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| **Present:** | **Department Staff:** |
| Scott Zigich, Chair | Brian Hatch, Director of Health |
| Dr. Gary Alexander, Vice-Chair | Liz Carlisle, Administrative Asst |
| Jim Smith, Commissioner | Dave Spence, Division Director, EHS |
| Dr. Ryan Stewart | Ivy Melton Sales, Division Director, CHS |
| Ben Tanner | Wendy Garcia, Division Director, CD/EPI |
| Mayor Randy Lewis | Neal Geddes, ATTY |
| Ann Benson | Bob Ballew, RCC/PIO |
| Brian Cook | Dennis Keith, EHS |
|  | Dee Jette, EHS |
| **Excused:** | Linda Ebert, EHS |
| Dr. Colleen Taylor | Rob Nunn |
|  | Caitlin Pratt |
|  |  |
|  | **Visitors/Guests:** |

The meeting of the Davis County Board of Health (Board) was held Tuesday, May 10, 2016 at the Davis County Health Department, Board Room, 22 South State Street, Clearfield, Utah. The meeting was called to order at 7:30 a.m. by Mr. Scott Zigich.

**Welcome**

Mr. Scott Zigich welcomed Board members, staff and visitors to the meeting.

**Introduction of New Health Officer**

Mr. Zigich and the Board congratulated Mr. Hatch on his appointment as the Director of the Davis County Health Department.

**Minutes (Action)**

The minutes of February 9, 2016, were presented and reviewed.

*Ms. Benson motioned to accept the minutes of February 9, 2016. Mr. Cook seconded. The vote was unanimous.*

The minutes of April 12, 2016, were presented and reviewed.

*Mayor Lewis motioned to accept the minutes of April 12, 2016. Dr. Stewart seconded. The vote was unanimous.*

**Re-appointment Recommendation (Action)**

Two members of the Board have terms that will be ending in July 2016; these members are Ms. Ann Benson and Mr. Ben Tanner. In an effort to allow another the opportunity to serve Mr. Tanner declined a fourth term. Mr. Hatch thanked Mr. Tanner for his nine years of service to the Board and the residents of Davis County. The Nomination Committee will begin recruitment of Hospital Administrators to fill Mr. Tanner’s position. Ms. Benson stated her willingness to serve another term.

*Dr. Alexander motioned to recommend re-appointment of Ms. Benson to the Board. Mr. Cook seconded. The vote was unanimous. Mr. Zigich requested Mr. Hatch forward a letter on behalf of the Board to the Davis County Commissioners requesting the re-appointment.*

**UALBH Steering Committee Appointment (Action)**

Mr. Zigich appointed Ms. Benson to serve on the UALBH Steering Committee.

**Electronic Smoking Device Regulation (Action)**

Mr. Hatch reported that after a full report of the public hearing held on January 26, 2016 at the February meeting the Board voted to table changes to the Electronic Smoking Device Regulation and approval of the hearings Findings of Fact and Conclusions of Law until the State Rule was finalized. The State Rule has now been finalized and no additional changes to the Board’s regulation are needed.

Mr. Hatch asked the Board to approve the Findings of Fact and Conclusions of Law from the January 26, 2016 public hearing.

*Commissioner Smith motioned to accept the Findings of Fact and Conclusions of Law from the January 26, 2016 Public Hearing. Mr. Cook seconded. The vote was unanimous.*

In addition to the State Rule being finalized Mr. Hatch reported that the Food and Drug Administration (FDA) recently ruled e-cigarettes and other tobacco products such as cigars are subject to the same tobacco regulations applied to traditional cigarettes. All e-liquid products are now subject to the FDA approval process. The FDA has exempted any e-liquid products that have been on the market since before 2007. As of August 10, 2016 there can be no new products introduced without FDA approval. Implementation of the process is likely to take at least three years.

In Davis County we have seven manufacturers that will be impacted by the new rule. Each bottle of e-liquid manufactured if it is a different nicotine content and/or flavor will need to be submitted to the FDA for approval.

Mr. Cook asked if these businesses will need to remove their product from shelves by the August deadline. Mr. Hatch clarified that after August 10 no new products can be sold until approved. Manufactures are allowed to use their current products during the three year implementation process. Mr. Cook asked if the department expected to see an influx of new products before the deadline. Mr. Hatch reported that scenario is possible but we cannot predict how the industry will react.

Mr. Hatch recommended that the Board leave in place current language within the regulation addressing manufacturing during the interim period of time. Ensuring quality and sanitation standards until the FDA process is fully implemented.

*Commissioner Smith motioned to adopt the Electronic Cigarette Product Regulation. Dr. Stewart seconded. The vote was unanimous.*

**Proposed Regulation for Public Hearing (Action)**

Mr. Spence thanked staff for their work within the food program which is the largest within the division, regulating 800 permanent facilities and 80 mobile facilities.

Mr. Spence reported the amendments to the Food Service Regulation include: adopting by reference the 2013 FDA Food Code; modifications to the mobile food establishment section to allow for more flexibility and growth. Specifically, new requirements for commissaries and servicing areas that allow mobile units to potentially report less frequently based on their operation and allow them to store their mobile units at a Division approved location when not in use; implementing risk assessments to determine fees for temporary food establishments. The risk assessment is similar to the other food establishment assessments and is based on procedures, items served, and number of anticipated customers; Temporary food establishments will have the opportunity to acquire a new annual operating permit for year round events; and fee updates listed below.

* Adding a new fee for a Required Plan Review Submission of $50.
* Adding a new fee for Requested Additional Inspections of $100.
* Adding a new fee for Revocation of a Permit of $500.
* Adding new Annual and Seasonal Temporary Food Establishment Permit fees based on risk assessments.
* Small adjustments to Plan Review and Temporary Food Service Permit sections for consistency across the fee schedule.

Commissioner Smith asked what the difference between a temporary food establishment and a mobile or permanent establishment is. Mr. Spence reported a temporary food establishment would be for an event such as the fair.

Commissioner Smith, Mr. Cook and Mr. Tanner questioned whether there was a need for a revocation fee as a business that is closing would not be inclined to pay the fee. Mr. Spence responded that if a business poses an immediate health risk they are suspended and assessed a $300 fee. If the business does not address the violations the issue would be brought to the Board to revoke the permit and they would no longer be able to operate in Davis County. Currently businesses in this position have asked for an immediate revocation rather than suspension because there is no revocation fee. They then can put the business license in another’s name and move forward without having to pay the suspension penalty. The revocation fee would close this loophole.

Mr. Zigich asked how often does the scenario where a license is changed to another’s name to avoid paying suspension penalties occur. Mr. Spence reported it happens a couple of times a year.

Dr. Stewart asked if the department would be able to waive the fee if the entity was legitimately going out of business. Mr. Geddes responded that waiving the fee would be within the prevue of the department.

Mr. Cook asked if the department would require major changes to a business that did not submit plans for review and came in after their establishment was finished. Mr. Spence reported that a site review is also required and businesses in the past have had to make significant and costly changes to items such as plumbing and wall placement. Mr. Hatch added that the department works closely with the individual city departments that issue building permits in an attempt to identify all pertinent businesses to ensure this doesn’t happen. Mr. Cook asked if the cities should be doing the inspections. Mr. Spence responded that the city is responsible for a portion of the plan and site reviews but that the Health Department is responsible for specific items that cannot be done by the city. The fees are a way to compensate for the time needed to review plans and complete the additional inspections.

Mr. Hatch reported that the amendments bring the regulation into compliance with FDA and State rules and addresses the needs of the growing mobile cart industry.

Mr. Spence asked the Board to send the regulation to public hearing and appoint a hearing officer.

*Mayor Lewis motioned to send the Food Service Regulation to public hearing. Dr. Stewart seconded. The vote was unanimous. Mr. Zigich volunteered to service as the hearing officer.*

**SeaQuest Aquarium (Action)**

Mr. Spence reported on SeaQuest Aquarium a new attraction whose primary purpose is to create an interactive experience with guests and animal life from diverse regions of the world. Interactions with wildlife include hand feeding birds, sharks, stingrays, octopus, fish, ducks, and various reptiles as well as limited access to snorkeling with the stingrays and sharks. Currently, the company operates similar aquariums in Texas and Nevada.

Water attractions have change significantly over the last few years with items such as wakeboard parks, splash pads, and slide the city events. The current pool rule does not effectively address these new attractions and events. At issue is whether or not the aquarium should be classified as a swimming pool or an aquarium. Due to the sea life there is no way for the business to bring the aquariums into compliance with the current pool rule.

Staff has been working with the business owner who provided a comprehensive list of what they do and how the aquarium functions. They utilize a large 40,000 gallon tank with a sandy bottom. It has become clear that the primary activity and use of the aquarium is not for swimming.

After researching the issue it is our recommendation that the aquarium be deemed and interactive aquarium and not a swimming pool. Staff has conferred with the state department of health who concurs with staff’s recommendation.

Staff is requesting the Board support the recommendation by a policy directive that deems the facility an aquarium and not a swimming pool. However, the department would like to retain a relationship with the facility and provide some water testing.

Mayor Lewis expressed concerns with touching stingrays and the possibility of bacterial infections. Mr. Spence reported that part of the aquarium oversight is hand washing stations and the department is recommending additional sanitation protections.

Mr. Tanner asked why the department would want to take water samples if they are not a regulated swimming pool. Mr. Spence reported the intent is not to regulate the facility but to monitor the water for unknown threats. Mr. Tanner and Commissioner Smith expressed concern that if we are asking for water samples and testing it infers the department is regulating the aquarium. Mr. Tanner stated that if the facility used the department as just a lab to test and provide a report on their samples only that would be different. Commissioner Smith recommended the Board deem the facility an aquarium and not to regularly sample the aquarium water unless it is requested by the facility.

Mr. Hatch reported the interactions are education based. Visitors can get into a full wet suit and feed the stingrays or feed caiman alligators with a stick. Currently the aquarium in Salt Lake City does many of the same activities with the exception of entering the water in a wet suit. If the facility is deemed an aquarium all water quality complaints will be addressed just as all current complaints are.

*Mayor Lewis motioned to deem SeaQuest as an Aquarium and not a swimming pool and therefore is not regulated by the Health Department or under the prevue of the pool rule. Dr. Alexander seconded. The vote was unanimous*.

**Community Health Improvement Plan Update (Information)**

Ms. Perry presented the Board with the two year progress report for the Community Health Improvement Plan. Each of the four workgroups (suicide prevention, obesity prevention, air quality, and access to mental health care) continue to move forward through our community partners efforts. Every year the county health rankings are released and this year Davis County is ranked 6 and out 26. Davis County ranks within the top ten healthiest in the nation in many of the indicators. The department is reviewing the information in preparation to create the next Community Health Improvement plan.

Ms. Perry also reported the department has been participating with Intermountain Healthcare in the development of their Community Health Assessment. Their process has identified the following four areas of prevention: prediabetes; high blood pressure; depression; and opioid misuse.

**Budget Report (Information)**

Ms. Reich reported the department is on track with revenues and our expenditures are below forecasted levels. Mr. Zigich asked about a reduction in the Women’s, Infant, and Children’s (WIC) Budget. Ms. Reich reported that the reductions have been absorbed and the program will not be negatively affected.

**UALBOH (Information)**

Ms. Benson reported the association is currently reviewing the impact of their legislative committee and identifying areas of improvement for next year’s process.

**Director’s Report (Information)**

Mr. Hatch reported on the outcome of the 2016 legislative session and several passed bills that will impact the department. These bills allow: raw milk sales in the same cooling unit and next to pasteurized milk; the creation of multifunctional health departments that bring substance abuse and mental health programs under the prevue of the health department; opiate abuse prevention education; air quality amendments that a switch to a more efficient water heater (reduced NOx emissions) by 2018; and needle exchange programs in substance abuse support programs. Lawmakers also approved and the Governor signed a resolution deeming pornography a “public health hazard”.

Bills that are likely to return for the 2017 session address: the food freedom act; immunization waivers; taxation of e-cigarettes; and medical marijuana.

Mr. Hatch reported the on-going Hepatitis C outbreak investigation is nearing completion. The investigation was begun after a new HCV case with no admitted risks was linked to a healthcare employee with a history of drug diversion who tested positive for HCV. The investigation identified 7,200 potential exposures, of that group about half were tested. Testing identified 60 cases of Hepatitis C and 16 of those cases were identified to have the same geno type as the healthcare employee. Mr. Hatch commended Ms. Garcia and her staff for their work on the investigation.

Mr. Hatch introduced a new diabetes prevention class made possible by a grant. The first class will be free and is slated to begin before the end of June. Future classes will be covered by attendees’ health insurance.

**Chairs Report (Information)**

Mr. Zigich presented Mr. Tanner with a plaque thanking him for his service to the Board and the residents of Davis County. Mr. Zigich also recognized Ms. Melton Sales for her efforts in social media bringing more attention to department issues and events.

Mr. Tanner thanked the Board and staff for their team approach and contributions to public health in Davis County. Mr. Tanner expressed how proud he was to be a part of the Board as Davis County has consistently led the state in areas such as fluoridation, tanning, and e-cigarettes.

**Commissioners Report (Information)**

Commissioner Smith thanked Ms. Melton Sales and her staff for their work on the Safe Kids Fair, he was impressed with the attendance and success of the event. Commissioner Smith recognized Mr. Tanner for his nine years of service to the Board.

**Adjournment**

The meeting was adjourned at 9:05 a.m.

**NEXT MEETING: May 10, 2016**

**7:30 a.m.**