



Present:

Dr. Gary Alexander, Chair
Brandon Hatch, Vice Chair
Dr. Ryan Stewart
Mayor Joy Petro
Troy Wood
Brian Hatch, Director of Health
Neal Geddes, Attorney

Davis County Health Department Staff:

Dave Spence, Deputy Director, Health
Rachelle Blackham, Deputy Director, Senior Services
Stephanie Spens, Assistant to the Director
Jay Clark, Environmental Health Division Director
Diana Reich, Administration Division Director
Sarah Willardson, CD/Epi Division Director
Ivy Melton Sales, Community Health Division Director
Debbie Draper, Deputy Director of Senior Services

Excused:

Scott Zigich
Dr. Colleen Taylor
Commissioner Lorene Kamalu

Welcome

The meeting of the Davis County Board of Health was held Tuesday, February 14, 2023 at the Davis County Health Department, Board Room, 22 South State Street, Clearfield, Utah. The meeting was called to order at 7:37 a.m. by the Chair, Dr. Gary Alexander. Dr. Alexander excused the immediate past chair, Scott Zigich, Dr. Colleen Taylor, and Commissioner Lorene Kamalu.

Minutes (Action)

The minutes for the November 8, 2022 Board of Health meeting were presented to the members and reviewed. *Dr. Gary Alexander then presented a motion to approve said minutes. Mr. Brandon Hatch motioned for the minutes to be approved. Ms. Joy Petro seconded the motion. The vote was unanimous.*

Electronic Cigarette Substance Regulation (Action)

Mr. Jay Clark provided to the Board of Health members a presentation on the Electronic Cigarette Substance Regulation. Following the presentation Mr. Clark recommended the Board consider rescinding the current regulation.

Mr. Clark informed the Board that the electronic smoking program was introduced to the Health Department approximately 10 years ago. There were many concerns: some including Utah Clean Air Act, flavors attracting youth and children, unknown long-term health effects, and lack of regulatory control. In 2014, Davis County's Electronic Cigarette Substance Regulation was put into effect. The previously amended Utah Indoor Clean Air Act stated that regulations for electronic cigarettes were the same as regular cigarettes. There were still concerns about access and appeal to minors through packaging and labeling including correct nicotine content. At the time of the regulation there were 8 permitted facilities that were manufacturing in Davis County. The ultimate goal for the Health Department was always to be the stopgap until the FDA was ready to regulate these manufacturers.

Mr. Clark then briefly reviewed the timeline of Electronic cigarettes:

- **2012** – Utah Indoor Clean Air Act amended to include electronic cigarettes.
- **2014** – Davis County Board of Health – Electronic Smoking Device Regulation adopted.
- **2015** – The Utah Legislature passed bill that required Utah Department of Health to establish standards for labeling, nicotine content, packaging, and product quality.

- Utah Administrative Code R384-415 Electronic-Cigarette Substance Standards Rule adopted end of that year.
- **2016** – FDA required to begin regulating electronic cigarettes as tobacco products.
- **2018** – Davis County Board of Health revises regulation to focus only on manufacturing of electronic cigarette liquids.
 - Renamed regulation Electronic Cigarette Substance Regulation.
- **2018** – FDA issued first warning letter to a company for selling e-liquids without the required market authorization.
- **2019** – FDA Guidance document on achieving premarket tobacco approval for e-liquid.
- **2020** – U.S. District Court provided deadline to register products. Deadline extended to September 9, 2020. Required to rule on them by September 2021.
- **2021** – FDA authorized the marketing of the first electronic cigarette products, 98% products had been reviewed by this time. They also issued many Marketing Denial Orders.
- **2022** – Applications for non-combustible products for market authorization extended to August 2022.
 - One remaining electronic cigarette manufacturer permitted in Davis County. This manufacturer is currently in process with the FDA.
 - Tobacco retailers still required to be permitted by the local health department.

Mr. Clark reiterated that the Health Department fulfilled their requirements and served as that stopgap. The FDA has started enforcing and the need for the regulation is no longer needed from the Health Department on the manufacturing side. Mr. Clark recommends rescinding the Davis County Board of Health Electronic Cigarette Substance Regulation.

Dr. Gary Alexander asked the Board members if there were any discussion, issues, or concerns?

Dr. Ryan Stewart asked if this regulation is only for manufacturing and if there was a different regulation that regulates the retail side of these products.

Mr. Brian Hatch responded to Dr. Stewarts question, stating there are State codes and rules that enforce the retail side. The standard that is being proposed to be rescinded is the manufacturing piece.

Mr. Troy Wood entertained a motion to rescind the Electronic Cigarette Substance Regulation. Dr. Gary Alexander seconded the motion. All were in favor, the vote was unanimous.

Minimum Performance, Attestation Statement (Action)

Mr. Brian Hatch presented to the Board an overview on the State Rule R380-40 that includes minimum performance requirements for local health departments. An annual attestation statement signed by the Board of Health chair declares that the Davis County Health Department meets those requirements. Mr. Hatch pointed out the Davis County Health Department has National Accreditation status which is far above the requirements for minimum performance.

The rule was established by Section 26-A-1-106(1)(c) of State Code which defines local health departments and their responsibilities. This rule defines minimum duties performed by the Health Department split into seven different areas which are defined below.

7 different areas:

- Compliance & Corrective Action Procedures
- Local Health Officer
- Administration
 - Board of Health responsibilities
 - Health Department responsibilities
- Personal and Population Health Services
- Environmental Health Programs
- Public Health Emergency Preparedness
- Laboratory Services

Following a brief description of each of these areas Mr. Hatch reiterated that the Davis County Health Department meets and exceeds these minimum performance standards because of accreditation status. Mr. Hatch explained the action item is to approve The Attestation Statement and Dr. Gary Alexander will sign on behalf of the Board that the Health Department meets these standards.

Dr. Alexander asked the Board members if there were any issues or concerns. No comments were made. *Dr. Alexander then entertained a motion to approve that the Davis County Health Department is in compliance with the Local Health Department Minimum Performance Standards. Mr. Troy Wood was first to approve this motion and Ms. Joy Petro was second to approve. All were in favor. The vote was unanimous.*

Strategic Plan (Action)

Mr. Dave Spence presented to the Board members the most recently completed Davis County Health Department Strategic Plan. The Strategic Plan:

- Defines where we are going as a Department
- Provides common understanding of our mission, vision, values, and priorities
- Creates a template for our employees and other stakeholders to make decisions that move our department forward
- Answers how the Department wants to be different in 3-5 years
- A living document that can evolve

Previous Strategic Plan Highlights:

- 3rd Strategic Plan - this process takes place every 5 years
- Learning Process
- Open, thoughtful, and engaging discussions in preparing this plan
- Involvement from many
- Provided good direction for the Department
- Pandemic halted the process of completing all the goals
- Many accomplishments in spite of pandemic
 - Health Strategies Bureau created
 - Several awards received related to the success of pandemic response
 - Fostered a wide variety of community partnerships
 - Developed and implemented a Department-wide branding guide
 - Created new employee evaluation guidelines, including personal development
 - Sought out and ensured funding for the pandemic response
 - Obtained a certified county tax rate and secured additional funding through the state legislature
 - Reaccreditation status received from Public Health Accreditation Board in March 2022

2023-2207 Strategic Plan Highlights

- Use foundation of the 2018-2022 Strategic Plan
 - Decision based on input from employees and stakeholders
- Enhancements
 - Summary Sheet
 - Visually easier to follow
 - Mission was changed to combine “residents and their environment” to community
 - Commitment to Community value changed to Health Equity
 - Sustainability and Funding priority now Sustainability
- Teams will be a big focus, they will be in charge of accomplishing different segments of the plan
 - Purpose and description included in plan
 - Strategic Plan Oversight

Mr. Spence explained to the Board members that a Strategic Plan is created partly because of accreditation, but overall it makes us a better Health Department and formalizes what we do.

2023-2027 Strategic Plan Time Frame

- Management Team Strategic Plan Training – May 23, 2022
- Management Team Strategic Plan Retreat – June 23, 2022
- Input from staff and other stakeholders
- Final Strategic Plan completed January 1, 2023
- Training of all staff at yearly In-Service – January 19, 2023

Mr. Spence finished his presentation stating the last step is approval from the Board to support the priorities, goals, and objectives written in the new plan.

Dr. Gary Alexander asked the Board if there were any questions or comments.

Mr. Brian Hatch encouraged the Board to read the Strategic Plan to gain further insight on where the Davis County Health Department is heading. Mr. Hatch continued that great success has been achieved over the years from having a Strategic Plan. Mr. Hatch asked Board members for input and reminded them it is an evolving document and their input is valuable along the way if priorities need to be adjusted.

Mr. Brandon Hatch stated that he has read the 2023 – 2027 Strategic Plan in its entirety and proposed a motion to approve the Strategic Plan. Dr. Ryan Stewart was second to approved the motion. All were in favor.

Open Meetings Act (Information)

Mr. Neal Geddes, Chief Civil Deputy Attorney for the Davis County Attorney's Office provided an interactive training on the Open and Public Meetings Act. Mr. Brian Hatch asked during the presentation if a closed meeting is recorded does the public have access to it. Mr. Neal Geddes responded the meeting has to be recorded and is preserved as a protected record if a challenge is ever raised the judge could listen to the recording to see if the information would be disclosed or if it could be protected.

As Mr. Geddes finished his presentation he reminded Board members to keep the summary, which was provided in their packets, close for quick reference of key points of the act and if they have any questions to please contact him.

Budget Report (Information)

The budget report was handed out to the Board members.

UALBOH Report (Information)

Mr. Brian Hatch reminded everyone of the upcoming symposium.

Director's Report (Information)

Mr. Brian Hatch turned the time over to Ms. Rachele Blackham, Senior Services Director, for a quick announcement. Ms. Blackham introduced Ms. Debbie Draper. Ms. Draper has been offered and accepted the new position of Deputy of Senior Services. Ms. Draper has been with the Davis County Health Department for over 15 years. Mr. Hatch addressed the Board stating this new position is part of the restructuring of our organization. Mr. Hatch extended a welcome to Ms. Draper in this new role.

Mr. Hatch then directed the attention of the Board to the stack of the annual reports of the individual divisions at the Health Department. These reports are an accumulation of a lot of hard work. Mr. Hatch said it is important to him to tell the story of the Health Department. If the community isn't aware of what the Health Department is doing they can't support our work. Mr. Hatch said it is worth taking a moment to see what the department has done. These reports display what has been done in the community and how tax dollars are spent. These reports are also available on the Health Department's website.

Mr. Hatch continued with the Director's report with updates from the Legislative session.

- Public Health Funding
- Committee Bill, House Bill 71, transparency on use of money
- Emission Bills; VRRAP, currently in place, but trying to implement it to a more permanent program
- Wood-burning stoves, air-quality
- Senate Bill 116, removes authority from the local health department to isolate and quarantine individuals
 - Mr. Brandon Hatch asked what is being proposed to be different. Mr. Brian Hatch responded that right now a health officer has the right to enforce this quarantine and if the bill is passed it will take that authority away and instead change it to a recommendation of isolation and quarantine.
- Vaccine Passport, unlawful to put public accommodation to discriminate against individuals on vaccination status
- Vital Records, behavioral health crisis response
- HIV Amendments, court order for victim testing, etc.
- Drug Testing and Paraphernalia Amendment, fentanyl test strips
- License Plates Amendments, allowing more vehicles to be exempt from emissions
- Radon Bill, map and testing requirements for public buildings
- Food Bills; Dairy Amendment and a Lemonade Bill (minors unrestricted)
- Tobacco Bills, hazardous waste disposal fee, statue of maximum amount of nicotine allowed, and eliminating flavors

Chair's Report (Information)

Dr. Gary Alexander ended the meeting stating it is a pleasure to work with the Board and that they would all agree with him in saying the real work is being done by the Health Department staff.

Commission Report (Information)

Dr. Gary Alexander entered a motion to adjourn the meeting. Mr. Brandon Hatch seconded the motion. All were in favor. The vote was unanimous. The Board of Health meeting was adjourned at 9:07 a.m.