



MISSISSIPPI STATE DEPARTMENT OF HEALTH

Mississippi Tobacco Control Advisory Council (TCAC) Meeting
Zoom Meeting
March 5, 2021
11am -12:30pm
Minutes

Chairman:	Nelson Atehortua	Recorder:	Reeshemah Allen
Distribution List:	Entire TCAC Membership		

	Attended	Absent	Representative Attended (list name)
Nelson Atehortua De La Pena, PhD, Chair	X		
Robert “Bob” K. Collins, MD	X		
Winston Choi, PhD	X		
Gena Vail, CFNP	X		
Felicia Gavin, PhD		X	
Tom Payne, PhD	X		
Donna Antoine-LaVigne, PhD, MSEd, MPH	X		
Krista Guynes, MSW, LCSW		X	
Richard Friedman, MD	X		
Richard Summers, MD	X		
Tommy Goodwin, JD	X		
MEETING REPRESENTATIVE			
Senator Nicole Boyd		X	

Meeting Called to Order: 11:07 a.m.
Introductory remarks: Given by Dr. Nelson Atehortua as the new elected and verified Chairman of the MS TCAC. There was no quorum. This meeting was classified as “informal”.
Updates (MSDH): Vickie Tucker gave an update that OTC will be reimbursed by Medicaid for 50% of cessation council services provided to pregnant women.
Updates (Data): Pre-liminary data from MSSRC- The Truth Initiative reported that oral nicotine products are on the rise with the Youth. Emily McClellan added oral question on the survey. 2/3 of the sample have heard of nicotine pouch product over 1/3 have tried one. Of the 1/3, have tired the product almost 50% have used it in that past 30 days. Question from the audience: For e-cig users had the pandemic influenced the e-cig use of the past 30-day user. Almost half recorded the pandemic cause them to use e-cig more.
Updates (Partners): Rhonda Shirley- The Partnership Last year legislature increased the sale age of purchase of tobacco and vaping products from 18 to 21 of along with increase penalties for retailers who sale tobacco products unlawfully to minors.

Senate bill 2596 corresponds to federal law. Rep. Nick Banes of the Judiciary Committee in the House introduced a clean-up bill or enhancement bill. This bill would have done 3 things:

1. Amended the definition of vaping products to include the terms aerosol and vapoing, clarifying language for age verification through the requirement of government issued ID for purchase, required the AG office to establish a directory of vaping products. The bill-passed in the House, when transferred to the Senate it was double referred which created more of barrier for passing the bill. It passed the Senate Public Health and Welfare committee but not the Judiciary Committee.
2. Health Advocate and other groups are calling on out State Senate to amend House Bill 1439 the income tax phase out bill. This bill includes a tobacco tax increase to raise the tobacco exercise tax by 50¢ per pack. This bill increases exercise tax on other tobacco products from 15¢ to 25¢. It included e-cigarette as the definition of tobacco and a tax on e-cigarette.
3. American Lung Association drafted a statement calling on the state senate to amend the bill to increase the excise tax to \$1.50. If it is raised by \$1.50, it will yield some positive results such as a 14.5% reduction in youth smoking rate and raise 142 million dollars in new revenue.

Kathryn Rehner-Sullivan- American Heart Association

Grant funded project in Jackson area called Project Blacks Against Tobacco funded by Robert Wood Johnson Foundation to focus and build capacity around flavor elimination of all tobacco products, community education and pre-emption- a complicated issue that is so important for local communities to understand. Gearing up for the second year, they have done some community assessments. Getting more help and more resources surroundings stress and mental health to combat tobacco use. AHA are currently looking for community partners.

Updates (Other): Dr. Robert Collins the outgoing chairman and Dr. John Ruckdeschel were recognized for serving as member on the MS TCAC.

The guest speaker was Elizabeth Anderson Hoagland, MPH. She is the Health Promotion Section Supervisor Kentucky Chronic Disease Program Kentucky Department for Public Health. She informed the council that Kentucky has a preemptive clause at the state level for the sale, use, manufacturing distribution of tobacco products. No licensure, registration on advertising- except having billboard close to a school, and no flavor restrictions.

The only local smoke free policy that they can pass in KY is at the county or city level that can be upheld by the KY Supreme Court.

There was 3-year push for a statewide smoke-free policy between 2012-2015 by Smoke Free Kentucky Coalition. This was funded by grants from national organizations and supported by the majority of public. They were not able to get it passed and the grant funding was exhausted and Smoke Free Kentucky Coalition disbanded. There was not a lot of movement on the state level on tobacco control.

In 2016, the Foundation for a Health Kentucky was selected a new CEO named Ben Chandler who was two term attorney general and the grandson of the very popular governor Ben "Happy" Chandler. One of the things that Ben Chandler did as AG was negotiated a settlement with Humana Insurance Company- that settlement led to the creation of the Foundation for a Healthy Kentucky. The Foundation decided to have a larger visible presence in Kentucky and Kentucky politics. As the executive director, the first thing Ben Chandler did was hire a vice president who was with public relation firm who was very good at garnering media attention and strong media influence. Ben Chandler was campaigning, but not running for office. He was traveling the state of KY, meeting with local chambers of commerce, mayors, city commissioners, hospitals. He is

networking like crazy. Networking with the intentions of raising the priorities of the Foundation for a Health Kentucky. They were able to get great media coverage since he is “Happy” Chandler grandson with political fame. This has worked very well and badly.

The biggest piece of legislation the Foundation supported. In 2017 ramping up for \$1 increase is excise tax on cigarettes. Polling showed pretty much support for tie the money to reducing youth smoking, and money would go toward programs to reduce youth smoking tobacco prevention and cessation programs. The money went to straight to the general funds.

- What eventual passed was a 50¢ increase on a package of cigarette. Fell far from what the public health hoped it would be.
- The tobacco Altria lobbyist supported this tax increase.
- 2019 was for statewide tobacco free schools’ wide policy been working on local

Working tobacco program at the state level is by local tobacco free policies by going school district by school district, school board by school board, Kentucky school board association conferences, and working with local health departments.

Lessons learned:

People really care about maps. The health department were mapping locations of schools districts that had pass the policy. Turns out everyone wants to be on the map. Once people know it is something being measured and compared to their peers. This was the best piece of advocacy work even done.

In the 2019 Legislative Session the big policy push was for a statewide tobacco school wide policy. Overwhelming support from the public, Kentucky School Board Association, Kentucky Board of Superintendent, teachers, union except for the state legislators who had deep reservation.

What was passed was a Statewide tobacco free school wide policy where school districts are required to pass a local policy, but there is a 3yr opt out clause, which no one knows what that means. It went from 40% of school districts have a tobacco free school policy to 97% school districts have a tobacco free school policy. There are 172 schools in KY, but 5 schools are holding out on passing the policy. Once Covid subsides the department will campaign with them to get the schools on board.

2020~ Dec 2019 when the age of tobacco product sales increases to 21, KY legislative raised the age to be in line with the federal regulations. The best thing about that is they have no longer penalize youth for purchasing or owning tobacco or have a criminal record. The other law that passed was the tax increase on some E-cigarettes. \$1.50 tax on the closed e-cigarettes (pod based or disposable). The open-refillable juice products are taxed at 15¢ per milliliter of fluid, not what the KY public advocates supported.

KY legislators realized that e-cigarette use among youth was a problem however, KY has a very strong e-cigarette lobbyist organization which convicted the KY legislative they would put many small businesses of business if they taxed open system e-cigarettes.

In 2020 The legislators cut the Department budget by 40%. One priority is to raise the budget to support the community programs.

The push for the Foundation for a Health KY, has been to remove the pre-emptive clause for local control over sale, use, distribution for tobacco products.

American Heart Association has a grant from the Robert Wood Johnson Foundation and had sub-contracted with the Foundation for a Health KY to work on the preemption repeal. KY is being used as pilot site to see if it is possible.

1. It is helpful to have star power. Everyone wants to meet with Ben Chandler, who has political stat power to get in doors into just be heard what Ben Chandler has to say. He must be prep and aimed to accomplish the task at hand. He is good at sticking to the talking points and helpful to getting a lot of attention raised about tobacco issues.

<p>2. Since the Foundation for a Health KY is self-sustain, they can control the agenda, because they have the political clout, funding, the foundation does seek the advice of public health organization (heart, lung and cancer) for tobacco control issues guidance. All bills passed in KY has been led by republicans House and Senate. Republicans are very strong supporters of tobacco issues by the foundation and other advocacy groups. The downside is all the tobacco bills that passed in KY, passed with the support of the tobacco industry.</p> <p>3. Is partial progress better that not progress? How do you determine when it is okay to compromise?</p> <p>4. KY have not touched the Statewide Tobacco Free policy, because the advocates will not compromise on that issue, but the foundation would.</p> <p>5. There are pluses and minuses, KY is in a better place now policy wise than in 2016. More thankful when MSA is returned to the department to fund people.</p>
Old Business:
Approval of Previous Minutes (Yes or No – List any Revisions):
Motions (List the Motion and the individual who made the motion):
Seconding of Motions (List the individual who seconded the motion):
Votes (In Favor of Or Opposed):
New Business:
Next Meeting: May 7, 2021
Adjourned (List Time): 12:28
<p>Comments: Dr. Nelson Atehortua suggest that the framework for tobacco policies needs to be to comprehensive and holistic as possible so there are no cracks to create further nicotine delivery devices.</p> <p>Dr. Thomas Payne asked are the pouches classified as tobacco products. They are addictive and may lead to people transitioning to other traditional tobacco products. In its current form as a tobacco product and is subjected to current laws of tobacco products policy rules or needs to be added to the list of products for legislation.</p>