

Tobacco Use Prevention and Cessation Advisory Committee

February 25, 2002

Minutes

Members Present:

Richard Barnes, Dr. Leslie Beitsch, Sherry Bynum, Dr. Frank Collins, Sue Ellis, Dr. Heather Huszti, Gayle Jones (designee for Sandy Garrett), Lynne Kennedy, Lacy Masterson, Sallie McLaughlin, Dr. Mike Morgan, Jacqueline Myles, Dr. Sheila Simpson, Dr. Gary Watson, and Dr. Francene Weatherby.

Members Absent: Dr. Matthew Britt, Becky Childers, Dr. Terry Cline, Gary Davidson, and Mike Thornbrugh.

Visitors: None.

Others Present: Tracey Strader, Pam Charboneau, Janet Love, Bob Miner and Dr. Tyna Fields.

Dr. Mike Morgan called the meeting to order at 2:10 p.m. and welcomed the nine Committee members present. As the members were reviewing the January 17, 2002 meeting minutes, three additional members arrived, which provided a quorum.

Dr. Gary Watson made a motion to accept the January 17th meeting minutes as written, and Dr. Sheila Simpson seconded the motion. The twelve members present voted unanimously to accept the minutes.

Dr. Morgan turned the meeting over to Tracey Strader to discuss the review of recent OSDH Tobacco Use Prevention Service events. Tracey provided a handout of the SFY 2001 Annual Report of Funded Services and briefly discussed each item listed in the report. Tracey clarified the report was for State funded services only. Committee members asked if the report was submitted to all legislators, and Tracey explained that it had only been submitted to the Governor and legislative leadership, but that a distribution to the remaining legislators was planned in the near future.

Tracey provided a handout on related to her recent presentation to the Oklahoma Tobacco Settlement Endowment Trust Fund Board of Directors. She discussed some potential options for the use of the Trust Fund's first available funding, in the event that it was to be used for tobacco control.

Dr. Heather Huszti arrived, bringing the total Advisory Committee members present to thirteen.

Tracey went on to explain that the Tobacco Use Prevention Service has just submitted its "Continuation Application" for the CDC funding for basic tobacco control infrastructure in Oklahoma.

Dr. Frank Collins arrived bringing the total members present to fourteen.

Tracey provided the Committee members with the Executive Summary of the State Plan, which Doug Matheny had prepared for the upcoming Oklahoma State Medical Association Journal dedicated to tobacco control. She indicated that the Tobacco Use Prevention Service has received

quite a few requests for an Executive Summary and she asked members to contact her with any comments about the one presented at this meeting.

One Committee member asked who was responsible for the anti-tobacco commercials on television. Tracey, Janet Love, and Sue Ellis explained that there were two series of ads running, one funded by the American Legacy Foundation (the Truth ads), and another funded through the Tobacco Use Prevention Service (the Reality ads). Sue Ellis went on to describe the Reality campaign, including the mobile media education campaign and how it attempts to reach the higher risk youth that SWAT may not attract. More information on the Reality campaign is available at <http://www.realityroadtours.com>.

Dr. Francine Weatherby expressed a desire broaden the outreach about tobacco to include all tobacco products, not focusing solely on cigarettes. There was some discussion within the committee about spit tobacco and how it is used prominently in Oklahoma colleges because it “smokeless.” Dr. Gary Watson pointed out that not all Oklahoma colleges allowed this, and some had adopted a “tobacco-free” policy, rather than a “smoke-free policy.” Tracey also mentioned that part of the difficulty with a focus on spit tobacco is that there is still so little research on effective methods of quitting. The treatments that are effective with cigarette smoking are not found to be as effective in helping people quit spit tobacco. Dr. Frank Collins briefly described the research he is engaged in related to treatment of spit tobacco use, and an herbal product that helps with the behavior, but not the cravings.

Dr. Morgan asked Tracey to proceed with the review of OSDH Tobacco Use Prevention Service contracts and Invitations To Bid (ITB). Tracey handed out a spreadsheet of the 2001-2002 OSDH Tobacco Use Prevention Service Contracts, a copy of the Memorandum of Agreement between OSDH and the Oklahoma State Department of Education, a copy of the contract between OSDH and Tulsa City-County Health Department and workplan, and a copy of the most recent ITB for media placement. Tracey described the differences between “Other Government Agency” (OGA) contracts, “Sole Source” contracts, and ITB’s. She pointed out the features of each contract and stated that the agency is trying to move to multi-year contracts when possible, to assure a continuity of services while minimizing the amount of time and effort required for continuing contracts.

Tracey also pointed out that every contract contains a “Non-Acceptance of Tobacco Funds” clause prohibiting the contractor from accepting funds from or having an affiliation or contractual relationship with a tobacco company, any of its subsidiaries or parent company during the term of the contract with the OSDH. There was a question of what happens when the contractor is found in violation of this clause. Tracey explained that we first attempted to talk to the contractor to resolve the conflict, but could resort to termination of the contract if the contractor failed to comply.

Dr. Beitsch arrived.

During the discussion of contracts, Dr. Gary Watson asked if the 5% mentioned under “Line Item Adjustments” was standard in state contracts. It was discussed that 10% is standard, and that 5% was unique to the Tulsa contract.

Dr. Morgan asked Dr. Beitsch to continue the meeting as Chair.

Dr. Beitsch greeted the Committee members and initiated a discussion of the “minority report” distributed to legislators by one Committee member on behalf of the Advisory Committee. He distributed a letter from the Committee member in response to the letter Dr. Beitsch sent to each member of the Advisory Committee on January 30th. After discussion of the situation, including the fact that the Committee member had had ample opportunity to attend Committee meetings and discuss his request and concerns with them but did not do so, Sue Ellis made a motion to reflect in the minutes that the Advisory Committee “rejects a ‘minority report’ submitted by one committee member as untimely in its submission and not provided for in the statutory mandate to adopt a state plan.” Sherry Bynum seconded the motion. Fourteen members present voted in favor of the motion, and one member abstained, as she had not yet read the report.

Dr. Beitsch asked Tracey to facilitate discussion of the Public Hearing process and plans. Public Hearing dates and locations were reviewed, and it was noted that Public Hearing in Tulsa would be held at the Rudisill Library, which is a different location than the one originally published in the press release and flyer sent to each committee member. Tracey also mentioned that although the Committee had originally selected March 26th for the Public Hearing when there was only going to be one hearing, that date is no longer applicable. Tracey described a typical process for a public hearing, including sign-in sheets indicating whether or not the participants intended to speak, a three minute time limit for remarks followed by three minutes for questions and answers, a facilitator/moderator, and an opportunity for people to submit written comments or ask someone to read their written comments. The Public Hearings will be recorded, and light refreshments will also be available at each site. Committee members discussed the desire to have the same person facilitate each public hearing, and Sue Ellis agreed to facilitate since she was planning to attend each Public Hearing. A sign-up sheet was distributed to allow Committee members to indicate their attendance at any or all of the Public Hearings.

A regularly scheduled meeting of the Advisory Committee will be held on April 9th from 3:00 p.m. to 5:00 p.m. at the OSDH so that members will have an opportunity to consider the comments from the Public Hearings and make any revisions to the State Plan before final adoption. Members discussed that they could consider the comments from the Public Hearings, but had the option of whether or not to incorporate any of the suggestions into the State Plan.

Tracey provided a copy of a letter sent by Attorney General Drew Edmondson to Dr. Beitsch thanking him for the State Plan and expressing his “wholehearted” support for the recommendations contained in the State Plan.

Dr. Beitsch introduced Bob Miner and asked him to provide the update on policy initiatives. Mr. Miner discussed the Board of Health’s rule making process, and distributed copies of the rules approved at the February 14th Board meeting and the rules under consideration by the Board at their March 14th meeting. On February 14, 2002 the Board of Health approved rules regarding secondhand smoke in health care facilities licensed by the Board. The Governor has the authority to veto the rules, and has 45 days to take action. The Legislature can also overturn the rules, but only by affirmative action by both houses of the Legislature, and they have 30 legislative days to take action.

On March 14, 2002 the Board of Health will consider similar rules related to other types of establishments licensed by the Oklahoma State Department of Health, including food service establishments and places of lodging. A new rule, chapter 99 of the Oklahoma State Department of Health Rules, will be considered that will require all places of employment and all public places in Oklahoma to be smoke-free. Bob stated that if the organizations represented by the

members of the Advisory Committee wish to submit their support of the rules, they can send a letter to Bob Miner, Oklahoma State Department of Health, Tobacco Use Prevention Service, 1000 N.E. 10th, Oklahoma City, OK 73117. Richard Barnes indicated that the Oklahoma Alliance on Health or Tobacco would soon be distributing information supporting the rules adopted on February 14th for health care facilities.

Dr. Beitsch concluded by stating that with regard to other policy initiatives, Senator Ben Robinson's bill related to secondhand smoke (SB 1553) is still alive.

Dr. Beitsch called for new business or announcements. Tracey Strader distributed fact sheets on increasing the excise tax on cigarettes and enforcement of tobacco sales to minors, and a compilation of news articles that have come out since the last Advisory Committee meeting.

Dr. Sheila Simpson made a motion to adjourn and Dr. Mike Morgan seconded the motion. The 15 members present voted unanimously to adjourn.