

**WEBER-MORGAN BOARD OF HEALTH  
MINUTES OF MEETING  
October 27, 2014**

The Weber-Morgan Board of Health held its regular meeting on October 27, 2014 in the Health Department auditorium at 477 23<sup>rd</sup> Street. The meeting was called to order at 4:04 p.m. with Neil Garner presiding.

**BOARD MEMBERS PRESENT:**

Neil Garner, Chair	Tina Kelley	Ken Johnson	Matt Bell
Brent Taylor	Dr. Frank Brown	Toby Mileski	Kerry Gibson
Jaime Grandpre	Dave Holmstrom		

**BOARD MEMBERS EXCUSED:**

Jan Zogmaister

**STAFF MEMBERS PRESENT:**

Brian Bennion	Kay Larrison	Lou Cooper	Claudia Price
MaryLou Adams	Dung Banh	Colleen Jenson	Cindy Pitcher
Cindy Read	Lori Buttars	Cathy Bodily	Brian Cowan
Anna Guymon	JoAnn Wengreen	Kristi Jones	Summer Day
Bryce Sherwood	Suzanne Clifford	Lori Greene	Peter Stoker
Abby Weymouth	Jann Fawcett	Elaine Wendt	Chad Engberg
Scott Braeden	Emily Thomas	Jason Davidson	Jacob Matthews

**OTHERS PRESENT:**

Chris Allred, Deputy Weber County Attorney			
Mercy Jacobo	Kandi Christiansen	Aaron Frazier	Nick Jone
Lisa Powell	Raelene Blocker	Austin Francis	Kim Bennion
Sheridan Sheffield	Scott Steed	Chase Summers	Austin Buttars
Shonna Smiley	Warren Braegger	Shylah Day	Karlee Adams
Jason Bench	David Black	Janae Duncan	Francis Fukofuka
Whitney Black	Kelly Rose	Jennifer Daily	Sydney Marchant
Daniel Skousen	Lisa Ellison	James Ebert	Kathy Garrett
Linnea Fletcher	Jennifer Hogge	Ron Lund	Elise Gatsby
David R Harr II	Cassie Clement	Nate Maughan	Pam Eberle
Darrel Schildknecht	Robin Layman	Janelle Gardiner	Christine Jacobson
Jon Gooch	Brian Bunn	Dan Gerhardt	Nathan Lowry
Tom Lewis	Scott Barton		

**Welcome and Introductions – Neil Garner**

**Neil Garner** calls the meeting to order at 4:04 p.m. and welcomes those in attendance.

**Approval of Minutes of September 22, 2014 – Neil Garner**

A **MOTION** is made by **Dave Holmstrom** and **SECONDED** by **Ken Johnson** to approve the minutes as written. The **MOTION** passes unanimously.

**Motion Passes**

**Approval of Multi-Year Training and Exercise Plan – Emily Thomas**

**Motion Passes**

**Emily Thomas** presents the multi-year plan for staff training and emergency management exercises for federal FEMA classes that is a requirement for the federal funding that the department receives. She explains that it is a three year plan with no time limit, one time training, the majority of it is online and most courses are free and asks for approval from the Board. A **MOTION** is made by **Tina Kelley** and **SECONDED** by **Kerry Gibson** to approve the Multi-Year Training and Exercise Plan. The **MOTION** passes unanimously.

**Approval of Immigration Exam Fees – Claudia Price**

**Motion Passes**

**Claudia Price** explains that our department receives about twenty to thirty requests per month for these exams which are a requirement from Immigration and Naturalization Service for U.S. citizenship. The main focus of these exams are to identify communicable diseases, substance abuse issues and mental health problems. She refers to a handout showing other clinics fees and states that the fee of \$200 is standard for what services are offered and confirms that it is the only change made to the fee schedule. A **MOTION** is made by **Matt Bell** and **SECONDED** by **Brent Taylor** to approve the Immigration Exam Fee. The **MOTION** passes unanimously.

**Emergency Preparedness Challenge – Cathy Bodily**

**Information Only**

**Cathy Bodily** distributes a packet to each board member containing the emergency preparedness challenge information. She invites the Board to participate and explains that each month there is a new challenge to complete and says that in every disaster, an individual being prepared can save lives and that if our staff is prepared, that helps prepare their families and communities. She explains that she patterned it after a twelve point plan which works for a yearly plan and that it will include information on 72 hour kits, family communication, preparing an emergency financial plan, sheltering in place and all the basics to prepare for any event.

**Directors Report- Brian Bennion**

**Information Only**

**Brian Bennion** reminds the board members to get their flu shots. He reports that the department has received two new federal grants. One is a five year grant working with hypertension and adult onset diabetes which was offered to four counties in the state, two rural and two urban. The other grant is for a Nurse Family Partnership that has been very successful nationally that gives support to families dealing with multiple challenges who have young children. The department is developing work plans and will give more information at a later date. **Frank Brown** commends the department's ability to go after and find these grants. Our department has been working closely with the state health department, local hospitals, community partners and other local health departments regarding Ebola in determining protocol and response plans if we were to receive a case. He reports that discussions are continuing as we watch how others are handling it and we are working very well together both statewide and as a community. There is discussion about other diseases that have been prevalent in the state such as pertussis, measles, enterovirus, and campylobacter. **Ken Johnson** relates that there are still members of the board who need to complete the Board of Health Self-Assessment Survey. He would like to discuss it at November's meeting.

**Public Hearing**

**Motion Passes**

A **MOTION** is made by **Matt Bell** and **SECONDED** by **Ken Johnson** to leave the regular meeting and move into the public hearing. The **MOTION** passes unanimously.

## Public Hearing

### Regulation for Retail Sales of E-cigarettes, Electronic Nicotine Delivery Systems, Electronic Nicotine Delivery Systems Paraphernalia and E-Liquid, and the Manufacturing of E-Liquid

**Kim Bennion** starts off by introducing herself as President Elect of the Utah Society for Respiratory Care, and has been in the field of respiratory care for 42 years. She shares some personal family history on effects that smoking has had in her life. She says earlier this year the surgeon general published a fifty year impact report of the effects of smoking and says that the burden of proof should not be on health care workers. She relates that as she goes out to teach, she hears nineteen year olds admit purchasing for underage friends and how an eight year old girl was told by her 19 year old brother that it was okay and she said how much she loved the cotton candy flavor. She hands out the official statement from the Utah Society of Respiratory Care. **Janae Duncan** from the Utah Department of Health, Tobacco Prevention and Control Program reminds board members that she shared the position statement from the State Department of Health concerning this regulation at our last board meeting and points out that this regulation is consistent with CDC's Best Practices for Tobacco Control Program and that being consistent can help ease enforcement. She says focusing on retail settings such as checking ID for people 27 years old and younger has been proven to work to protect kids from getting these products. She reiterates that they support the policy and would like to see it passed. **Jennifer Dailey** relates that she has heard anecdotes of doctors referring patients to vapor shops to use e-cigarettes as a cessation device which she finds extremely alarming. She is the Executive Director for the Utah Academy of Family Physicians which represents a group of over eight hundred family physicians in the state of Utah and that she knows eight hundred and fifty doctors who would give any number of better alternatives rather than an alternative nicotine delivery device as a means to quit smoking. She states that trying to work with the industry and asking them for advice and input on this regulation is a direct contradiction and that the e-cigarette industry calling themselves a means of cessation in a conflict of interest as they would lose customers as they stop smoking. She applauds the board for dealing with this at a local level and dealing with local problems with local solutions and looks forward to the accomplishments that the department makes. **Aaron Frazier**, President of the Utah Smoke-Free Association which represents thirty-six retailers and six to eight manufacturers, states that they are in support of the regulation, have worked with Davis County on their regulation, and he has sent an e-mail with his concerns. He says they as an industry began self-regulating about two years ago, not because they had to, but because they felt it was the right thing to do. They have been working with manufacturers throughout the state in developing laboratory grade facilities, with the mass majority of them now operating at that level or at least at a food grade facility, using proper personal protective equipment, and using the right laboratory grade equipment. He states that the days of liquid being mixed in the bathroom or kitchen are gone and he doesn't want to see those type of businesses in place and the organization he represents is combating against these type of businesses and making sure they get proper licensing, insurance, and are working far and above any regulation that the county or state would issue. As an industry they keep a watchful eye on the regulations that are proposed making sure that it is the right thing for the industry and not supporting the big tobacco companies or massive manufacturers that are national. He appreciates the opportunity to address this issue and offers the services of his association and is willing to meet with a health inspector or regulators. He answers questions from the board members about the e-mail he sent and says he is willing to meet at a later date to discuss this regulation

further. **Tina Kelley** asks if staff had had a chance to evaluate the questions since it was just received. Further discussion will be held after the public hearing. **Dr. Scott Barton** is an obstetrician who has practiced medicine for twenty-five years and worked in close collaboration with many pediatricians who see this as a vital issue as Weber and Morgan counties has an increased use of five hundred percent. He says that there have been no studies showing that e-cigarettes are safe and in fact there have been several studies, notably from the CDC, that show e-cigarette use increases the use of tobacco in children who have never smoked. Colleagues who teach smoking cessation classes say that children state they know they can get products without any problem whatsoever. Data from the Surgeon General shows that twelve hundred people die of cigarette or tobacco use each day, four thousand children begin smoking cigarettes each day with one thousand of those becoming continual smokers and asks how well self-regulation has worked in the past with tobacco and alcohol. With this data in mind he advises and pleads with the board to pass this regulation. **Austin Francis** who is with the Weber-Morgan Governing Youth Council says speaking from a youth's perspective, neither he nor others in this council have seen any change in their schools as far as youth being deterred from smoking even though it has been in the news. He points out that e-cigarette use leads to other recreational substance use and youth become addicted so easily. He says it's hard in school when kids that you look up to use e-cigarettes and then others feel peer pressure and are wanting to fit in and he says this regulation would help keep these products out of the youths hands. **Raelene Blocker** with the Weber County Medical Alliance, Morgan High School Community Council, Middle School Community Council and Mountain Green Elementary Community Council and points out we have our own youth here pleading to pass this regulation to help them. While at the Morgan County Fair, her seven year old daughter noticed a group of teenagers using an e-cigarette and said that it was 'Hello Kitty' and smells like bubble gum and that it was so cool. She says the youth do not understand the effects and she does not want our youth to be guinea pigs as to the consequences. She urges the Board to pass this regulation for our youth, for our children. **David Harr II** who is a student for respiratory therapy says he has family and friends who have turned to e-cigarettes as a smoking cessation device, but it has just made it so they have one for inside, one for outside, and it hasn't helped them in quitting, and their health has turned for the worse. Since he is in the respiratory field, he has been asked to talk to younger family members about the safety of e-cigarettes because they have friends who are using them and they were starting to use them. He urges them not to start and is in favor of the regulation. **Shonna Smiley** is currently volunteering with the Bonneville Communities That Care coalition and as a concerned parent and grandparent who says that she has noticed the popularity of the e-cigarettes and that there is a consensus in the youth that e-cigarettes are better than regular cigarettes as there is no tar in an e-cigarette to cause lung cancer. One individual told her that they were going to stop smoking using the e-cigarette but they just started using both. She encourages the Board to pass this regulation for the protection of our children. **Nate Maughan** is the manager of a retail shop that sells vaping accessories, e-liquids and is also a manufacturer. He reiterates that the Utah Smoke-Free Association is in support of this regulation with the exception of some of the verbiage that may cause some problems for the industry. He states that he has nearly one hundred and fifty published studies by accredited doctors about the safety of vaping, that the industry does not claim that it is a cessation device but e-cigarettes provide an opportunity for adults to continue smoking without all of the danger and they have got hard data on what vaping is and how it affects us. He says they are not after our kids, they ID their customers relentlessly and parents need to take personal accountability and talk to their kids about it. He asks the Board to use reason and deep thought before passing

this regulation because they already hold themselves to very high standards.

**Close Public Hearing and Return to Regular Meeting**

**Motion Passes**

A **MOTION** is made by **Ken Johnson** and **SECONDED** by **Matt Bell** to close the public hearing and return the regular meeting. The **MOTION** passes unanimously.

**Regulation for Retail Sales of E-cigarettes, Electronic Nicotine Delivery Systems, Electronic Nicotine Delivery Systems Paraphernalia and E-Liquid, and the Manufacturing of E-Liquid.**

**Motion Passes**

**Anna Guymon** answers questions that the board members have after the public hearing. **Matt Bell** asks questions concerning the e-mail received from Aaron Frazier and **Anna Guymon** gives detail as to why the definitions are so important in the regulation and distributes a handout with answers to each of the e-mailed concerns. The Board has a discussion and the consensus is to go through each question and consider each concern in this meeting. With regards to Section 12.3.4, the Board would like quarterly updates on costs for testing. **Matt Bell** suggests not to charge for the first year, keep track of records and see what we do, make any changes and come back to the board to approve fees for tests. After deliberating, the board members agree to change the regulation in the following sections: Sections 6.4 adding ‘to a minor’ at the end, Section 7.2.1C to have the terminology revised by Chris Allred, Weber County Attorney, Section 12.1 to change ‘child-proof’ to ‘child-resistant’, Section 12.2.2 to replace ‘Vendor name, business address and phone number’ to ‘Manufacturer Name, Location (city and state), Date of Manufacture and Batch Number’ on the product label, and Section 12.5 to correct ‘Section 11’ to ‘Section 12’ which was a typing error. A **MOTION** is made by **Ken Johnson** and **SECONDED** by **Matt Bell** to approve the Regulation for Retail Sales of E-cigarettes, Electronic Nicotine Delivery Systems, Electronic Nicotine Delivery Systems Paraphernalia and E-Liquid, and the Manufacturing of E-Liquid subject to the changes stated above. The **MOTION** passes unanimously.

**Brent Taylor** relates personal experience on the effects tobacco has had in his life. He gives information from studies from the FDA, Science News, and CDC stating that scientific evidence is limited, the health impact cannot be determined with current data, e-cigs are marketed as safer than regular cigarettes yet toxic chemicals including carcinogens are released into the lungs. He shares data for tobacco related deaths, and costs in health care expenses. He concludes with statistics showing that unless the smoking rate is rapidly reduced, one in every thirteen American children alive today will die prematurely from a smoking related disease. He sees the need for this regulation and says that although this is a public health problem, society pays the price, and he is very much in favor of this regulation and additional measures in the future. **Kerry Gibson** says what we have seen here today has been a good process and appreciates the public weighing in on both sides and says that it is sometimes hard in exercising the authority and trust that has been given to board members but states that this industry is after the kids. This regulation is needed and he thanks the staff for their hard work on it. **Tina Kelley** says she hopes the legislature will pass a law this year as it is better to have one state law rather than 12 different ones. With the high and growing use in our community she asks board members to continue to petition legislature to continue with their efforts. **Neil Garner** says that with two community meetings and this public hearing the citizens have been able to voice their concerns and thanks the staff for their efforts and states that when our county has the highest youth use rate in the nation, it is an issue that has to be addressed.

**Public comment**

**Kay Larrison** lets the Board know that it is Anna Guymon's last day with the health department. **Thomas Lewis** commends the Board in taking this on, encourages them to be careful with the wording in the regulation, and says that we need meaningful regulations to solve problems and to enforce it.

The meeting adjourns at 6:11 p.m. Next meeting is scheduled for November 24, 2014 at 4:00 p.m.