

VERMONT TOBACCO EVALUATION AND REVIEW BOARD

BOARD MEETING

May 6, 2015, 3:00 p.m. – 5:00 p.m.

Department of Liquor Control

Minutes

Members present: Amy Brewer, Barbara Cimaglio, Scott Connolly, Bob Uerz, Darlene Peterson, Alexi Potter, Rep. Bill Frank, Greg MacDonald, Helen Wagner

Guests Present: Rebecca Brookes, Tina Zuk, Jill Sudoff-Guerin, Rhonda Williams

April Meeting Minutes

Alexi made motion to approve, Scott seconded, all in favor, motion passed, minutes approved.

Public Comment

Tina Zuk (American Heart Association) and Jill Sudhoff-Guerin (American Cancer Society) from the Coalition for a Tobacco-Free Vermont provided legislative update:

On Friday, May 1, the House passed S.139, the health care bill. Members proposed many amendments; some failed and some passed. Reps. Morris, Frank, Jewett, Till and Komline proposed an amendment to address electronic cigarettes. This bill proposes to:

- Include e-cigs in clean indoor workplace and public place laws (a first in the nation if the language remains after Senate and conference committee approval)
- Require e-cig displays to be behind the counter where cigarettes and other tobacco products are.
- Include e-cigs in tobacco free cars
- Create an excise tax of 46%

The tax would raise an estimated \$240,000. Currently this money would be directed to the Tobacco Trust Fund. The Coalition is encouraging the Senate to direct the funding to the Vermont Tobacco Evaluation and Review Board and program evaluation as the Governor's budget eliminates funding for both.

Included in the House revenue bill is a \$.33 per pack and equivalent (\$.10 in FY16 and \$.23 in FY17), but there's a chance the Senate will include \$1.00 per pack.

Announcements

Amy shared that we have a low income community representative applicant. Her application is in progress. Darlene's last meeting will be in June. We have a replacement applicant for Darlene's seat. Both applicants will be forwarded to Senate Committee on Committee as soon as necessary documentation is gathered.

Media Down and Dirty spot: **VOTE**

Rebecca Brookes presented information about the spring Down & Dirty video spot. (See supplemental materials on the VTERB website).

Scott made a motion to approve Down & Dirty spot, Alexi seconded, all voted in favor, motion passed. Media spring spot for Down & Dirty approved.

Committee Chair Reports

Evaluation Committee: Alexi provided an update from the last evaluation committee meeting. The committee is asking RTI for clear direction going forward, and as Vermont's needs have shifted as the tobacco control program has matured we are interested in how can we streamline our efforts and use that to make the tough decisions we may need to make. The overall themes shown in the Fall 2014 site visit prioritization document was helpful. New VDH contractor at JSI – Fonda Ripley – shared their role as part of VDH's evaluation. The committee got a sneak preview of the Adult Tobacco Survey. Bob shared a copy of a school-based tobacco prevention literature review he compiled. He also provided this to RTI.

Enforcement Committee: Helen shared a brief overview of the recent enforcement committee meeting. The conversation focused largely around synergies between agencies. Helen reminded the Board that there will be a larger legislative interagency meeting hosted by the AG's office. The next enforcement meeting likely will be moved to after the larger interagency meeting.

Legislative Updates

S.139 bill update (see above)

With a proposed tax on e-cigarettes, where does that money go? Right now the bill has it going into the tobacco trust fund. Bill explained why the amendment on e-cigarette tax and indoor air restrictions was added to S.139. Bob asked if the dollars generated from that tax could be redirected. Yes, Bill explained that it is possible, and the Coalition is advocating for redirection toward VTERB operations and independent evaluation. Bill reminded the Board that even if the e-cigarettes amendment doesn't pass this year, it has been a much more in-depth conversation this year and it has gotten a lot of attention.

Proposed Legislative Change to VTERB Discussion

Amy read the new proposed language in the budget bill from the senate which gives VTERB the option to redirect up to \$175,000 to AHS (Sec. E. 300.3 TRANSFER OF TOBACCO PROGRAM FUNDING) Amy provided a statement to set the stage for this discussion:

“Facing our proposed \$244,000 cut to our program, (\$199,000 to AHS and \$45,000 to VDH), last month we initiated an important and fruitful discussion which ended with an understanding that the administration of the VTERB was a number one priority. We began the process of discussing how we felt about an evaluation budget as well.

“Today, we need to complete a more thorough discussion where we prioritize possible solutions - we are still facing the same budget cut. Fortunately, the legislature, both Senate and House, heard our argument that an independent board with evaluation is essential to a successful Tobacco Control Program. Unfortunately, they were not able to restore the funding. Where we are today is with a proposal that gives VTERB the authority to transfer up to \$175,000 from VDH and AOE budgets to AHS for evaluation. That's what the language says now. We have alerted Senator Pollina and the CTFVT that this language may be needlessly restrictive (VDH/AOE & 'evaluation'), but this is where we stand as of today. Of course, CTFVT is still fighting to restore the funds.

“What is essential for us to do before we adjourn today is to find a potential budget allocation solution. We have asked you all to bring your solutions to the discussion today so we had something concrete to discuss.

“As we move through this discussion, please keep in mind a few things:

- 1. There is no doubt that what brings us all together is the goal of reducing the disastrous impacts of tobacco on Vermonters and our state as a whole.*
- 2. We have made progress in reaching that goal – both over the past 15 years, but are also making good strides today.*
- 3. It is our job to govern the success of the Tobacco Control Program. We have to do that with a whole lot less money, both MSA, but also the complementary CDC funds. We have to keep in mind that this is a difficult situation and there is not going to be an ideal solution.*
- 4. VDH and AOE, along with evaluation, are likely to feel targeted. As much as we can, let's be respectful of that. All of our funded partners work hard to maximize the impact of the MSA funds they receive and the program is achieving those gains as a result. Solutions that suggest cuts to any area of these budgets are not a suggestion of anything.*

“We’ve never formally used Robert’s Rules, but we’re going to try to keep this discussion more formal than others. Let’s present all the potential solutions and their rationale and then vote for what will be the least impactful. Everything is on the table and all potential solutions are welcomed. As much as possible, I invite everyone to participate in this discussion.”

Scott asked to clarify whether it is for the evaluation specifically, or for more generally the VTERB operation including the administrator position. It is up to interpretation but Alexi shared that she believes we could justify using the funds for overall VTERB operations in the language provided.

Barbara stated that the VDH supports the administration’s budget. This is not in the Governor’s budget, so VDH will abstain from making recommendations.

Bob shared a written memo provided by AOE Secretary Holcombe which states that AOE objects to the transfer of funding from AOE. (see memo in supplemental materials on the VTERB website).

Helen shared that the Attorney General has not provided his position on the language in this proposal. At this time AGO will abstain from the conversation.

Darlene asked if there are funding options other than this proposed re-allocation language. Amy shared that other MSA dollars go into health care efforts, such as Medicaid, but the option for reallocating funds from those budgets is not on the table. Darlene is worried about damaging relationships on the Board.

Helen explained the vagueness in the language which uses “*may*” versus “*shall*.” “*May*” means that even if VTERB comes up with a proposal, it would still need to be approved, or could be denied.

Greg asked what decision needs to be made today. This is more about the Board prioritizing its values as a Board facing a potential budget cut.

Bill shared that the conference committee will take approximately two weeks to work toward a final FY16 budget.

Kate asked board members for help in articulating what the Board wants to ask the legislature for in light of the currently proposed VTERB language and budget proposal in H.490.

Alexi wondered if we skip the RTI contract for a year and move JSI contract under board authority to keep it independent. Scott concurred with the notion that JSI be an independent contract. There is still support for administration, with cost savings in evaluation.

Bill suggested that the Board direct Kate to take position that we are not in agreement with taking funds from other funded agencies within the tobacco control program. If they want to allocate the funds, they should just allocate the funds from somewhere else. Iterate the problems we have of robbing from our Board partners. Greg expressed concern about this position in that it takes control away from the Board and we risk ending up with a worse situation. Others suggested that we reiterate our coalition partners' position of using the e-cig tax to fund the Board's budget hole. Alexi suggested that if we do have to do a re-allocation, any money that is taken from partner agencies should be proportional to their budgets and should include all agencies.

Emergency meeting: potential for Monday May 18, 3:00pm. Board members were asked to save this date and time.

Bob suggested that we look at all TCP budgets in a five-year frame. Can be used in the legislature as well as for the Board understanding of how funds are spent.

VDH Draft Budget Discussion

Rhonda shared that the integrated data manager position has been eliminated due to changes in funding of the programs that this position would have supported. There had been a line item on the VDH budget of \$21,000 to support this position. VDH is now building a relationship with Dartmouth's prevention research center. They are in conversation with Dr. Barnett, director for mental health, as Dartmouth has materials already developed that VDH can use to reach the mental health community with tobacco cessation messaging. VDH would like to reallocate \$14,000 toward the purchase of these materials. The remainder of the funds from the data manager position will go into the NJH contract, as VDH puts more effort into working with the mental health substance abuse facilities.

Other Business/Information

None

Meeting adjourned at 5:07pm

[June Meeting: Wednesday, June 3, 2015, 3:00pm](#)