UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE
PROVO, UTAH 84601

MINUTES

November 24, 2014

Members Present:

Name		Name	
Gaye L. Ray, RN	X	Teresa Tavares	X
Clyde Nielsen, RPh	X	Mayor Jeff Acerson	X
Supt. Keith Rittel	excused	Diane Lohner	X
Dianne C. Carr	X	Cmsr. Doug Witney, Chair	X
Henry M. Yeates, M.D.	X		

Others present: Dr. Joseph Miner - Utah County Health Department (UCHD) Executive Director
Debbi Solen - UCHD Secretary
Number of people who signed attendance sheet - 47

1. Welcome by Commissioner Witney

2. Approval of the Minutes from the September 22, 2014 meeting.

MOTION: Gaye Ray made the motion to approve the minutes, which was seconded by Jeff Acerson and passed by unanimous vote.

3. Provo School District Nutrition Policy Recognition

The Board of Health would like to recognize the Provo School District Child Nutrition Program that has been awarded Best in State for the last 5 years. Jenilee McComb, Child Nutrition Program Manager, says her lunchroom staff make food attractive for the students which means the students are more willing to try different foods. They have put an emphasis on serving more fruits and vegetables and only serve dessert twice a month. They do not offer a la carte. The students really enjoy the food and there is very little food that is thrown away. Check out their Facebook page to view some of the creations, all done with limited funding and lots of imagination. A video from Good Things Utah (KSL) was also shown.

4. Public Hearing of Proposed E-cigarette Regulation

Commissioner Witney opened the Public Hearing.
The purpose of the E-cigarette Regulation is to protect public health and eliminate under-age youth usage. Linnea Fletcher, Tobacco Program Manager from Utah County Health Department, explained that the national average of E-cigarette youth usage is 4.5% but the usage in Utah is 5.9%. Across the nation the percentage of High School students who have used E-cigarettes has tripled since 2011. The number of E-cigarette device and liquid nicotine poison control calls have increased significantly from 271 calls in 2011 to 3,353 through Oct 31, 2014.

The Board has received and read much material regarding this regulation including comments submitted by email from the public. Some members of the Board and County employees have met with the vape shop owners and other retailers regarding this regulation and have considered their input as well. Some recent changes to the regulation: added a 90 day grace period for the retailers to be in compliance of the regulation and the definition of a minor is 19 years old and younger following State law.

Electronic Smoking Device (ESD) has been changed to use the CDC definition Electronic Nicotine Delivery Systems (ENDS). The regulation applies to E-cigarettes, ENDS, ENDS paraphernalia and E-liquid sampled, sold or offered for sale, and/or manufactured in Utah County.

A quarterly compliance check was conducted where undercover minors try to purchase E-cigarette products and none of the vape shops sold to the youth. However, other retailers such as grocery and convenience stores sold to minors. Youth can also purchase products from someone who makes the product in their bathtub. There are no standards for manufacturing the E-liquid.

Nicotine has been found in samples when the label claims there is none. Youth are becoming addicted to nicotine and the Dept. Of Drug & Alcohol Prevention & Treatment (aDDAPT) says they are finding many more youth addicted to nicotine and that the E-cigarette can be used for other drugs.

There are different standards across Utah. Currently 10 of the 12 Utah health districts are working on an E-cigarette regulation. In February 2014, Davis County passed a regulation and Weber-Morgan passed one last month. Standard ingredients, manufacturing and sale of E-cigarettes do not fall under the tobacco products legislature, but E-cigarettes do fall under the Utah Clean Air Act. Tobacco products legislation does address zoning laws which dictate where the vape shops can be located and access to minors, but the E-liquid is not regulated at any level.

In April 2014 a study was conducted on 2nd hand vapor. Research is limited as there haven't been many studies; however, preliminary studies show some carcinogens go into the air but it isn't as toxic as smoke. A new study from France says E-cigarettes actually pose health risks similar to those of actual cigarettes. E-cigarettes contain about the same amount of formaldehyde and other carcinogens as regular cigarettes and because it is a vapor can be inhaled deeper into the lungs. There is no proof that E-cigarettes help you stop smoking.

The regulation will protect businesses that comply. The regulation will address what chemicals and the amount of chemicals are in the E-liquid, the address of the manufacturer, and labeling.

Public Comments:

AARON FRAZIER: Executive Director, Utah Smoke Free Association:
The Utah Smoke Free Association is a non-profit association and works with the vape shops and the E-liquid manufacturers in the state of Utah and they support the regulation. As a statewide association they became self-regulated about 2 years ago and members follow a strict set of standards. They feel regulations are necessary for the manufacturing and retail sales of consumer products. Not everyone who manufactures or sells ENDS and their products is a member of the association. The association represents about 75% of the retailers and manufacturers in Utah. The association has an agreement with a scanning company to provide scanners for their association retailers to electronically scan IDs to verify age. They would like to see this as a requirement for all retailers of an age-restricted product.

When asked how to monitor the individual who makes E-liquid in the home, Aaron said it is the same kind of problem the food industry has. Requiring manufacturers to get a business license, County permit and proof of insurance that shows their product is insured all the way to consumption is a good way to monitor a manufacturer. Any retailer should be required to see these 3 things before purchasing any product. Distributors often get their product from overseas which have no standards.

Watching social media for manufacturers who are not complying is another way to monitor manufacturing of E-liquid. The regulation would not effect the individual who makes his own product for his own use and shares it with his friends, but if he were to sell it to his friends then the regulation would apply to him.

HALLE ACOR: Outrage, an Anti-Tobacco Youth Group
They would like to see this regulation approved. She is a high school student and knows of many youth who use E-cigarettes because they think it is harmless and cool. Most youth are not aware it contains nicotine or any other chemical or that they are addictive. Using E-cigarettes is fun, they try to make different shapes with the vapor and it helps alleviate some depression. It's very easy to buy ENDS and paraphernalia on-line, all you have to do is check a box that you are over 18 years old.

KRISTI STRONGO: Parent
She supports this regulation. We have the FDA regulations that require labeling on products that are manufactured and consumed and there are standards that are enforced to assure that our products are safe. She believes the public wants regulation to protect our children and other consumers. Labeling is very important. She would also like to see marketing regulated, to remove E-cigarette advertizing much like we did with tobacco products. Most of the advertising is geared toward the youth. It is very troubling to see the usage rates almost triple in 2 years time. We already have too many youth addicted to nicotine. There may not be any long term studies showing the harm that can come using E-cigarettes but we do know about similar products and the damage they cause.

SCOTT BARTON, MD: OB, Utah Tobacco-Free Alliance, Chairman
A recent CDC study shows a very large proportion of E-cigarette users go on to use tobacco and current tobacco users also use E-cigarettes. They are not a device to help you stop smoking. History is repeating itself. Back in the 50's and 60's advertisers were telling us how fun, sexy and safe tobacco was. It is the same today with the E-cigarettes. We are told E-cigarettes are only water vapor which is clearly not true. There are 6-8 carcinogens in the vapor, formaldehyde, acrolein, propylene glycol and other chemicals which

are well distributed to the lungs and absorbed more quickly than the larger particulate of regular cigarettes. Self-regulation is not effective. They support this E-cigarette Regulation.

In the State Legislature earlier this year they almost passed a state regulation. They were short by 4 votes. They will be trying again in January 2015. The tobacco industry lobbyists will be there too.

Weber-Morgan E-cigarette youth usage rate rose 500% in just 2 years time. He has seen in his practice pregnant moms who use tobacco and when monitoring the baby there is a flat line until the nicotine wears off. He also sees asthma and other ailments from smoking and with second hand smoke.

ALEXIS CONDIE: Outrage, an Anti-Tobacco Youth Group
She knows smokers who also use E-cigarettes. They started by using E-cigarettes and are now trying to go back to just using E-cigarettes but can't. She knows of others who are now using other drugs as well. They are addicted. Her family uses E-cigarettes because they believe it is just water vapor. When she tried an E-cigarette she had a very bad asthma attack. She lives with second-hand smoke and has never had an attack that bad.

She believes this regulation should be passed. Perhaps if we had a regulation like this a few years ago many people would not be addicted today.

JANAE DUNCAN: Utah Department of Health, Tobacco Prevention and Control Program
They are in support of this regulation. Utah was seeing great declines in tobacco usage and now they are increasing again as youth are becoming addicted to nicotine. Data shows that there is dual usage of E-cigarettes and tobacco. It can be argued that E-cigarettes is the less harmful product, but there is still harm and they are continuing their nicotine dependance and using tobacco. Studies show that even one tobacco cigarette a day maintains the damage to your body.

ENDS is not water vapor; it is an aerosol and contains nicotine and can contain additional toxins. Because there are no manufacturing standards there is no way to ensure what the toxicants are. There is no study on the effects of inhaling the flavors. Because there is no regulation ENDS can be sold anywhere, such as a clothing or toy store. There are state laws that say you can't sell to minors but there are no licensing laws so it is difficult to know who is selling these products and it makes it even more difficult to enforce.

It is important that the local health departments are developing regulations. This shows the state legislature just how important this issue is to the public and that there is a need for a consistent state regulation. It is important for the local government to take control and not wait for the state or FDA to come up with a regulation. OUTRAGE met with some of the legislators just last week to discuss this issue.

We know that nicotine is addictive and impacts the developing brain. There is no good reason for youth to be using these products. The vapor contains dangerous toxins. There is propylene glycol in E-cigarettes and it is an oily substance. There is some research that shows there are higher levels of nicotine in the exhale than with regular cigarettes so you may not be exposed to second-hand smoke but to the nicotine.

RAVEN ALBERTSON: Utah County Tobacco Prevention Program employee
In 2009 her father who had never smoked started using E-cigarettes to try to quit a smoking habit that he had just started. It's been 5 years and it has not helped him to stop smoking, his usage has greatly increased. Nicotine is very addictive. She works with youth who are in the same situation and it's a very painful thing to watch a loved one struggling with an addiction. Addiction can happen at any age and the younger you start using E-cigarettes the harder it will be to break the habit. She supports this regulation.

ANDREA URBAN: Parent
She is a mother of 6 children. She actually didn't intend to attend this meeting. She was in the building because her son is attending the last of 4 END (Eliminate Nicotine Dependance) classes. He is a high school student and was caught using an E-cigarette at school. He was suspended from school and has to attend these classes. She is grateful to the Nebo School District that they have these kind of consequences.

He has been using regular cigarettes as well and she was not aware of it. She sometimes would smell the flavors but didn't think anything of it. Her son says he feels less depressed using E-cigarettes. Tomorrow they will be meeting with a judge at a tobacco referral. Nicotine addiction ruins lives. She works as an EMT and sees people with COPD, emphysema and the end results of tobacco and chemical addiction. She understands people chose to start using these products and chose the consequences as well, but it sure is an ugly thing to see and it was so preventable. She wants to thank the Utah County Health Department for providing classes and other helps for parents. She wants to thank the Board for working on this issue in trying to prevent this kind of tragedy in the lives of our youth and their families.

MOTION: Diane Lohner made the motion to close the public hearing which was seconded by Gaye Ray and passed by unanimous vote.

5. Consider adopting the e-Cigarette Regulation

Adopting this regulation will not prohibit the Board from being stricter in the future. To make changes to the regulation you would have to follow the same process, open it up for discussion at a public hearing and adopt the changes.

Paul Jones, Utah County attorney, explained the legal standard for adopting this regulation because E-cigarettes are regulated to some extent in Utah by state statute. It would probably be wise to make a comment about the inadequacy of the current state statute regulation as far as regulating E-cigarettes to provide the type of safeguards to promote public health and to the extent the state statute may include the manufacture or sale of the E-juice that it is inadequate or does not even regulate the E-juice or the sale of the E-juice should all be included for the Board's consideration.

MOTION: Gaye Ray made the motion to accept the regulation for Retail Sales of E-cigarettes, Electronic Nicotine Delivery Systems, Electronic Nicotine Delivery Systems Paraphernalia of E-liquid, and the Manufacturing of E-liquid on the basis that the state statute is inadequate in providing the safeguards for public health which was seconded by Teresa Tavares and passed by unanimous vote.

6. OUTRAGE National Campaign

Last week a number of the Board members attended the OUTRAGE Legislative Dinner to discuss upcoming Utah tobacco legislation. OUTRAGE members have been participating in a national campaign called TRUTH. Across the nation youth tobacco use in 2000 was at 23% and in 2014 it is now at 7%. Their goal is to be at 0%.

The youth have been challenged to change their profile picture on public media to be an orange X. This symbol means smoke/tobacco free. There were two participants from Utah County that accepted this challenge and were able to get more pledges than most, earning a pair of Vans shoes each. They have presented this challenge to ASAP, an anti-tobacco group at Springville High School, and they in turn challenged the sports teams, who have challenged other various youth groups to be smoke free and to change their profile picture on social media. It is the hope that the challenge will continue to spread and that this generation's tobacco use will be at zero percent.

7. Utah County Clean Air Task Force Update

Steve Alder, Utah County Vehicle Emissions Program, is working on a proposal to be presented to the commissioners to limit idling to 30 seconds during the bad inversion days. They want to encourage everyone to park their vehicle and walk into the store. They want the sheriff and police to issue educational reminders to anyone who idles more than 2 minutes. There are benefits to parking and walking in, not only cleaner air but some physical exercise and it's usually faster.

The school flag program is going well. This alerts everyone of the air quality. They would like to post these colored flags on our County flag pole too. On the red and orange alert days there are 6 things to do to improve our air quality; consolidate vehicle trips and reduce total driving, park and walk instead of using drive-up windows, do not let your car idle more than 30 seconds, even on cold mornings, ride a bike, car-pool or use public transportation, keep your sidewalks clear so others are able to walk easily, and never burn wood or coal, indoors or out. The commissioners are looking into taking out a stall in each parking garage for bike parking. Commissioner Witney suggested using the County's electronic newsletter and other social media to spread the word about our air quality. There are walking buses where kids walk with a parent as a group. The biggest benefit will be the education of the public and over time hopefully we'll begin to see an improvement in our air quality.

8. Public Health Emergency Response Plan for Ebola Virus Cases

The state has had several possible exposure cases of Ebola that they have followed. The local health departments have a weekly conference phone call with the state health department planning what should be done if we should see more cases. Dr. Miner has met with the Intermountain Health Care (IHC) hospitals as to what IHC's response should be if they get an Ebola case. The plan for the IHC hospitals is to transport all suspected cases to the Intermountain Medical Center in Murray, Salt Lake County, UT. They are training personnel as to what should be done before the patient is transported, mainly better screening and isolation, to limit exposure to others.

9. Board Member Feedback from Constituents

There is a person in the ICU that broke her back at a trampoline gym and it looks like she may be paralyzed. This is a recent injury so we were unaware of it. Dr. Yeates will find out more information regarding this incident.

We have created forms for the gyms and hospitals to use when reporting the injuries to us. We've not received any reports from Jump On It, but there may not be any data to report. We are getting very good data from UVRMC. We have given Timpanogos and Mountain View hospitals the newly created forms and they are willing to report injuries as well. It appears that so far the injury rate has gone down perhaps because of the attention from the media.

10. New Employees

Board members were referred to the list of employee changes.

11. Other Business:

Lance Madigan, PIO, will get the Board members on the email list for the County's electronic newsletter. At the January meeting we will elect a new Board Chair as Doug Witney will no longer be a commissioner.

Our next meeting will be January 26, 2015.

MOTION: Gaye Ray made the motion to adjourn the meeting which was seconded by Diane Lohner and passed by unanimous vote.

Meeting adjourned at 6:15 p.m.

Joseph K. Miner, MD

Joseph. Miner, M.D.
Executive Director
Utah County Health Department

Chyrll H. Nelson

Chair
Utah County Board of Health