

Tobacco Education and Research Oversight Committee (TEROC) Meeting Minutes

Monday, June 1, 2020
9:30am – 3:00pm

Location

This meeting was held as a teleconference without a physical location due to COVID-19 and Executive Order [N-29-20](#) signed by Governor Gavin Newsom on March 17, 2020

Members Who Joined Through Teleconference:

Dr. Michael Ong (Chair), Dr. Mark Starr, Dr. Mariaelena Gonzalez, Dr. Wendy Max, Dr. Pamela Ling, Ms. Vicki Bauman, Mr. Jim Keddy, Ms. Mary Baum, Dr. Claradina Soto, Ms. Pat Etem, Mr. Primo Castro

Others Who Joined Through Teleconference:

Kristen Mar, California Tobacco Control Program (CTCP);
April Roeseler, CTCP;
Ashley Lewis, CTCP;
Carol McGruder, African American Tobacco Control Leadership Council (AATCLC)/ Alliance for Data Dissemination to Achieve Equity (ADEPT);
Chris Anderson;
Nadine Roh, CTCP;
Phil Gardiner, AATCLC;
Francisco Michel, California Department of Education (CDE);
Gordon Sloss, CTCP;
Holly Laird, Rural Initiatives Strengthening Equity (RISE) Coordinating Centers;
Kemi Shamonda, CTCP;
Kim Homer Vagadori, California Youth Action Network (CYAN);
Lisa Gonzales, CTCP;
Liz Hendrix, CTCP;
Lou Moerner, University of Southern California/ University of California, San Francisco's The Loop;

Rebecca Williams, CTCP;
Sarah Planche, CDE;
Shelly Brantley, RISE;
Tina Fung, CTCP;
Tonia Hagaman, CTCP;
Tracy Richmond McKnight, Tobacco Related Disease Research Program (TRDRP);
Val Quinn, CTCP;
Rosanna Jackson, California Department of Public Health (CDPH);
Deborah Colosi, TRDRP;
Jerry Katsumata, CTCP;
Alek Klimek, Department of Finance (DOF);
Amanpreet Singh, DOF;
Jacob Lam, DOF;
Jack Zwald, DOF;
Mayra Miranda, CTCP;
Tim Gibbs, American Cancer Society, Cancer Action Network (ACS, CAN);
Christian Vierra, American Heart Association (AHA)

1. Welcome and Introductions

The TEROC Chair, Dr. Michael Ong, called the meeting to order. TEROC members and meeting guests introduced themselves.

2. General Business

Members reviewed minutes from the February 13, 2020 and February 14, 2020 meetings. Ms. Vicki Bauman motioned to approve the minutes and Dr. Claradina Soto seconded the motion. Members who were present (Dr. Michael Ong, Dr. Claradina Soto, Ms. Mary Baum, Ms. Vicki Bauman, Mr. Jim Keddy, Dr. Pam Ling, Dr. Wendy Max, and Ms. Pat Etem) voted and the minutes were approved unanimously.

Members reviewed correspondence.

- Incoming
 - May 11, 2020 email from the California Department of Tax and Fee Administration about the approval to commence with the formal rulemaking process to adopt proposed revisions to Cigarette and Tobacco Products Tax Regulation 4022, 4027, 4061, 4065, 4066, and 4901.
- Outgoing
 - February 28, 2020 letter to Nury Martinez, President of the Los Angeles City Council, in support of a flavored tobacco sales prohibition.
 - March 5, 2020 letter to Senator Jerry Hill in support of Senate Bill 793.
 - April 28, 2020 letter to Brandon Nunes, Chief Deputy Director of Operations at the California Department of Public Health, with concerns related to the discrepancy in accounting resulting in \$16 million missing from the budget of the California Tobacco Control Program.

Mr. Gordon Sloss of the California Tobacco Control Program (CTCP) provided an update on CTCP's budget sharing that the California Department of Public Health's (CDPH) Accounting Office recently identified \$8.6 million in support funds that must be liquidated by June 30, 2020. CTCP is in the processing of using the funds before the deadline. CTCP is working with the accounting office to identify the remaining money since what was recovered is not the entire amount that was missing.

3. Environmental Updates

Members reviewed environmental updates.

- "Livermore to Lift Ban on Tobaccos" article discusses the exemption created in Livermore's tobacco control ordinance that allows licensed tobacco retailers to sell "premium flavored cigars and aromatic pipe tobaccos."
- "FDA [United States Food and Drug Administration] Requires New Health Warnings for Cigarette Packages and Advertisements" news release discusses the new ruling that requires cigarette packages and advertisements to contain new health warnings.
- "Teen Smokers Less Likely to Give Up the Habit as Adults, Study Finds" article discusses a recently published study that examined the early smoking behaviors of smokers in the United States, Australia, and Finland.
- "Using Certain E-cigarette Devices Can Lead to Smoking More Cigarettes" article discusses a study from the University of Southern California that examined smoking patterns of teens who vape.
- "Study: Juul Stopped Selling Their Fruit-Flavored Vaping Pods, With No Effect On Overall Sales" article discusses a study that examined sales of flavored products after Juul removed flavored products from brick-and-mortar stores.

- “Coronavirus (COVID-19) Update: Court Grants FDA’s Request for Extension of Premarket Review Submission Deadline for Certain Tobacco Products Because of Impacts from COVID-19” news release discusses the approval of the Food and Drug Administration’s (FDA) request to extend the deadline for premarket review applications from manufacturers of deemed new tobacco products to a new date of September 9, 2020.
- “Blunt Trauma: Cop Beats Black Teen Over Cigar, Sparking Outrage and Familiar Swisher Sweet Debate” article discusses an incident where a police officer assaulted a teenager after responding to complaints of alcohol, tobacco, and drug sales to minors in an area.
- “Fact check: Are Smokers at Less Risk for Contracting the Coronavirus?” article discusses a recently released study that suggested smokers are less likely to develop a severe case of COVID-19.
- “Oakland Bans Sale of Flavored, Menthol Tobacco Products in Tobacco Stores, Pharmacies” article discusses a ban that prohibits the sale of flavored tobacco products, including menthol, in stores and pharmacies in Oakland, which closes a loophole in the city’s 2017 ordinance.

Ms. Pat Etem inquired if there is an entity that tracks police misconduct and disparities in punishment between children of different ethnic groups. Ms. Carol McGruder of the African American Tobacco Control Leadership Council (AATCLC) replied that there is no one tracking this to her knowledge, but the AATCLC is in discussions with the Attorney General Office and the California Department of Education to include a component in Proposition 56 grants that educates police departments about equity and penalties.

Ms. April Roeseler of CTCP added that CTCP has been educating local lead agencies (LLAs) and others about clauses in tobacco retailer license policies that include youth purchase, use, or possession (PUP) provisions. CTCP is encouraging jurisdictions to review their ordinances to remove this language and will not fund work that includes adding PUP provisions.

Ms. McGruder added that the AATCLC wrote a general letter, not yet published, about the Rancho Cordova incident and they will continue to work on educating police departments about PUP laws. Dr. Ong stated that TEROC has been on the record in the past about PUP laws being ineffective and should be removed.

Dr. Tracy Richmond McKnight of the Tobacco Related Disease Research Program (TRDRP) inquired if Proposition 64 funded programs are informing police departments about the overlap between cigarette use, cigar use, vaping, and cannabis. Dr. Ong stated he is unaware of such information, but it is a topic that needs to be addressed.

Dr. Phil Gardiner added that there is growing literature on the impact of smoking and COVID-19, and that those with underlying health conditions, like chronic obstructive pulmonary disease (COPD), are more likely to contract COVID-19. He added that a recent study from France was not entirely correct. Dr. Ong stated that there does need to be more work done and some of the issues include determining if a study’s participant is a tobacco user.

4. Overlap of Tobacco and Marijuana

Dr. Mark Starr and Ms. Mary Baum provided an update on the tobacco and cannabis subcommittee.

Ms. Baum shared that the subcommittee reviewed the Marijuana Prevention Initiative Report when they met. The subcommittee also discussed the disposal of electronic devices on school property since many schools are storing confiscated devices and inviting the Cannabis Advisory Committee (CAC) Chair to a TEROC meeting again, but the invitation may be more appropriate when there is a specific ask of the CAC.

Dr. Starr added that there have not been many new developments in the E-cigarette or Vaping Use-Associated Lung Injury (EVALI) outbreak. Recently, there were eight apparent EVALI cases that tested negative for COVID-19 and an alert was sent to health care providers. The EVALI case definition was changed to require other respiratory virus testing besides the flu and to include COVID-19. The health alert informed health care providers that EVALI cases may present as COVID-19 cases and were reminded to ask about a patient's vaping history.

Dr. Starr stated that there is no new information on the Bureau of Cannabis Control's Request for Proposals (RFP) for research funding. The RFP was supposed to be released earlier this year for approximately \$20 million and since this is the third year, another \$10 million should be added to that total. Dr. Richmond McKnight agreed that she has not heard any new information about the RFP since she last heard it was written and on the Governor's Desk since late 2019. Dr. Starr stated he would follow up and see if he can find out more information.

The subcommittee also discussed the Governor's Executive Order that was issued during the EVALI outbreak. One of the recommendations from the Executive Order was a nicotine based tax, which was included in the Governor's Budget.

Ms. Baum updated the group that outdoor advertising billboard companies in San Diego are working on stronger guidelines for cannabis advertising placement. The billboard companies were contacted by multiple cannabis retailers about the possibility of placing Public Service Announcement (PSA) messages on billboards. Ms. Baum asked the group to be aware of this tactic because the billboards are more promotional in nature since they include retailer logos, names, and license numbers, and are being placed near schools and other areas of concern.

Dr. Starr added that the consolidation of the three cannabis regulatory agencies has been delayed. The consolidation was included in the Governor's May revision to the budget and the Bureau of Cannabis Control, Department of Food and Agriculture, and the Department of Public Health will now merge into one single department by July 2021.

Dr. Wendy Max inquired if Proposition 64 required an oversight group and Dr. Starr reminded the group that the CAC is advisory and not oversight. Mr. Jim Keddy added that cannabis revenue is not affected by events after looking at the May revision and reminded the group that cannabis businesses were deemed essential services during the pandemic.

Dr. Starr added that CDPH received some funds from Proposition 64, but did not receive an increase as other programs did with an increase in tax revenue. The CDPH funds were used for surveillance and education, as well as for the EVALI campaign and setting up a new branch in the department.

Dr. Pam Ling asked if flavored cannabis products or changes in marketing and distribution since the passage of shelter-in-place orders were being tracked, and if there are efforts to collect consistent respiratory screening data. Dr. Starr replied that he is unsure about the tracking and data collection, but could check with the Bureau of Cannabis Control to see about the marketing and distribution information. He clarified that flavors in cannabis are different than tobacco flavors because they could be strain names and not just additives. Ms. Baum added that her group has been tracking the information locally, and have seen many shops open and frequented by young adults. Tracking the marketing has been limited to mostly examining billboards because staff have been working remotely due to the pandemic.

Dr. Starr added that CDPH has been coordinating with other states about essential services. In some states, the cannabis industry has become an essential service because the recreational and medical uses are so interwoven. States that had distinctions between the medicinal and recreational use industries were able to limit the essential service classification of cannabis.

Dr. Ong welcomed Mr. Primo Castro to the meeting.

5. California Department of Finance

Mr. Alek Klimek, Mr. Jacob Lam, Mr. Jack Zwald, and Ms. Aman Singh of the Department of Finance (DOF) presented on the May Revision for the Governor's Fiscal Year 2020-2021 Budget for Proposition 99 and Proposition 56.

Before presentations began, Dr. Ong welcomed Dr. Mariaelena Gonzalez to the meeting.

Mr. Jack Zwald, DOF principal analyst, first presented on Proposition 99 for the May Revision. Past year actual revenues of Fiscal Year (FY) 2018-19 at the 2020 May Revision remain the same compared to the Governor's Budget. Past year actual program expenditures of FY 2018-19 at May revision are slightly lower compared to the Governor's Budget because the expenditures weren't reconciled at the Governor's Budget but have since been reconciled with the May Revision and there's \$400 thousand in savings.

For FY 2019-20, the May Revision projects a revenue decline of \$9.4 million compared to Governor's Budget, with the Governor's Budget estimated at \$224 million and the May revision estimate at \$223 million. The May Revision also projects the Proposition 10 backfill to remain the same at \$9.7 million and the Proposition 56 backfill to remain the same at \$52.2 million. Projected program expenditures in FY 2019-20 of \$354.7 million remain the same at the May Revision.

In FY 2020-21, the May Revision projects a revenue decrease of \$12.6 million compared to the Governor's Budget, with \$220.6 million projected at Governor's Budget and \$208 million projected at May Revision. At May Revision, the Proposition 10 projected backfill remains the same at \$9.7 million. The Proposition 56 projected backfill is projected to decrease by \$2 million, from \$50.9 million at the Governor's Budget to \$48.9 million at the May Revision.

The Proposition 99 subaccounts for FY 2020-21 are projected to decrease. The Department of Public Health expenditures decreased more than \$3 million at May Revision compared to Governor's Budget projections for tobacco health expenditures.

Data through February 2020 was used for the projections and it does not reflect data due to the pandemic. The data showed slightly lower revenue than what was forecasted at Governor's Budget. There was a decline in both cigarette and e-cigarette consumption compared to Governor's Budget, but the effect of the pandemic on consumption is unknown.

Dr. Ong asked if there was a way for state programs to get an update on revenue projections since they only see them twice a year, at Governor's Budget and May Revision. Ms. Singh replied that while DOF does receive information from the California Department of Tax and Fee Administration (CDTFA) and the State Controller's Office on a monthly basis and continues to revise the budget and forecast, the only public documents are during Governor's Budget and May Revision.

Dr. Ong also asked if evaluations done by CTCP will be affected because of the decrease in the TERO Evaluation line items. Ms. April Roeseler of CTCP responded that there is no immediate impact besides support to the Behavioral Risk Factor Surveillance Survey (BRFSS). The support will not impact the Department's requirement to conduct the survey because CTCP had been adding tobacco-related questions to the core survey. Dr. Ong and Dr. Wendy Max both indicated the usefulness of BRFSS as it has been conducted for years, and Ms. Roeseler clarified that the survey is continuing but not the additional questions added by CTCP.

Mr. Castro asked about funds being used for other programs. Mr. Zwald responded that DOF is not redirecting Proposition 99 funds and Dr. Richmond McKnight added that there was legislation that proposed using Proposition 99 research and unallocated funds for COPD programs.

Dr. Ong thanked Mr. Zwald for the presentation. Mr. Alek Klimek and Mr. Jacob Lam presented on Proposition 56.

Projected revenue is based on historical per capita consumption, recent monthly cash data, and tax law changes. Compared to Governor's Budget, cigarette consumption has decreased more than expected and the forecast for other tobacco products, including electronic cigarette (e-cigarette) products, decreased. For FY 2019-20, Proposition 56 revenue was estimated at \$1.370 billion at Governor's Budget and \$1.315 billion at Budget Act. For FY 2020-21, revenue is estimated at \$1.338 billion at Governor's Budget and \$1.277 billion at Budget Act.

Proposition 56 allocates funding in four different ways. First, funding backfills tobacco and general taxes. Second, it provides funding for administrative costs. Third, it makes defined allocations, and fourth, it makes percentage-based allocations. The backfill is calculated by CDTFA and is calculated to be \$164 million in FY 2019-20 and estimated to be \$153.7 million in FY 2020-21.

In FY 2018-19, Proposition 56 made defined allocations of \$40 million to the UC Graduate Medical Education, \$30 million to the State Dental Program, and \$48 million to law enforcement efforts for a total of \$118 million. Beginning in FY 2019-20, Proposition 56 requires these allocations to be

reduced annually based on declines in Proposition 56 revenues as calculated by CDTFA. CDTFA calculated the FY 2019-20 reduction by comparing the decrease of total revenues for the last two years of actuals (2017-18 and 2018-19). DOF estimates the FY 2020-21 reduction by comparing FY 2018-19 actuals and the FY 2019-20 forecast. The reduction for FY 2019-20 is a reduction of 4.94% and the estimated FY 2020-21 reduction is 6.25%.

The remaining revenue are allocated to Medi-Cal (82 percent), University of California (UC) Medical Research (5 percent), the Department of Public Health (11 percent), and the Department of Education (2 percent).

Dr. Richmond McKnight inquired if programs will continue to find out the amount of funds they have for the year at May Revision, because they use the projection at Governor's Budget to shape the work for the current year. Mr. Klimek replied that it will stay the same and changes are due to the fact that Proposition 56 has percentage-based allocations. If revenue forecasts decrease mid-year because of consumer behaviors, the percentage-based allocations bear the burden of the decrease. Dr. Ong added that this is similar to concerns raised at previous meetings about the fluctuations in Proposition 56 funds and the differences in how Proposition 99 and Proposition 56 were set up. Proposition 99 funds have a 5 percent reserve which can be used to reduce some of the fluctuations that are greater than anticipated. Proposition 56 funds do not have a reserve. It was suggested that programs and the UC start planning for the larger revenue reductions.

Explanations of some of the revenue allocations were made, including that the Law Enforcement line item in the Department of Justice is for state operations, the Local Grants item in the Department of Justice is for grants made to local police departments and law enforcement agencies, and the UC Medical Education line item is for graduate medical education programs that focus on primary care and non-primary care programs are included with any remaining funds.

Ms. Aman Singh next presented on the new tax on e-cigarettes. The new tax is proposed to go into effect on January 1, 2021 and is proposed to be \$1 per every 20 mg of nicotine content in the vaping liquid. Some sources and other publications have used \$2 per 40 mg which is the same, but DOF is using the lower ratio. The objective of the tax is to address the youth vaping epidemic and to address the under taxation of e-cigarettes despite delivering nicotine more efficiently than other tobacco products.

At May Revision, the revenue forecasts \$33 million in FY 2020-21 which is a half year of revenue since it starts January 1, 2021, and \$50 million for FY 2021-22. This decreased from the Governor's Budget projection of \$34 million in FY 2020-21 and \$55 million in FY 2021-22. The estimate assumes the impact of the federal flavor ban on closed system products or pod products. It does not include pending proposals from local governments, however, if they do materialize they will take them into account in future estimates. For the current estimate, they are only including regulations that have currently passed.

Mr. Klimek presented on the tax revenue and allocations. The tax proposes that all funds be deposited in a special fund for tax administration, enforcement, prevention, and health programs subject to appropriation by the Legislature. At Governor's Budget, DOF proposed the remaining funds

be unallocated for future allocation to prevention programs. At May Revision, they are proposing the majority of the remaining funds be used for the Medi-Cal program as a result of the state's fiscal condition and prioritization made by the administration to avoid reductions to Medi-Cal.

Dr. Ong reiterated from last meeting that this tax does not have backfill provisions. The effect of the tax on Proposition 99 and Proposition 56 may be uncertain since there is no backfill and cross price elasticity may affect consumer behavior since the tax is focused on e-cigarettes. Ms. Singh agreed and said there is a lot of uncertainty with the estimate.

There were a few questions on if the tax would apply to other products, including cannabis and heat-not-burn products. Ms. Singh stated that the tax would not apply to cannabis because only products with nicotine would be subject to this tax and other tobacco products would fall under the Other Tobacco Product tax if they are not heated nicotine products. During legislative input on the tax, DOF is proposing to maintain a Budget Act allocation for the revenues so the legislature will be appropriating funds annually from the proposed tax source and it will not be a continuously appropriated fund.

This tax is not likely to fall under TEROC's oversight, unless there is legislative language that puts it within TEROC's responsibility. The increase in the tax administration from the January Budget to the May Revision is due to CDTFA determining more details about implementing the tax, including that a new system will need to be developed and implemented. This new system will help provide better data and increase enforcement.

Mr. Castro inquired if the tax will apply to online and out-of-state sales. DOF colleagues stated that the tax will apply to California retailers and they are still determining enforcement related to interstate commerce, but it would apply to products coming into the state, similar to the current stamping system that applies to cigarettes.

Dr. Ong thanked all the DOF colleagues for joining the meeting.

6. Voluntary Health Agencies Update

Mr. Tim Gibbs of the American Cancer Society, Cancer Action Network (ACS CAN) and Mr. Christian Vierra of the American Heart Association (AHA) provided an update on the legislative session.

Mr. Gibbs provided an update on Senate Bill 793, which prohibits the sale of flavored tobacco products. The bill passed the Senate Health Committee and will next be heard in the Senate Appropriations Committee. The timeline for bills is flexible and a little uncertain given COVID-19 and protests in the state. The Legislative session will likely end on the Friday before Labor Day.

Assembly Bill 1639 is currently in the Senate Health Committee. A similar bill last year was supported by the voluntary organizations at one point, but support was withdrawn after amendments were added.

Mr. Gibbs next provided an update on the nicotine tax proposed in the Governor's budget. ACS CAN and AHA are still evaluating the bill's language. Mr. Gibbs added that the organizations are looking into oversight for the tax, but it is a complicated process.

Discussion turned to possible exemptions, including menthol and hookah. There were concerns with support for the bill if it included hookah and how hookah is framed. There was a suggestion to reframe hookah as cultural hookah and commercial hookah similar to the differentiation of sacred tobacco. Concerns were raised in that comparison though because sacred tobacco is not the same in tribal communities as it is with hookah and Middle Eastern communities.

Finally, Mr. Gibbs shared that he is leaving ACS CAN and thanked the tobacco control community for the work they accomplished together. Dr. Ong thanked Mr. Gibbs for all the work he has done for tobacco control work in California.

7. University of California Office of the President, Tobacco-Related Disease Research Program (TRDRP) Report to TERO

Dr. Tracy Richmond McKnight provided an update on TRDRP activities.

TRDRP reviewed grants for the cycle that began in October 2019. A total of 289 applications were received and 93 applications were funded with awards totaling \$47.7 million. The majority of funded applications were for pilot awards, followed by post-doctoral and pre-doctoral fellowships. There were also seven new investigator awards, three Community Partnered Participatory Research Award, and one Rapid Response Policy Award. The largest funded area was for cancer and other biomedical sciences, followed by social/behavioral research, and then policy research.

In addition to the normal application funding, staff have been working on the Research Grants Program Office (RGPO) COVID-19 Emergency Seed Funding initiative. This was a collaboration between TRDRP, the California Breast Cancer Research Program, the California HIV/AIDS Research Program, the Multicampus Research Programs and Initiatives, and the Type 1 Diabetes Research Fund. The initiative provided \$25,000 in funding for six month projects. The applications were reviewed by staff and were scored based on the impact of the short-term deliverable on addressing critical needs, the project feasibility, and the ability to address needs of vulnerable populations and high-risk individuals, for example smokers, people with cardiovascular disease, individuals with cancer, and communities of color. The Request for Applications (RFA) for the emergency seed funding was released on April 6, 2020 and closed on April 20, 2020. There were over 300 proposals and 85 were funded. Over \$2 million in funding was awarded and the average turn around for a decision once an application was submitted was eight days. TRDRP committed \$800,000 to the initiative and their grants were in Clinical Management, Vaccines or Therapeutics, and in Behavioral, Social, and Other Sciences.

The applications focused on different vulnerable populations: six grants were examining the impact of smoking and vaping on either COVID-19 infection or severity, two grants were examining people's experiences and progress, two grants were looking at the molecular mechanisms of the disease progress in the cells, and two grants were animal studies.

Researchers that received a seed award will be able to compete for a pilot award and TRDRP will only be able to fund approximately 12 of the 85 funded projects. The RFA will be released in a few weeks and applicants who are selected will not have a gap in funding.

Next, Dr. Debbi Colosi presented on the Nicotine and Cannabis Policy Center. The Center conducted a systematic review of the COVID-19 literature and found that smokers and former smokers are more likely to see their conditions worsen over time and to require intensive respiratory assistance. They also found that the health risk may be increased for people exposed to secondhand smoke and secondhand vaping. The Center is processing the information in order to rapidly disseminate it to the public in English and Spanish. A COVID-19 educational video in Spanish and with English subtitles is also available for dissemination.

Dr. Richmond McKnight continued with additional TRDRP updates. The Thirdhand Smoke Resource Center published a letter to the Editor of Environmental Science & Technology on the urgent need to avoid all indoor vaping and smoking to prevent viral spread. The UC Office of the President recently hired a Vice President of Research and Innovation, Dr. Teresa Maldonado, who has experience in both academic and federal institutions. The Division of Research and Innovation houses RGPO in the Department of Academic Affairs. The UC system also has a hiring freeze, which is affecting TRDRP's search for a Senior Program Officer in Health Policy. This position's responsibilities will be split among the current Program Officers until the position is filled. Additionally, staff have been telecommuting since the shelter-in-place began and will likely continue through the remainder of the year.

Ms. Etem asked if academic institutions are sharing COVID-19 research, and Dr. Richmond McKnight responded that the only formal collaboration she is aware of is an upcoming COVID-19 conference. She has been following what other institutions are doing to see where there are funding gaps.

Questions about the COVID-19 Emergency Seed Funding arose, including who made the decision for funding and if there will be a second round. Dr. Richmond McKnight explained that Program Officers reviewed the grants and scored applications, however, Program Directors made the final decisions. Dr. Richmond McKnight also explained that TRDRP is unsure if there will be a second round of funding, despite research needs and questions rapidly evolving.

Dr. Ong inquired if there are any budgetary effects besides the vacant position. Dr. Richmond McKnight explained that although the program's funding is not impacted, there will be a salary impact because staff are employees of the University of California. Dr. Ong reminded the group that TERO should be consulted if there are any decisions that will affect TRDRP.

Ms. Etem asked how TRDRP is tracking COVID-19's impact on awardees. Dr. Richmond McKnight responded that grantees were surveyed to understand the extent of impacted work, with 70 percent of grantees indicating partial disruption and a third of grantees indicating full disruption. The survey also asked if grantees would apply for funding in 2020, and more than 65 percent indicated yes. Those that indicated no stated that their desire not to apply was not due to COVID-19. Dr. Richmond McKnight added that TRDRP is considering asking grantees to include information about the disruption of their work in their biographical sketch.

8. California Department of Education (CDE) Report to TEROC

Ms. Sarah Planche provided an update on CDE activities.

The Orange County (OC) Department of Education is the contractor for the Capacity Building Provider (CBP) grant and have more than four employees now. An agreement to begin designing Tobacco-Use Prevention Education (TUPE) Canvas course was executed on June 1, 2020 and the courses will help build capacity of TUPE programs across the state. The OC Department of Education conducted an online needs assessment survey with all TUPE funded local education agencies and will use the results to develop capacity building activities for TUPE grantees. The team is planning to begin the California TUPE Collaborate, which will be an advisory group consisting of County Offices of Education TUPE Regional Leads from around the state.

The TUPE Grant Electronic Management System (GEMS) includes an RFA management component, and this portion was completed by the February 4, 2020 release of the TUPE Comprehensive Tier 2 RFA. GEMS will handle all components of an application process.

The TUPE Health Disparities grant's FY 1 ends on June 30, 2020 and funds 23 agencies totaling approximately \$4.1 million. FY 1 funds can be used until December 31, 2020 and almost all grantees submitted a FY 2 budget. Approximately \$4.7 million will be awarded in FY 2. Grantees' spending authority were extended due to the COVID-19 pandemic with Tier 2 grant funding extended to December 31, 2020, the County Technical Assistance Tobacco-Use Prevention Education (CTAT) Grant FY 18-19 funding extended to June 30, 2020, CTAT FY 19-20 funding extended to June 30, 2021, the County Technical Assistance and Leadership Funds (CTALF) Grant FY 17-18 funding extended to June 30, 2020, CTALF FY 18-19 funding extended to June 30, 2021, CTALF FY 19-20 funding extended to June 30, 2021, and the Health Disparities Grant FY 19-20 funding extended to December 31, 2020.

The TUPE office is in the process of developing new contracts to continue existing collaboration with current contractors, including the California Friday Night Live Partnership, California Healthy Kids Resource Center, California Healthy Kids Survey, California School Based Health Alliance, and Stanford University. The new contracts will begin on July 1, 2020.

The CTALF Grant and CTAT Grant will be combined into one program, the County Technical Assistance (CTA) grant, for FY 20-21. The CTA grant is a non-competitive grant funded by Proposition 56 and Proposition 99. The CTA grant will continue to support County Offices of Education in providing leadership, administrative oversight, training, and technical assistance to all local educational agencies within their counties.

CDE will make final funding decisions in June 2020 for the Tier 2 RFA awards. There were 60 applicants and there is currently approximately \$20 million available in funds. The TUPE Initiation Tier 1 Cohort P Grant RFA was released on May 3, 2020. Over 50 Intent to Submits were received and applications are due June 5, 2020. Funding awards are expected to be announced in July 2020.

CDE developed a webpage with information and resources related to COVID-19 to assist students to help students in crisis and facilitate distance learning. The Stanford Tobacco Prevention Toolkit created Vaping Prevention: A Remote Learning Curriculum in response to school closures. The

curriculum addresses the health risks of using e-cigarettes and vapes, the increased risk of COVID-19 infection for e-cigarette and vape users, and marketing tactics used by nicotine companies to target youth. The TUPE office promoted the California Healthy Kids Resource Center monthly newsletter that provided resources addressing the mental health and emotional needs that young people may be experiencing as a result of COVID-19.

Dr. Ong inquired if there are any budget effects being seen by CDE besides the ones presented on by DOF. Ms. Planche stated that there has been a decrease in money, but the department was able to use some carry over funds in the manner intended. Ms. Planche also responded to Ms. Etem's question on the percentage of funding that each district in the state receives by stating the department had not determined the final candidates, but the office could create a visual representative of their 250 active grants.

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

Ms. April Roeseler provided an update on CTCP.

Ms. Roeseler first provided an update about the program's response to COVID-19. Seven staff have been redirected to help with COVID-19 response efforts and COVID-19 messaging has been incorporated into activities. The Tobacco Free California website placed COVID-19 educational material online and created social media posts from the materials. Stanford University created an infographic highlighting how tobacco use increases the severity of COVID-19 and the Tobacco Education Clearinghouse helped finalize and translate the material into multiple languages. Resources on transitioning to a virtual environment were disseminated, a digital media campaign on cessation was released, and calls to the California Smokers' Helpline (Helpline) increased. The Department's and Governor Office's website included information on the link between smoking and COVID-19 and the COVID-19 reporting system asks if someone smokes or vapes.

CTCP prepared a new Centers for Disease Control and Prevention (CDC) grant that will continue to fund the Helpline. CTCP staff and partners continue to conduct trainings, on-boarding, and outreach. LLAs will have new work plans that start in July 2021.

CTCP funded five additional residential behavioral health treatment centers and three tribes in Mendocino County this report period. There are four additional RFAs that are waiting for final approval before being released.

The Helpline established a COVID-19 website that was translated into different languages. CTCP hosted a webinar about hookah and also released a new minimum price tool. The Tobacco's Toxic Impact in My Community Photo Contest ended in April 2020. The Environmental Health Investigations Branch held a webinar about the calculation of the risk assessment for cancer and other harms they conducted after analyzing eight studies that examined metals in e-cigarette liquids and aerosol.

CDPH does not have a hiring freeze and CTCP is working to fill vacant positions. The program recently received approval to use a Marketing Specialist classification for the Media Unit.

Ms. Etem asked if the Helpline is assisting with contact tracing. Ms. Roeseler stated that there were initial talks about how the Helpline could assist, but nothing resulted from those conversations.

Mr. Castro asked if there are any extensions for contractors and grantees due to COVID-19. Ms. Roeseler explained that CTCP published a 24 page document with answers to questions that LLAs had and will be doing revisions with LLAs and competitive grantees. Grants that end on June 30, 2020 will not be able to revise their work nor will contracts be extended beyond five years as that is the maximum contract length. CTCP will be looking to change activities within the grants if possible.

Ms. Etem inquired if the Stop Tobacco Access to Kids Enforcement (STAKE) Act activities are still occurring and if online sales are also being monitored. Ms. Roeseler replied that Sacramento State University had been completing surveys for CTCP in order to comply with the Synar Amendment, but the surveys stopped because of the pandemic. Dr. Starr added that the Food and Drug Branch, who conducts STAKE Act enforcement checks, has continued to conduct youth decoy operations because many places are still open since they sell food.

Dr. Ong inquired if the DOF presentation was consistent with surveillance data in showing tobacco use declines. Ms. Roeseler and Dr. Rebecca Williams were unable to comment on the consistency because the program has not received new data yet. Ms. Roeseler added that data from the past few months would include tobacco use during the EVALI outbreak and when different media messaging was used. There were two messages that were used to address the impact to lung health, with one being more factual and the other more supportive. Ms. Roeseler also added that a decline in tobacco use may also happen because of the Helpline providing nicotine patches to those who want to quit.

10. Public Questions and Comments

Mr. Castro asked if TEROC had written a letter in regards to the new nicotine tax. Dr. Ong responded a letter had not been written yet because they were waiting to hear more about the tax. Mr. Castro stated that any letter should include that collected funds be under TEROC's oversight since it is a tobacco tax. Dr. Ong reminded the group that TEROC does not oversee all tobacco related funds- for example, TEROC has no oversight over Proposition 10. He added that it does not appear the tax will support tobacco control, which would support TEROC's position of having an oversight role.

Discussion turned to other parts of the tax, including that the tax is on nicotine and not related to flavors, and the reason for the tax. Ms. Roeseler reminded the group that the tax is related to the Governor's Executive Order on EVALI and is trying to create equivalency since the tax on e-cigarettes is not comparable to the tax on cigarettes. Dr. Gonzalez stated concerns about the tax leading to an unregulated market and if the desire is to prevent tobacco use initiation among adolescents and young adults, officials should ensure the tax is doing as intended and have it be under TEROC's oversight. It was clarified that the tax originally was discussed during the lung injury epidemic and from the Governor's Office wanting to address the high rates of teen vaping. The tax is trying to make the product less affordable for teens and less likely for them to initiate using the product.

Dr. Ong adjourned the meeting.