

---

## Governance Committee

---

January 6, 2020

**Chair:** Lloyd Berentzen

**Present:** Dr. Joseph Miner, Dr. Marc Babitz, Heather Borski, Paul Patrick, Ralph Clegg, Gary Edwards, Jeff Coombs, Jerry Edwards, Jill Parker, Dorothy Adams

**Visitors:** Nichole Shepard, Christal Dent, Christy Cushing, Braden Ainsworth, Janae Duncan

**Voting Members:** Dr. Joseph Miner, Heather Borski, Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Coombs

**Co-Chairs:** Lloyd Berentzen & Paul Patrick

### Minutes

Approve minutes from December 2, 2019 Governance meeting with the following corrections:

Randall Probst for Paul Patrick and Dorothy Adams in attendance

**Motion to approve minutes with changes:** **1st:** Lloyd Berentzen **2nd:** Heather Borski

**Vote Yes:** Dr. Joseph Miner, Heather Borski, Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Coombs

### 2020 Integrated Networks to Deliver and Sustain Evidence-Based Chronic Disease Self-Management Education Programs TSDR's Partnership to Promote Local Efforts to Reduce Environmental Exposure - Nichole Shepard

- This is an Administration for Community Living (ACL) grant for \$1,200,000 to \$1,500,000.
- The maximum award of \$1,500,000 total for 3 years is being applied for.
- The funding period is from May 1, 2020 to April 30, 2023.
- This is a competitive application. Only 3 will be awarded.
- The purpose of the grant is to expand the CDSME (chronic disease self-management education) programs.
- Per this application, the programs must be linked to the social determinants of health and work with agencies and partners in the community who are meeting those needs.
- The goal is to strengthen the network already in existence around the social determinants of health to expand evidence-based programming for older adults and older adults with disabilities.
- ACL has a separate application for Falls Prevention.
- Falls prevention is under the Violence and Injury Preventions program.
- The Enhanced Fitness program is identified as Fall Prevention.
- The Living Well Coalition was combined with the Falls Prevention Coalition in November.
- Information was sent and staff reached out to locals to determine local assistance.
- The Aging and Adult Services division will communicate messages while doing site visits. Meetings occur once a month.
- NTAS - National Tongan American Society.
- Fluctuating license agreements, trainings, and travel are paid for depending on what the programs require.
- Sustaintool.org will be utilized to not only focus on sustainability around funding but also on capacity, training, and partnerships.
- Wisdom Warriors is a new program expansion focusing on the tribal region and will qualify for this application.
- Wisdom warriors is the Living Well with Chronic Conditions course adapted for tribes.

- Salt Lake County health department is helping connect to electronic health records and working with the clinics rather than implementation of workshops at this time.
- ACL has funded in the past however, this is a new grant.
- Current ACL funding expires in June of 2020.
- The funding amount is usually around \$750,000 for the 3-year period.

**Motion to approve - 1st:** Heather Borski **2nd:** Ralph Clegg

**Vote Yes:** Dr. Joseph Miner, Heather Borski, Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Coombs

#### **Other Agenda Items:**

- **New Federal Tobacco Laws handout**
  - The E-Cigarette administrative rule has become public.
  - The FDA did not provide notice or guidance in regard to the Tobacco Provision. It was known to have passed but unknown when enforcement would begin.
  - The FDA website lists rule as effective immediately.
  - There is a Military exemption for the bill.
  - The age of the clerk to sell is not mentioned in either the state or federal bill. This would be under local regulation.
  - State law still allows a 19-year-old to enter a specialty store but may not purchase.
  - Wherever the federal law is silent, state law still applies.
  - The law has gone into effect however, no regulations have been updated at this time.
  - The state law is tied to the federal regulation and may not be enforced until state law and federal regulations are updated.
  - The FDA performs their own enforcement.
  - Admission to a tobacco store will phase up to age 21.
  - The law will phase up to age 20 on July 1<sup>st</sup>.
  - The state Tobacco 21 law must be changed to add clarity and address sale, purchase, and possession.
  - The legislature is working to combine all vaping bills into one.
  - A message has been sent to Representative Eliason regarding his interest in amending his 2019 bill.
  - On January 2, 2020 the FDA released their new guidance for flavors.
  - The policy guidance is the intention for how the FDA is going to prioritize enforcement.
  - Awaiting an answer from legal counsel as to what this means regarding Utah's proposed rule which include all devices and all flavors except for tobacco.
  - The FDA guidance will enforce that specialty stores will no longer be allowed to sell flavored products for closed systems.
  - Every product on the market not grandfathered in 2007 must go through the premarket review process.
  - Menthol flavors, tobacco flavors, and open systems are exempt.
  - Rule applies to advertising for all e-cigarettes.
  - Enforcement will be on a case by case basis.
  - Another component of the guidance is for stores to prove how they are limiting youth access.
  - Flavor enforcement is not under state or local jurisdiction as this is an FDA "non-binding recommendation".
  - Jill Parker will arrange a meeting with President Adams. Braden Ainsworth will attend.
  - Christy Cushing will provide a document illustrating why Jen Dailey-Provost's bill is still important as well as outlining what clarifications are needed in current state law Tobacco 21 and flavors for the upcoming legislative session.

- Retailers must be in compliance with the FDA and federal law.
- There is no FDA funding for enforcement.
- For local health departments doing compliance checks, it is currently safer to have a buyer under 19 years old.
- The Federal law has not been updated. Until it is in writing, it may not be enforced.
- A discussion with the legislature must be had to put Tobacco 21 into effect immediately.
- A message will be sent to retailers and the retailer association that they must follow FDA law.
- Language can be added to a bill 60 days after passage to clarify effective date.
- A public hearing will be held on January 22, 2020 from 9am-11am in UDOH room 125.

**Next Meeting - January 21, 2020 - 11:30am - Room 401**

#### **Motion to Adjourn**

**Motion 1st:** Ralph Clegg **2nd:** Dr. Joseph Miner

**Vote Yes:** Dr. Joseph Miner, Heather Borski, Paul Patrick, Ralph Clegg, Lloyd Berentzen, Jeff Coombs