the applicants was \$420,000 and funding results were posted February 5, 2018. The TUPE Tier 2 cohort award notifications for cohort K have been sent out.

With regard to Prop 56 funds, a RFA was released and the County Office of Education (COE) Technical Assistance Leadership funds were awarded. In relation to the earlier DOF discussion, CDE would like to know how they can use Prop 56 funds. CDE would like to use funding to provide more training and technical assistance.

The personnel packets for the Prop 56 funded positions have been approved by the CDE Budget Office and have moved to the Personnel Office for posting. CDE is looking for an Education Administrator and an Education Programs Consultant. Ms. Planche directed those interested in applying to CDE's website.

In regards to achieving health equity, Ms. Planche wanted to highlight workshops that have occurred recently. Mr. Greg Austin walked participants through the California Healthy Kids Survey to help identify disparate populations, including tobacco-use disparities. The other workshop conducted in collaboration with the Lucile Packard Foundation for Children's Health reviewed how to use the California Healthy Kids Survey data to inform the revision of Local Control Accountability Plans and school improvement process.

In recognition of Black History Month in February, several Local Educational Agencies (LEAs) created projects and public service announcements (PSAs) about the tobacco industry's unfair targeting of African Americans and a call-to-action to become involved in tobacco prevention efforts. These projects and PSAs were distributed to other TUPE coordinators across the state.

The Mono COE has been working on a campaign on the dangers of e-cigarettes and vaping, which is relevant to the discussion on JUUL. Letters have been sent to parents with the support of Superintendents across the state. PSAs and handouts have been made available. As previously mentioned, Stanford University's JUUL curriculum is available. Ms. Planche expressed gratitude for Dr. Halpern-Felsher and her Stanford team and how quickly they moved to create a curriculum and have helped CDE address JUUL. JUUL had approached CDE about a potential partnership to which CDE rejected.

Ms. Planche wanted to return to the JUUL discussion and see if there were any remaining questions. Mr. Lagomarsino stated that JUUL was a product that they were aware of since October and it was brought to their attention by Stanford University during their TUPE Coordinators meeting. TUPE Coordinators had been aware of JUUL and started reporting on JUUL's outreach efforts. [Stanford University's presentation](#) is now live via the Stanford Medicine page.

### **General Discussion**

Mr. Lagomarsino reported that JUUL has been discussed by schools across the state and nation. As mentioned previously, a letter was sent to TUPE coordinators reminding them that JUUL is a tobacco product and that they should not work with, receive materials or money from tobacco industry representatives if they intend to receive or are receiving TUPE funding. The other half of the letter shared information on the health impacts of nicotine on adolescent brains. It is another way to keep youth and adults addicted.

Mr. Bruce Harter stated he was one of the former educators that helped JUUL develop their curriculum. He began with them in November. He believes JUUL is a company interested in promoting health. Their fundamental objective is to take adult smokers and switch them to something that they see as less hazardous. JUUL is appalled and distressed because this product has taken off like wildfire across the country with youth and it was never their intention. Mr. Harter stated that JUUL has no relationship with Big Tobacco other than they have nicotine in their pods. Mr. Harter developed JUUL's curriculum with the hope of taking it into schools as a Saturday school intervention for kids caught with either cigarettes, e-cigarettes, or marijuana and provide an intervention other than a simple three-day suspension. The curriculum would go through the science of why they should not be smoking, the addictive nature of nicotine, how to deal with the peer pressure, and provide a replacement because kids have reasons (e.g., emotional needs and anxiety) for getting involved with JUUL. A mindfulness component is included in order to address this. He would be happy to share the curriculum to anyone who wants to take a look at it since it is not readily available online.

Dr. Ong thanked Mr. Harter and stated that given the earlier conversation that many would like to speak with him further. Dr. Ong stated that Dr. Ling and Dr. Halpern-Felsher would most likely want to speak with him about how to best work with youth in California in regards to addressing JUUL.

Mr. Castro thanked Mr. Harter for his attendance. He acknowledged Mr. Harter's statement on harm reduction and said that regardless of whether JUUL is less harmful, it is still a harmful product to youth. He went on to say that TEROC is not here to promote or partner with any business that sells vaping devices even if they are less harmful. Taxpayers are still burdened with tobacco-related diseases. JUUL is inexpensive to purchase and he could see how certain communities could be burdened with children who are suffering from chronic illnesses such as asthma.

Mr. Harter responded to Mr. Castro's comment by stating that JUUL is a product designed for adult smokers and nobody else. JUUL's stance is right along with the United State Food and Drug Administration's (FDA) on smoking that people who do not smoke, should not start. If you are smoking, the best thing is cessation; only if a person cannot quit smoking, should they consider switching to this JUUL product. He is appreciative of potential partnerships in the room. If JUUL were seen as associated with Big Tobacco, many would miss out on a valuable resource and partnership opportunity. JUUL is genuinely interested in saving the lives of adult smokers and preventing them from getting in the hands of children.

Mr. Castro asked Mr. Harter if JUUL would be applying with FDA as a cessation device. Mr. Harter responded that JUUL will be applying as a cessation device with the FDA and is working on it.

Ms. Bauman shared that in her work outside of TEROC, she works with parents of at-risk students. Part of her work requires that the parents participate in parent education classes. Ms. Bauman thought a course related to drug use and items like JUUL are needed. This would assist parents to be informed.

Mr. Lagomarsino shared that Stanford University's curriculum does have a lesson for parents dedicated to JUUL that is available for distribution.

Dr. Ong stated there have been multiple discussions for and against electronic nicotine delivery systems and their use. This has been a long running discussion in public health and it would not get resolved at the TEROC meeting. He asked for final comments in order to keep on schedule.

Ms. Planche addressed Mr. Harter's remark that JUUL's use was only intended for adult use. The fact of the matter is that this product is in the hands of children. The law prohibits using tobacco on school campuses. Dr. Halpern-Felsher is a clinical psychologist whose work focuses on child psychology; there are prevention experts, physicians, and policymakers who have devoted their livelihoods to youth. These are people that CDE seeks guidance from in terms of curricula. CDE does have a manner in which curricula is evaluated which is research validated. CDE can now accept evidence-based materials; it goes before a review board. Finally, in reference to alternatives to suspensions, CDE is concerned with chronic absenteeism. CDE has programs that are alternatives to suspensions; programs which have been vetted and address students who are caught vaping or using cigarettes.

Dr. Soto inquired about the occurrence, attendance, and if any reports come out of the annual winter institute under Objective 3. Ms. Planche stated this is the third time they have held the winter institute. In terms of any reports, Ms. Planche was not aware of any reports. Ms. Planche can share presentations from CDE Program consultants if it would be of use to Dr. Soto. Dr. Soto stated she was curious because

the winter workshop did look at health disparities in tobacco use, and whether any information was coming out these workshops. The purpose of the winter institutes is to help those who attend to identify health disparities and create meaningful interventions. Mr. Lagomarsino added that much of the information is in collaboration with WestEd and the Lucile Packard Foundation.

Ms. Freitas inquired about the status contracts with CYAN and Friday Night Live. Ms. Planche stated that the contracts were in the CDE contracts office. According to Ms. Planche, Ms. Freitas was inquiring about the partnerships with California Friday Night live and the California School Based Health Alliance, which has health centers from Humboldt to San Diego. Their population is typically low socioeconomic status. They offer health services on campus to children and it would include tobacco prevention, which they were already doing prior to the partnership. Ms. Planche stated that CDE would like to partner with CYAN and does not know the status of the contract.

Dr. Ong returned to the motion to write a letter to Superintendent Torlakson in support of CDE's efforts addressing JUUL, as well as informing them of JUUL and of Stanford's curriculum. Motion was passed unanimously.

#### **Action Item**

Letter to Superintendent Torlakson in support of CDE's efforts addressing JUUL, as well as informing them of JUUL and of Stanford's curriculum.

#### **6. University of California Office of the President, Tobacco-Related Disease Research Program Report to TEROC**

Dr. Bart Aoki presented on behalf of TRDRP:

Dr. Aoki introduced two new Scientific Program Officers, Ginny Cox-Delaney and Raymond Boyle.

TRDRP held 10 review meetings to review 299 applications in the first two weeks of December 2017. The Scientific Advisory Committee (SAC) met and recommended that 53 of the applications move forward for funding, totaling about 36 million. These 53 applications represent a 17.7% funding rate, with training awards being funded at higher rates, along with pre- and post-doctoral fellowships as well as new investigators. TRDRP is running two funding cycles this year they are reserving some funding for the next cycle. For the second round of applications, letters of intent to apply are due February 8, 2018 and applications are due February 28, 2018.

Dr. Aoki provided a restructuring update from the December 2017 meeting. There is a possibility the University of California's Office of the President (UCOP) may be restructured and this could affect the Research Grants Program Office (RGPO) and TRDRP. During the Fall of 2017, the Huron Consulting Group, a national consulting group specializing in higher education, was hired by President Napolitano to assess operations. A few weeks prior to this TEROC meeting, the results of Huron report were released internally to the UCOP. The recommendations from this report are consultative in nature and "not set in stone" according to a town hall meeting that President Napolitano spoke at. Decisions will be made in the next two to three months with implementation expected at different points over the next 24 months but starting July 1, 2018. Dr. Aoki was informed that decisions regarding RGPO and TRDRP may be made as soon as the March 2018 Regents meeting, meaning decisions regarding the move would have to be finalized at the end of February. President and Provost Brown are welcoming input from RGPO and external stakeholders which includes TEROC in the restructuring process.



Key audit findings were UCOP's accounting system is deficient and unable to account for multi-year commitments. DOF is very aware of this issue. TRDRP funds were not a major portion of these dollars. The State Auditor recommended that the UCOP needed to create a better system for tracking funds and recommended aligning personnel classifications and compensation with California state human resources standards.

Mr. Castro asked to clarify if Proposition 99 or Proposition 56 funding were part the audit. Dr. Aoki stated TRDRP believes that Proposition 99 and Proposition 56 funding, along with funding from two other statewide research grant programs (Breast Cancer and HIV/AIDS) were considered part of the pool of "unaccounted for" funding, and were never asked about the commitments for the funding. The grants are for multi-year projects but appear as though they are sitting there unexpended. Some TRDRP funds may appear that unaccounted for pot of money. TRDRP has gone back and forth with UCOP's accounting group about encumbering funds. During the audit, TRDRP was not consulted on the status of multi-year grants.

Two options were offered to the UCOP, a blue plan and a gold plan. The blue plan recommends moving several programs to another campus; this would include TRDRP to UC Davis. It also recommends the elimination of 99 positions and movement of about 180 staff from UCOP. If this option was exercised, it may include TRDRP staff moving. No TRDRP positions are slotted for elimination; the report notes a reason for moving TRDRP is for growth of the program. TRDRP was not allowed to fully staff their program with the part of the \$90 million that was received this year. The report clearly acknowledges TRDRP, along with other statewide programs, should be allowed to grow.

Dr. Henderson inquired what would be achieved if UCOP went with the blue plan. Dr. Aoki responded that UCOP would achieve downsizing by 4 to 5 million dollars (about a 40 percent reduction in the budget) and certain percentage of staffing reduction.

The gold option suggests that they move to two new UC locations. The one applicable to TRDRP would be moving TRDRP as well as other programs to a new location that possibly would be called UC Public Service. This would include all programs that University administers on behalf of the state that go beyond the UC system itself. The gold plan recommends the elimination of UCOP positions and the movement of 270 positions. Like the blue plan, it does not eliminate any TRDRP positions and recommends again that TRDRP is a program that would and should be allowed to grow.

### **General Discussion**

Dr. Ong stated that traditionally, when the issue of reorganization was raised in the past, TEROC asked what the implications are for TRDRP and potentially what the costs or burden would be. When the RGPO was reorganized last time, there was a lot of concern that the burden would be borne by TRDRP, in terms of administrative costs with any sort of restructuring. Dr. Ong inquired if Dr. Aoki had looked at whether there would be any burden on TRDRP as a result. Dr. Aoki stated that the UCOP offers a lot of in-kind support, such as Human Resources, event planning and support, support for meeting and overhead costs. If TRDRP were to move, it has found larger programs that would be willing to take on these services but TRDRP would have to now pay for them. There has been some discussion of the UCOP subsidizing these services for TRDRP until they can support in place at their location.

Dr. Henderson inquired of the in-kind services that TRDRP is receiving and the costs that TRDRP would take on because of the move. Dr. Aoki is unsure of the costs that TRDRP would be burdened with now. It

would be something that TEROC could inquire. Dr. Henderson stated his concern with the costs that would be incurred as a result of the move and how costs would come out of program allocations. Dr. Aoki has been consulting with TRDRP's budget staff to get an estimate of the value of the in-kind support. Dr. Soto stated in examining the blue plan that costs would begin to incur as soon as the program moves. Dr. Aoki stated that in either plan, TRDRP will be faced with the costs. Dr. Henderson noted with the blue plan, there is no indication there would be any in-kind contribution from the campus where TRDRP would be placed. Dr. Aoki stated in the past when the UCOP has discussed relocation, it is speculated when a program moves to a campus these in-kind services are part of the agreement. There is some speculation this could be the case. As of February 5, Provost Brown stated he was not in support of either of the options and would advocate keeping RGPO at UCOP. This is consistent with Scientific Advisory Committee's (SAC) recommendations. If RGPO could not stay in the UCOP, the SAC voted to advocate for a system-wide solution, rather than a single campus solution. Which among these options would be similar to the gold option. Provost Brown is continuing stakeholder input. He is aware of today's presentation to TEROC. He is expecting to hear from TEROC about any concerns and recommendations.

Dr. Soto inquired about TRDRP's ability to expand should they move and further inquired if the denial of filling the new positions was a result of lack of space. Dr. Aoki stated the denial was a result of the audit and that no new positions would be added. TRDRP was allowed to fill six vacant existing positions.

Dr. Ong stated that it would be good for TEROC to have an opportunity to review the Huron report itself, which is not yet public. In terms of how TEROC functions as a public body, the report is a re-review of the issues around the audit. It is one of the stipulations of Bagley –Keene Open Meeting Act to potentially hold a special meeting if needed. Dr. Ong inquired how the UC was viewing the report. Dr. Aoki stated according to President Napolitano, timing is similar but it is the President's effort to improve UCOP for the long term. The blue plan would be more of a short-term solution but the President views the gold plan as a long-term solution.

Dr. Henderson stated that the UC has a contract with the State of California, and inquired if a change like the gold or blue plan would be a significant change to the contract. Dr. Ong referred to the language of Proposition 56 and that no more than five percent of funds can be used towards administrative costs. If TEROC agrees to these changes, it is unclear what the cost structure is for them. Dr. Henderson added the UC is specifically mentioned in Proposition 56 and this would apply to them as well. Dr. Ong stated that TRDRP being funded by special purpose funds should not be an issue in response to the State Auditor in terms of potential implications for those funds. The initial auditor report did not take the time to review the implications.

Dr. Ling inquired if TRDRP as a program had an opinion on what would be least disruptive for them. Dr. Aoki stated that RGPO, which includes TRDRP, sent up the recommendation they should stay where they are located. He reminded TEROC of the last reorganization and stated they gained huge efficiencies because of the move. This new report and suggestions would pull them apart and the suggested plans would require that whole or parts of programs be sent to different campuses. Currently, many programs share support services and staff. Part of the success of the program after the implementation of Proposition 56 was that there were staff in place who could transition over and fill in positions until staff could be hired. If that is not possible, the preference would be a system-wide solution. Dr. Ong stated he is concerned a decision could be made in March, which is too short of a time to consider the implications. There needs to be a full discussion and a separate meeting would need to occur quickly. Dr. Ong stated it would be hard for TEROC to endorse a change given the short amount of time.

TEROC would like to see the actual numbers and the Huron report. He suggested a letter be written to request more time to discuss the impact of the restructuring on TRDRP or if a decision were to be made a public meeting needed to be held soon.

Ms. Baum inquired if TEROC could request more time to review the reports, prefacing that the last restructure resulted in positive results but TEROC wanted to ensure that the restructure affected TRDRP in a positive manner. Dr. Henderson also suggested to write and state on the surface neither plan looks to improve TRDRP's functions. Dr. Ling inquired if TEROC were to endorse TRDRP remain where it is, would there be costs incurred as a result. Dr. Aoki replied that they may charge the program for services that they may not have had before. Dr. Henderson added with either option Provost Brown picks, there will be a cost to the TRDRP program. There needs to be time to examine which option would ensure the program remains effective.

Dr. Starr added the letter should have two themes stating in TEROC's experience TRDRP's current structure is working well and do not see a problem from their perspective. However, TEROC is open to other models that will ensure the program continues to function efficiently and TEROC would like to be fully engaged in the process. TEROC would also like more time to review the costs of each option in order to help make an informed recommendation.

Ms. Amanda Wallner inquired about TRDRP's funding cycles and what kind of guidance they are giving applicants who may not have received funding but may want to reapply. She had also heard there were not any projects looking at Lesbian, Gay, Bisexual, Transgender (LGBT) tobacco disparities funded during the first round. As an advocate, she would like to see some of these projects funded during the second round. Dr. Aoki stated applicants should have received written critiques. Mr. Boyle added the program reached out to applicants to provide feedback but the applicants can also reach out and ask for feedback and guidance before the start of the next funding cycle. Dr. Aoki added they revised their processes in order to provide feedback before the start of the next funding cycle to applicants. Ms. Wallner also inquired if applications are competing against each other or evaluated on their own. Ms. Cox-Delaney added TRDRP asks reviewers to evaluate each application on its own merit.

Dr. Ong asked to return to the vote to write a letter to President Napolitano, Provost Brown, UC Regents and the Legislature since TEROC would need to report back to the Legislature on major changes such as this. The letter would recommend a delay in a decision to restructure UCOP in order to make an informed recommendation and would like to see President Napolitano and Provost Brown in a public meeting. Ms. Baum motioned for the letter, Dr. Henderson seconded the motion. Motion was passed unanimously.

**Action Item:**

Letter to Joint Budget Committee reminding them of TEROC's mandated role to oversee the University of California and thus the need to include TEROC in any discussion relating to the re-location of TRDRP

**7. California Department of Public Health, California Tobacco Control Program (CTCP) Report to TEROC**

Ms. April Roeseler presented on behalf of CTCP:

Ms. Roeseler highlighted two Midwest Academy Chart sessions that were inadvertently omitted from the December 18, 2017 report to TEROC. The sessions, held in Monterey and San Francisco received positive reviews.

18 regional priority population projects were awarded and there was a gap in the applications addressing tobacco-related disparities among the African American Populations. Due to Prop 56 revenue adjustments/reductions in the Governor's FY 2018-2019 Budget, CTCP anticipates funding up to three regions. Four statewide coordinating centers were funded. In total, approximately \$33 million were spent on funding the regional priority population projects and approximately \$10 million were spent on the statewide coordinating centers.

A quarterly call with Advocacy and Data dissemination to achieve Equity for Priority populations on Tobacco project (ADEPT) was held. CTCP has been working with ADEPT on the upcoming release of the online health equity report, *A Story of Inequity: Tobacco's Impact on Health Disparities in California*. It is launching as a website with a preview set with ADEPT for later in February. Twenty key indicators were chosen for tracking among major racial ethnic groups, such as LGBT, low socioeconomic status, and behavioral health populations.

The Extended Producer Responsibility work group held its first quarterly call. These are policy strategies used in the Environmental Health and technological fields. The idea is to hold the producer economically responsible for lifecycle and death cycle of their product. Focus groups have indicated this is a strong strategy.

A Request for Proposal was released in January 2018 to evaluate the Statewide Anti-Tobacco Media Campaign. It would be a five year, \$5 million contract. CTCP received several letters of intent to apply.

The Media Unit has been working on two new media campaigns targeting social smoking and flavored tobacco products with a release scheduled for April and May 2018. A smoke-free multi-unit housing campaign is currently airing and generating hundreds of emails to the program seeking assistance. About 20 percent of the emails are regarding marijuana secondhand smoke.

### **General Discussion**

Dr. Ong congratulated Ms. Roeseler on her recent promotion to Branch Chief of the Tobacco Control Program. Ms. Roeseler also reported that as a result of Prop 56 funding, an Assistant Branch Chief Position has opened.

Ms. Baum shared in her work outside of TEROC she participates in a neighborhood safety workgroup that looks at crime in multi-unit housing. The workgroup recently brought in a group of attorneys to examine marijuana in multi-unit housing. Some items of interest to CTCP may be cultivation and secondhand smoke and she will pass along the information as she receives it.

Mr. Gibbs inquired about the timing of the Rural and Behavioral Health Request for Applications (RFA). Ms. Roeseler replied that the Behavioral Health RFA would be released spring or summer of this year. There are eight RFAs CTCP is expecting to release throughout the year.

### **10. Public Questions and Comments**

Dr. Ong returned to previous tabled agenda items. One item was to set up another meeting with DOF between now and the Governor's FY 2018-2019 May Revision budget if the discussions do not progress accordingly. Ms. Bauman motioned for the meeting. Ms. Baum seconded the motion. Motion was passed unanimously.

The second item was to provide a comment letter to Cal/OSHA to codify the comments that Dr. Starr made during the Cal/OSHA Advisory meeting. Dr. Ling motioned for the letter to be written. Dr. Baézconde-Garbanati seconded the motion. Motion was passed unanimously.

**Action Item:**

Letter to Cal/OSHA Standards Board codifying the comments Dr. Starr made at the Advisory Meeting

**11. Adjourn**

Dr. Ong adjourned the meeting at 4:00PM.