

**Minutes of the Board of Commissioners
Multnomah Building, Board Room 100
501 SE Hawthorne Blvd., Portland, Oregon
Thursday, November 25, 2014**

BOARD BRIEFING

Chair Deborah Kafoury called the meeting to order at 10:06 a.m. with Commissioners Jules Bailey and Judy Shiprack present. Vice-Chair Diane McKeel and Commissioner Loretta Smith were excused.

Also attending were Jenny Madkour, County Attorney, and Marina Baker, Assistant Board Clerk.

[ALL CAPS TEXT IS THE BYPRODUCT OF CAPTIONING THIS PROGRAM.]

B.1 Board Briefing on Best Practices to Address Youth Use and Access to Tobacco and Nicotine Products. Presenters: Dr. Jennifer Vines, Deputy Health Officer; Jeff Ruscoe, Synar Coordinator; Kari McFarlan, Community Wellness and Prevention Supervisor; Dr. Jae Douglas, Environmental Health Director and Joanne Fuller, Director – Health Dept

Chair Kafoury: GOOD MORNING WELCOME TO THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS BRIEFING THIS MORNING. THANK YOU ALL FOR COMING. I WOULD LIKE TO INTRODUCE -- I'M NOT SURE WHO IS LEADING IT OFF BUT WE'RE EXCITED ABOUT YOUR BRIEFING THIS MORNING.

Dr. Vines: GOOD MORNING. I'M THE DEPUTY HEALTH OFFICER, MULTNOMAH COUNTY HEALTH DEPARTMENT. PLEASED TO BE BACK BY YOUR INVITATION TO CONTINUE A CONVERSATION WE STARTED TWO WEEKS AGO ABOUT THE PRESSING PROBLEM OF -- I'M JOINED BY JEFF RUSCOE, A PREVENTION SPECIALIST, KARI McFARLAN, PROGRAM SUPERVISOR COMMUNITY WELLNESS AND PREVENTION PROGRAM. DR. JAE DOUGLAS, ENVIRONMENTAL HEALTH DIRECTOR, REPRESENTING THE TWO ARMS OF THE HEALTH DEPARTMENT WHERE WE HOUSE THE CURRENT TOBACCO ACTIVITIES. TO REFRESH YOUR MEMORY, WE'RE HERE TODAY BECAUSE THE VAST MAJORITY OF SMOKERS BEGIN BEFORE AGE 18. WE KNOW NICOTINE IS A HIGHLY ADDICTIVE SUBSTANCE AND YOUNG BRAINS ARE SUSCEPTIBLE TO ITS EFFECTS AND ADDICTIVE QUALITIES. AGAIN, AS WE LOOK AT THE LIFE COURSE APPROACH IN PUBLIC HEALTH, YOUTH AND ADOLESCENTS BECOMES AN OBVIOUS PLACE TO LOOK FOR ACTION. WE KNOW YOUNG PEOPLE ARE AN EASY TARGET FOR THE BILLIONS --

Chair Kafoury: I'M SORRY TO INTERRUPT YOU. THIS MORNING, WE ARE MEETING AS THE BOARD OF HEALTH.

Dr. Vines: THAT'S RIGHT. GREAT TO BE HERE. THANK YOU. SO, AGAIN, TOBACCO INDUSTRY AS YOU KNOW AND ACKNOWLEDGE, IS SPENDING MILLIONS AND MILLIONS ON TARGETING THE YOUTH AND EXPOSING THEM TO ADVERTISING OF ELECTRONIC CIGARETTES. OUR YOUNGEST KIDS ARE AT RISK. WE KNOW CALLS TO POISON CONTROL HAVE SHOT UP ACROSS THE COUNTRY AND WE HAVE SEEN THE SAME INCREASE IN OREGON, PRESUMABLY THE TYPE OF CALL WOULD CONSIST OF A YOUNG CHILD GETTING THEIR HANDS ON, FOR EXAMPLE, BLACKBERRY COBBLER E-LIQUID, PROBABLY CONTAINS NICOTINE AND A CALL TO POISON CONTROL FOR THAT KIND OF EXPOSURE. TO REFRESH YOUR MEMORY, WE LOOKED AT THIS SLIDE LAST TIME. SNAPSHOT DATA FROM 2012, BASED ON A SURVEY OF APPROXIMATELY 1,700 STUDENTS FROM 17 SCHOOLS, SEVEN OF OUR EIGHT SCHOOL DISTRICTS IN MULTNOMAH COUNTY. SO, AGAIN, BUT ONE IN 15 ARE DAILY USERS OF CIGARETTES. I'M BACK WITH MY SHOW AND TELL. ONE IN 25 ARE USING SMOKELESS TOBACCO. THAT WOULD BE LIKE THE CAMEL NEWS THAT YOU SEE HERE. ONE IN 20, CIGAR -- THEY CAN CHOOSE FROM GRAPE OR APPLE AND THEY ARE A GREAT STARTER PRODUCTS FOR HIDING THE HARSH TASTE OF TOBACCO. ONE IN 10 USING A SUBSTANCE LIKE THIS, HONEY, NICOTINE IN IT, AND VAPORIZING IF AND SMOKING IT. ONE IN 10, FLAVORED TOBACCOS. THE SWISHER SWEET -- ONE IN 25 USING E-CIGARETTES. HERE IS AN EXAMPLE OF THAT. IT LOOKS LIKE A CIGARETTE. THIS IS OLD SCHOOL. I SHOWED YOU LAST TIME THE VAPE PENS. AND THEN FINALLY, ONE IN 20 ARE USING MENTHOL PRODUCTS. HERE IS OUR -- THIS IS AN ELECTRONIC CIGARETTE, MENTHOL FLAVORED. I WILL TURN IT OVER TO THE REST OF THE PANEL AND JEFF IS GOING TO TALK TO YOU MORE ABOUT THE PROGRAM TO START OUT.

Mr. Ruscoe: GOOD MORNING, THANK YOU FOR HAVING ME. I COORDINATE THE PROGRAM FOR THE STATE OF OREGON, FEDERAL MANDATE REQUIRING THE STATE -- NUMBER ONE, WE HAVE LAWS IN THE STATE THAT FORBID THE SALE OR POSSESSION OF TOBACCO BY MINORS. RANDOM UNANNOUNCED INSPECTIONS AT TOBACCO RETAILERS ACROSS THE STATE CAN ENFORCE THE LAWS REQUIRING THOSE UNDER 18 NOT BEING ABLE TO PURCHASE TOBACCO. THESE RANDOM INSPECTIONS THAT WE DO, WE DO THOSE ANNUALLY ACROSS THE STATE TO ABOUT 750 TO 850 TOBACCO RETAILERS. MULTNOMAH COUNTY BEING THE LARGEST COUNTY IN TERMS OF POPULATION, GETS THE BULK OF THOSE INSPECTIONS. USUALLY ABOUT A FIFTH TO A QUARTER OF THE INSPECTIONS EACH YEAR. SALES IN THIS COUNTY HELP DRIVE THE STATEWIDE RATE EACH YEAR. WE HAVE A PARALLEL PROGRAM BROUGHT INTO EFFECT 2012 BY THE OREGON LEGISLATURE. HOUSE BILL 4172 REQUIRING THAT THE OREGON STATE POLICE PUT TOGETHER AN INSPECTION PROGRAM USING RETIRED STATE POLICE OFFICERS MUCH THE SAME AS WE HAD ALREADY BEEN DOING WITH THE SYNAR PROGRAM TO DO RANDOM UNANNOUNCED INSPECTIONS ACROSS THE STATE AS WELL.

UNFORTUNATELY NEITHER OF THE PROGRAMS IS FUNDED. THE SYNAR PROGRAM, REQUIRED BY THE FEDERAL GOVERNMENT, DOES NOT COME WITH ANY ADDITIONAL FUNDING. SO WE HAVE TO COME UP WITH FUNDS WITHIN OUR EXISTING BUDGET, BOTH IN THE SYNAR PROGRAM AND THE ANNUAL OREGON STATE POLICE INSPECTION PROGRAM TO MAKE THOSE ENFORCEMENT AND INSPECTION PROGRAMS HAPPEN. WE HAVE THESE TWO THAT WORK VERY WELL TOGETHER. THEY BOTH USE RETIRED STATE POLICE OFFICERS AS THE LEAD INSPECTORS. THEY BOTH USE 16-YEAR-OLDS AS YOUTH MINOR DECOYS. THE MINOR DECOYS ARE REQUIRED TO LOOK 16, SO THEY TAKE THEM OUT IN THE PUBLIC AND TEST THEM AGAINST WHAT PEOPLE THINK. WE WILL PUT THEM IN FRONT OF A GROUP OF ORDINARY CITIZENS AND ASK THEM, HOW OLD DO YOU THESE KIDS LOOK TO YOU? IF THEY APPEAR TOO OLD, WE WON'T USE THEM. IF THEY APPEAR TOO YOUNG, WE WON'T USE THEM. MY ONLY DAUGHTER RIGHT NOW IS ONE OF THE 16-YEAR-OLDS THAT IS BEING USED. WE USED MY SON WHEN HE WAS 16.

I HAVE TO ADMIT, BOTH OF THEM FEEL REALLY WEIRD DOING THIS, AND I'M KIND OF GLAD ABOUT THAT. MY DAUGHTER DOES NOT LIKE GOING OUT THERE AND ACTUALLY PURCHASING CIGARETTES. MY SON, WHEN WE USED HIM THE FIRST TIME SAID DAD, ARE YOU SURE THIS IS EVEN LEGAL? I ASSURED HIM THAT IT WAS. WE WOULDN'T BE SENDING HIM OUT THERE WITH A FORMER POLICE OFFICER IF IT WAS NOT LEGAL. THAT ASIDE. THIS LAST YEAR, 2013-14, ALL OF THE INSPECTIONS FOR SYNAR DURING THE SUMMER MONTHS. THIS YEAR WE WERE AT 21.3% STATEWIDE. THAT WAS A COMPLETION OF 1,716 INSPECTIONS. OUR RATE HERE WAS 31.9% FAILED. RATHER HIGH THIS YEAR. I BROUGHT YOU A CHART AS WELL. I THINK YOU ALL HAVE ONE OF THESE CHARTS AND I HAVE HIGHLIGHTED THE RATES FOR MULTNOMAH COUNTY OVER TIME. AS YOU WILL SEE, THAT IS ONE OF THE HIGHEST RATES WE HAVE EVER SEEN IN MULTNOMAH COUNTY THIS LAST YEAR. WE HAVE SEEN THE RATES DOWN 11, 12%, EVEN DOWN AS LOW AS 6.9%. I'M NOT SURE WHAT HAPPENED THIS PAST YEAR IN MULTNOMAH COUNTY, BUT THE RATES WERE RATHER HIGH.

Chair Kafoury: I HAVE A QUESTION FOR YOU. DO YOU HAVE ANY THOUGHTS ABOUT WHAT ACCOUNTS FOR THE REALLY LARGE FLUCTUATIONS?

Mr. Ruscoe: I GET THIS QUESTION EVERY YEAR, WHAT DRIVES THE RATES. WITH THE PROGRAM, BECAUSE THE STORES ARE CHOSEN RANDOMLY, IT REALLY DEPENDS. IT DEPENDS ON THE TIME OF YEAR, THE TIME OF DAY THAT WE INSPECT. WHO HAPPENS TO BE THE CLERK AT THE TIME. OFTENTIMES IT IS THE TYPE OF STORES WHERE WE END UP DRAWING THE RANDOM SAMPLE. THERE IS SO MANY VARIABLES IT IS HARD TO SAY. NO ONE THING STICKS OUT.

Chair Kafoury: AFTER YOU -- SOMEBODY HAS MADE AN ILLEGAL SELL, DO YOU HAVE CONVERSATIONS WITH THE CLERK, STORE OWNERS HAVE ANY FEEDBACK FROM THE STATE?

Mr. Ruscoe: IT DEPENDS ON THE PROGRAM. WITH THE SYNAR PROGRAM, ONCE UPON A TIME WE DID HAVE THE CONVERSATIONS AND WE COULD TALK WITH THEM. TODAY IN TODAY'S PROGRAM, SINCE 2009, IT IS A SAMPLING. WE GO IN, ATTEMPT TO PURCHASE AND LEAVE. THEY NEVER KNOW THAT WE'RE ACTUALLY THERE WITHIN THE INSPECTION PROGRAM, WITH THE STATE POLICE, AND THEIR ENFORCEMENT PROGRAM, THERE IS A CONVERSATION THAT IS HAD, IF THE SALE IS MADE THEY ARE CITED ON THE SPOT AND THEY HAVE THAT CONVERSATION.

Vice-Chair McKeel: DO YOU HAVE ANY DATA WHICH STORES YOU HAVE GONE TO?

Mr. Ruscoe: YES, WE DO HAVE HISTORICAL DATA ON ALL INSPECTIONS THAT HAVE BEEN DONE. WE HAVEN'T BROKEN THEM DOWN BY ZIP CODE. UNFORTUNATELY I AM THE ONLY ONE IN THE OFFICE THAT DOES THE WORK ON SYNAR. WE ARE CLOSING A POSITION ON FRIDAY AND WE WILL HAVE A FULL-TIME PERSON DOING THIS. WE CAN DO MORE STUDY ON WHERE THE PROBLEM AREAS MAY BE. WE CAN LOOK AT IT BY ZIP CODE AND A NEIGHBORHOOD LISTING WHERE THE ISSUES ARE.

Chair Kafoury: I GUESS WE SHOULDN'T LAUGH WHEN YOU SAY YOU ARE THE ONLY ONE ON STAFF. HOW IMPORTANT IT IS WITH AN IMPORTANT ISSUE STATEWIDE --

Mr. Ruscoe: A SMALL PERCENTAGE OF MY JOB AND OTHER STATES HAVE THREE AND FOUR PEOPLE AND I WILL GIVE YOU A COMPARISON HERE IN A SECOND. ANOTHER PIECE, LAST YEAR, MULTNOMAH COUNTY WAS AT 18.4%. YOU CAN SEE WHERE THE VARIATION IS. WITH THE ENFORCEMENT PROGRAM THAT RUNS ESSENTIALLY FROM OCTOBER 1 THROUGH JUNE 30th. THIS LAST YEAR, 15.1% STATEWIDE. MULTNOMAH COUNTY UP AT 23.7. LAST YEAR AT 26%. THE RATES CONTINUE TO JUST REALLY BOUNCE AROUND. SO, COMPARABLE CITY OR COUNTY, KING COUNTY UP IN WASHINGTON, THEY HAVE TWO FULL-TIME PEOPLE WORKING ON THEIR PROGRAM UP THERE, INCLUDING ADDITIONAL INSPECTORS THAT GO OUT AND ARE CONSTANTLY CHECKING AS WELL. THE DIFFERENCE UP THERE, THEY HAVE TOBACCO LICENSURE IN THE STATE OF WASHINGTON. SO THEY HAVE A LITTLE BIT MORE LEVERAGE ON THEIR RETAILERS, BUT 152 INSPECTIONS PER SYNAR ALONE IN 2012, 20.5%, 2013, 6.8, AND 7.2 THIS LAST YEAR SO THEIR RATES COMPARABLY MUCH LOWER.

Commissioner Shiprack: MADAM CHAIR. I'M SORRY TO INTERRUPT YOU. IT IS A COMMENT MORE THAN A QUESTION. THE COMMENT IS, THESE NUMBERS ARE

FRIGHTENING TO ME IN THAT THEY DEMONSTRATE, I THINK AT LEAST TO ME THEY INDICATE THERE IS A LOT OF PRESSURE TO SELL TO CHILDREN. AND I THINK OF THIS IN THE CONTEXT OF WHAT WE LIKE TO SAY ARE MAJOR PUBLIC HEALTH VICTORIES THAT HAVE OCCURRED IN THE LAST 20 YEARS. ONE OF THEM IS SEAT BELTS AND THE OTHER ONE IS STOPPING SMOKING, AND WE ARE REALLY BUSY PATTING OURSELVES ON THE BACK ABOUT THE STOPPING SMOKING PART, BUT WHILE WE'RE PATTING OURSELVES ON THE BACK, OUR CHILDREN ARE BEING TRAINED UP TO BE THE NEXT GENERATION OF CONSUMERS. SO I THINK WE NEED TO PAY ATTENTION TO THIS DEMOGRAPHIC REALLY, REALLY CLOSELY. I KNOW FROM PERSONAL EXPERIENCE THAT IT WAS DIFFICULT TO START SMOKING BECAUSE IT TASTED AND FELT SO AWFUL, BUT IT WAS SO COOL, I HAD TO DO THAT. AND ONCE I HAD STARTED, HOW DIFFICULT IT WAS TO STOP. SO NOW THAT WE HAVE LOWERED THE BAR ON THE ENTRY LEVEL BY MAKING IT TASTY AND ATTRACTIVE TO CHILDREN, I'M JUST CONCERNED THAT WE'RE GOING TO MOVE OFF THE MARK ON ONE OF OUR SOURCES OF TREMENDOUS PUBLIC HEALTH ACHIEVEMENT.

Mr. Ruscoe: CHAIR, THAT'S ALL I HAVE FOR YOU TODAY. I WILL LEAVE IT TO THE REST OF THE PANEL FOR YOU.

Chair Kafoury: I HAVE A FEW QUESTIONS FOR YOU IF YOU DON'T MIND. ONE OF THE THINGS THAT I HAVE HEARD BROUGHT UP OVER THE LAST FEW WEEKS THAT WE'VE -- MONTHS THAT WE HAVE BEEN FOCUSING ON THIS ISSUE IS THAT THE STATE OF OREGON COULD LOSE SOME FEDERAL DOLLARS BECAUSE OF OUR HIGH LEVELS OF SALES TO MINORS. CAN YOU COMMENT ON THAT AND TALK A LITTLE ABOUT IT?

Mr. Ruscoe: SURE. ONE OF THE PIECES WITH THE SYNAR PROGRAM, THAT IS THEIR KIND OF LEVERAGE BACK TO US, WE HAVE TO KEEP OUR NUMBERS BELOW A SPECIFIC TARGET RATE. THAT IS 20%. WE ARE ABOVE THAT TARGET RATE. BECAUSE OF THE WAY WE DRAW OUR SAMPLE, WE GET A PLUS OR MINUS 3% LEEWAY ON THAT. SO, THAT'S THE ONLY THING THAT IS SAVING US RIGHT NOW. TWO YEARS AGO WE WERE AT 22.5%. WE WERE EVEN CLOSER TO THAT RATE. BUT WHAT THE NUMBER IS TIED TO IS OUR FEDERAL SUBSTANCE ABUSE PREVENTION AND TREATMENT BLOCK GRANT. CURRENTLY THAT BLOCK GRANT IS AT \$20 MILLION. LEGISLATION THAT WAS PUT IN PLACE BACK IN 1994 REQUIRED THAT SAMSA, FEDERAL SUBSTANCE ABUSE -- OUR MENTAL HEALTH AND TREATMENT FOLKS FEDERALLY WOULD WITHHOLD UP TO 40% OF THAT BLOCK GRANT. IN OUR CASE \$8 MILLION. AND NOT PROVIDE THAT TO THE STATE. UNFORTUNATELY, THAT IS THE MAJORITY OF OUR TREATMENT AND PREVENTION DOLLARS FOR THE STATE OF OREGON FOR ALCOHOL AND DRUG ABUSE. AND SUBSTANCE ABUSE. SO, IT COULD MEAN A HUGE PORTION OF OUR TREATMENT AND PREVENTION DOLLARS BEING TAKEN AWAY IF WE DON'T KEEP THOSE RATES DOWN BELOW 20%.

Commissioner Smith: MADAM CHAIR, I HAVE A QUESTION. OF THAT \$20 MILLION, HOW MUCH DOES MULTNOMAH COUNTY RECEIVE?

Mr. Ruscoe: MULTNOMAH COUNTY RECEIVES IN PREVENTION DOLLARS -- I DON'T KNOW WHAT THE TREATMENT NUMBER IS, PREVENTION DOLLARS ALONE, ABOUT \$600,000 A YEAR -- EXCUSE ME, BIENNIUM. TREATMENT DOLLARS, I WOULD GUESS PROBABLY UPWARDS OF AROUND \$2 MILLION.

Commissioner Smith: THE \$20 MILLION MAKES UP TREATMENT --

Mr. Ruscoe: AND PREVENTION.

Commissioner Smith: OKAY. GREAT. THANK YOU.

Ms. McFarlan: I'M KARI McFARLAN. REPRESENTING THE TOBACCO TEAM WITH THE HEALTH DEPARTMENT. I WANT TO SHARE THE CURRENT BEST PRACTICES IN PREVENTING YOUTH ACCESS IN USE OF TOBACCO, ELECTRONIC CIGARETTES AND OTHER EMERGING TOBACCO PRODUCTS AS YOU REQUESTED AT OUR LAST PRESENTATION. THIS IS A PICTURE OF THE THEN SURGEON GENERAL REGINA BENJAMIN HOLDING UP HER 2012 REPORT CALLING FOR AN END TO THE TOBACCO EPIDEMIC FOR YOUTH AND ADULTS. PROGRAM THAT INCLUDES YOUTH TARGETED MASS MEDIA CAMPAIGNS. ADOPTION OF COMPREHENSIVE SMOKE-FREE LAWS, AVAILABILITY OF ACCESSIBLE, AFFORDABLE TOBACCO CESSATION OPTIONS, RAISING THE RETAIL PRICE OF TOBACCO PRODUCTS AND RESTRICTING ADVERTISING AND PROMOTION. NEXT SLIDE. ONE OF THE CURRENT FOCUS AREAS IN TOBACCO CONTROL AND PREVENTION IS EFFECTIVE REGULATION OF THE RETAIL ENVIRONMENT, TO REDUCE YOUTH ACCESS AND PREVENT THE USE OF TOBACCO AND ELECTRONIC CIGARETTES. THIS YEAR, TWO REPORTS HAVE COMPILED THE AVAILABLE DATA AND BEST PRACTICES ON WHAT IS REFERRED TO AS POINT OF SALE STRATEGIES. HIGHLIGHTS FROM THESE SOURCES AND USES EXAMPLES FROM ACROSS THE COUNTRY.

WHY FOCUS ON THE RETAIL SETTING? I DON'T THINK I NEED TO EXPLAIN THIS GIVEN THE DATA WE JUST HEARD FROM JEFF. MULTNOMAH COUNTY HAS ONE OF THE HIGHEST RATES OF ILLEGAL SALES OF CIGARETTES TO MINORS IN THE COUNTRY. LET ME REPEAT THAT. ONE OF THE HIGHEST RATES OF ILLEGAL SALES OF CIGARETTES TO MINORS IN THE COUNTRY. THIS IS NOT A DISTINCTION WE IN MULTNOMAH COUNTY WANT TO HAVE. 70% OF OUR YOUTH SHOP AT CONVENIENCE STORES ONCE A WEEK. AND THIS IS WHAT THEY'RE FACED WITH WHEN THEY WALK IN. THESE PICTURES ARE FROM OUR TOBACCO RETAIL ASSESSMENT CONDUCTED IN PARTNERSHIP WITH THE OREGON HEALTH EQUITY ALLIANCE, HERE IN MULTNOMAH COUNTY, SHOWING THE ADVERTISING AND VARIETY OF TOBACCO AND ELECTRONIC CIGARETTE PRODUCTS. CHAIR KAFOURY -- I THINK YOU MENTIONED THAT YOU HAD -- ONE THIRD OF OUR YOUTH ARE SEEING THE SAME PRODUCTS

SHOPPING IN CONVENIENCE STORES TWO, THREE TIMES A WEEK. RETAIL ENVIRONMENT IS ALSO THE BEST SETTING TO ADDRESS TOBACCO ADVERTISING AND PROMOTION, HOW MUCH -- I'M GOING TO CALL YOUR ATTENTION. I DON'T KNOW IF YOU CAN SEE IT. IN THE PHOTO OF THE DOOR, VERY LOW TO THE GROUND, AN ADVERTISEMENT OF ICE CREAM. OVER THE TOP OF THAT AN ADVERTISEMENT FOR THE ELECTRONIC CIGARETTE, THE MARK 10 THAT DR. VINES HELD UP. THAT IS WHAT WOULD DRAW THE EYE OF MY FOUR-YEAR-OLD DAUGHTER AND THAT ADVERTISEMENT IS AT HER LEVEL IF SHE WERE TO WALK INTO THAT STORE.

Ms. MacFarlan; NOW I'M GOING TO RUN THROUGH SOME OF THE STRATEGIES, POINT OF SALE STRATEGIES THAT ARE CONSIDERED BEST PRACTICES IN THE FIELD. AGAIN, IF OUR FOCUS IS THE EFFECTIVE REGULATION OF THE RETAIL ENVIRONMENT TO REDUCE YOUTH ACCESS AND PREVENT THE USE OF TOBACCO AND ELECTRONIC CIGARETTES, WE NEED TO KNOW WHO OUR TOBACCO RETAILERS ARE. ANYONE WHO SELLS TOBACCO TO PAY TO HAVE A LICENSE. LICENSE FEES ARE USED FOR OUTREACH, EDUCATION, ENFORCEMENT TO RETAILERS SO THAT THEY UNDERSTAND THE LOCAL, STATE, AND FEDERAL REGULATIONS. THERE ARE MANY BUSINESSES THAT REQUIRE LICENSES TO OPERATE HERE IN ORGANIZE. CHILD CARE, BEAUTY SALON IS, LANDSCAPING, EVEN TATTOOING. BUT HERE IN OREGON, YOU NEED A LICENSE TO OWN A DOG, YOU NEED A LICENSE TO SELL A CHRISTMAS TREE. BUT YOU DO NOT NEED A LICENSE TO SELL TOBACCO. TOBACCO RETAIL LICENSING IS A MECHANISM FOR JURISDICTIONS TO BE ABLE TO EDUCATE RETAILERS ABOUT CURRENT LAWS AND ENFORCE RETAIL COMPLIANCE -- IN ONE STUDY, ACTIVE ENFORCEMENT OF THE AGE OF SALE LAWS HAS REDUCED TEEN SMOKING BY 20%. AGAIN, YOU WILL SEE UP THERE, THERE ARE 38 STATES IN THE COUNTRY THAT ALREADY HAVE TOBACCO RETAIL LICENSING. THAT MAKES OREGON ONE OF ONLY 11 STATES IN THE COUNTRY THAT DOES NOT HAVE THIS. RETAILERS NEAR SCHOOLS.

THIS STRATEGY COULD MEAN PROHIBITING THE SALES OF TOBACCO WITH 1,000 FEET OF K-12 PUBLIC AND PRIVATE SCHOOLS. THIS POLICY WOULD PROHIBIT NEW RETAILERS IN THE BUFFER ZONE AND IT MAY OR MAY NOT REQUIRE EXISTING BUSINESSES TO STOP SELLING TOBACCO. YOUTH WHO LIVE AND GO TO SCHOOL IN NEIGHBORHOODS WITH THE HIGHEST DENSITY OF TOBACCO RETAILERS HAVE A HIGHER RATE -- SANTA CLARA IN CALIFORNIA BANNED TOBACCO RETAILERS FROM OPENING ANY NEW STORES WITHIN 1,000 FEET OF SCHOOLS. WEST HOLLYWOOD PROHIBITED SALES OF TOBACCO WITHIN 600 FEET OF SCHOOLS. NEXT STRATEGY. PROHIBITING PHARMACY SALES. TOBACCO IN PHARMACY DISCOURAGES CESSATION AND NORMALIZES TOBACCO. PROHIBITING SALES OF TOBACCO IN PHARMACIES REDUCING EXPOSURE TO TOBACCO INDUSTRY INFLUENCES AND TOBACCO RETAILER DENSITY. BOSTON, SAN FRANCISCO, SANTA CLARA COUNTY ALL PASSED SOME VERSION OF TOBACCO FREE PHARMACY LAWS. CVS PHARMACY ANNOUNCED EARLIER THIS YEAR THEY WOULD NO LONGER SELL

ANY TOBACCO PRODUCTS IN THEIR STORES AS OF LAST MONTH. TOBACCO ADVERTISING -- AGAIN, SANTA CLARA COUNTY PROHIBITS TOBACCO RETAILERS FROM COVERING MORE THAN 15% OF THEIR WINDOWS AND ANY CLEAR DOORS WITH ANY TYPES OF ADVERTISEMENTS OR SIGNS FOR TOBACCO-RELATED PRODUCTS.

Ms. MacFarlan; FINAL STRATEGY, INCREASING THE MINIMUM LEGAL SALES AGE. INCREASING THE LEGAL AGE TO PURCHASE TOBACCO HELPS REDUCE YOUTH ACCESS IN TWO WAYS. MAKES IT EVEN MORE DIFFICULT FOR YOUNGER-LOOKING YOUTH TO PURCHASE TOBACCO AND REDUCES THE NUMBER OF SOCIAL SOURCES FOR TOBACCO. BY THAT I MEAN BUMMING A CIGARETTE OFF OF A FRIEND THAT MAY BE 18 OR 20 YEARS OLD. NEEDHAM, MASSACHUSETTS, IMPLEMENTED A LEGAL MINIMUM SALES AGE OF 21. BETWEEN 2006 AND 2012, THE DATA SHOWS THE NUMBER OF HIGH SCHOOL STUDENTS WHO REPORTED SMOKING IN THE PAST MONTH DECLINED BY 50%. SO, SINCE THAT POLICY -- SINCE THAT POLICY PASSED, 35 ADDITIONAL COMMUNITIES IN THE STATE OF MASSACHUSETTS HAVE INCREASED THEIR LEGAL SALES AGE TO 21. AS YOU MAY HAVE HEARD RECENTLY, NEW YORK CITY HAS DONE THE SAME AS HAS HAWAII COUNTY, THE BIG ISLAND, AND THEN LATER THIS YEAR OR NEXT YEAR, SUFFOLK COUNTY IN NEW YORK WILL DO THE SAME, ALL INCREASING THE LEGAL SALES AGE OF TOBACCO PRODUCTS TO 21 YEARS OLD. NEXT SLIDE, PLEASE. PROHIBITING SELF-SERVICE.

SO, AGAIN, THIS IS A PICTURE FROM THE RETAIL ASSESSMENT. YOU SEE THE VARIETY OF ELECTRONIC CIGARETTES AND E-LIQUIDS ON THE COUNTER THERE NEXT TO THE BANANAS AND MUFFINS. PROHIBITING SELF-SERVICE, REQUIRING THAT THE CLERK ASSIST PURCHASES FOR ALL TOBACCO PRODUCTS AND THAT COULD INCLUDE ELECTRONIC CIGARETTES. CURRENTLY FEDERAL LAW PROHIBITS SELF-SERVICE OF CIGARETTES AND SMOKELESS TOBACCO PRODUCTS. OREGON LAW COVERS ALL TOBACCO PRODUCTS EXCEPT FOR ELECTRONIC CIGARETTES AND E-LIQUIDS. DISALLOW PRICE DISCOUNTING. THIS MEANS PROHIBITING CENTS OFF OR DOLLARS OFF DISCOUNTS, COUPON REDEMPTION OR BUY ONE GET ONE FREE DEALS FOR ALL TOBACCO AND POTENTIALLY ELECTRONIC CIGARETTE PRODUCTS. RAISING THE PRICE OF TOBACCO THROUGH NON-TAX APPROACHES -- PARTICULARLY FOR YOUTH WHO ARE PRICE SENSITIVE. PROVIDENCE, RHODE ISLAND, NEW YORK CITY, IMPLEMENTED A BAN ON THE REDEMPTION OF DISCOUNTS OF CIGARETTES AND OTHER TOBACCO PRODUCTS. THAT MEANS THEIR RETAILERS WILL NOT ACCEPT INDUSTRY COUPONS. NOT ALLOWED TO. MINIMUM PACKAGING. SO, THIS MEANS REQUIRING THAT CHEAP CIGARS COULD BE SOLD IN PACKAGES OF AT LEAST FOUR OR THAT LITTLE CIGARS CAN BE TOTALED -- SOLD IN PACKAGES OF AT LEAST 20. JEN HAD A COUPLE OF EXAMPLES HERE. IF YOU LOOK AT THE PRODUCTS BRIGHTLY COLORED AND WONDERFULLY FLAVORED LIKE CANDY,

CHEAPER THAN THE COST OF A CANDY BAR AND OFTEN COMES WITH PRICE DISCOUNTS.

Commissioner Shiprack: QUESTION -- I DIDN'T MEAN TO CUT YOU OFF MID-SENTENCE.

Ms. McFarlan: SWISHER SWEETS, TWO FOR ONE. THIS ONE HERE IS 99 CENTS.

Commissioner Shiprack: CURIOUS, IT SEEMED TO ME THAT IT USED TO BE YOU WOULD SEE CIGARETTES SET OUT FOR SALE SINGLY IN CONVENIENCE STORES. DID THE LEGISLATURE BAN THAT PRACTICE? AND WHEN DID THAT HAPPEN?

Ms. McFarlan: THAT IS AN ILLEGAL PRACTICE.

Commissioner Shiprack: WHEN DID THAT LAW GO INTO EFFECT?

Ms. McFarlan: JEFF MAY BE BETTER ABLE TO ANSWER WHEN THAT WAS.

Mr. Ruscoe: I WANT TO SAY '99, EXCUSE ME, 2009.

Ms. McFarlan: RECENTLY.

Mr. Ruscoe: FAIRLY RECENTLY.

Commissioner Shiprack: IT WAS A FEDERAL RESTRICTION?

Mr. Ruscoe: ALSO A FEDERAL RESTRICTION, FDA.

Commissioner Shiprack: LIKE A PROFILE IN COURAGE.

Ms. McFarlan: THAT PRACTICE IS REFERRED TO AS THE SALE OF LOOSIES AND WE DO HEAR REPORTS HERE IN MULTNOMAH COUNTY LOOSIES STILL BEING SOLD, HOWEVER WE DON'T KNOW EXACTLY WHERE. MINIMUM PACKAGING. SINGLE CIGAR, CIGARETTE, POUCH CAN BE SOLD AT A FRACTION OF A PRICE OF THE PACK. IT MAKES THE PRODUCT MORE ACCESSIBLE -- ESPECIALLY APPEALING TO YOUTH WHO MIGHT BE EXPERIMENTING WITH DIFFERENT TOBACCO PRODUCTS AND ARE PRICE SENSITIVE. BOSTON AND NEW YORK CITY REQUIRE MINIMUM PACKAGES OF FOUR CIGARS AND INTERESTINGLY, IN WASHINGTON, D.C., THEY HAVE COMPLETELY BANNED THE SALE OF SINGLE CIGARS AT CONVENIENCE STORES AND GAS STATIONS. LAST STRATEGY, BANNING FLAVORING. THE 2009 FAMILY SMOKING PREVENTION ACT INCLUDED A BAN OF ALL FLAVORED CIGARETTES, EXCEPT MENTHOL. ACKNOWLEDGMENT THAT THESE PRODUCTS ARE PRIMARILY USED BY YOUTH. PERHAPS AS A RESULT OF THE FEDERAL REGULATION, OTHER FLAVORED TOBACCO PRODUCTS, LIKE OUR LITTLE CIGARS AND SMOKELESS

AND DISSOLVABLE PRODUCTS HAVE COME ON TO THE MARKET. FLAVORED PRODUCTS CONTAINING FLAVORS LIKE GRAPE, PEACH, VANILLA, ORANGE, CHOCOLATE, CHERRY, COFFEE, PARTICULARLY APPEALING TO YOUTH AS YOU HEARD FROM DR. PENCO AT THE LAST SESSION. WIDELY CONSIDERED TO BE STARTER PRODUCTS, MASKING THE HARSHNESS OF THE TOBACCO AND ESTABLISHING SMOKING HABITS THAT CAN LEAD TO A LIFETIME OF ADDICTION. AS YOU HAVE SEEN IN THE PHOTOS, FLAVORED TOBACCO AND ELECTRONIC CIGARETTE PRODUCTS ARE EXPLODING IN OUR RETAIL ENVIRONMENT HERE IN MULTNOMAH COUNTY. WE AND OUR PARTNERS AT THE OREGON HEALTH EQUITY ALLIANCE, HOPE TO COME BACK TO YOU WITH AN ANALYSIS OF DATA GATHERED IN THAT ASSESSMENT. TO FINISH UP ON THE FLAVOR BAN, I WANT TO MENTION TWO EXAMPLES THAT ARE RECENT AND WE'RE STILL LOOKING FOR THE DATA IN TERMS OF HOW THESE STRATEGIES HAVE GONE. PROVIDENCE, RHODE ISLAND, NEW YORK CITY, AND SANTA CLARA COUNTY HAVE ALL ADOPTED SOME TYPE OF FLAVOR RESTRICTION IN THEIR JURISDICTIONS.

Chair Kafoury: IS THAT RECENTLY?

Ms. McFarlan: YEAH, LAST TWO YEARS. NEXT SLIDE, SORRY. REGULATING THE SALE OF ELECTRONIC CIGARETTES. CURRENTLY THERE ARE NO AGE RESTRICTIONS ON WHO CAN PURCHASE E-CIGARETTES AND E-LIQUIDS. WHAT THIS MEANS RIGHT NOW, MY FOUR-YEAR-OLD DAUGHTER CAN GO INTO OUR NEIGHBORHOOD CORNER STORE AND PURCHASE A VILE OF GUMMY BEAR-FLAVORED E-LIQUID CONTAINING NICOTINE, WHICH IS A TOXIN. THAT VILE MAY OR MAY NOT HAVE CHILD RESISTING PACKAGING ON IT AND IT IS VERY ATTRACTIVE TO HER. FROM DR. VINE'S PRESENTATION LAST TIME, YOU REMEMBER THE NEGATIVE IMPACT OF NICOTINE ON THE YOUNG BRAIN AND HOW QUICKLY ADDICTION CAN HAPPEN. MINIMUM SALES AGE ON ELECTRONIC CIGARETTES, NICOTINE PRODUCT AND E-LIQUIDS WILL HELP DELAY OR PREVENT INITIATION AND SUBSEQUENT LIFE-LONG ADDICTION. 41 STATES HAVE IMPLEMENTED A BAN ON THE SALE OF ELECTRONIC CIGARETTE PRODUCTS TO MINORS. IN OREGON, NORTH PLAINS AND BANKS HAVE BANNED THE SALE AND POSSESSION OF ELECTRONIC CIGARETTES TO MINORS. AS YOU KNOW, OREGON LEGISLATURE CONSIDERED THIS ISSUE IN THE 2014 SESSION, AND ESTABLISHED A WORK GROUP TO STUDY THE ISSUE AND MAKE A RECOMMENDATION FOR THE 2015 SESSION. OUR VERY OWN DR. VINES REPRESENTED MULTNOMAH COUNTY ON THAT WORK GROUP. WE LOOK FORWARD TO SEEING WHERE THAT GOES THIS NEXT YEAR. NEXT SLIDE, PLEASE.

BECAUSE ELECTRONIC CIGARETTES ARE NEW AND EXPLODING ON THE MARKET AND IN YOUTH, WE ARE CONTINUING TO BE CONCERNED ABOUT THEM AND ABOUT THE NORMALIZATION OF THE BEHAVIOR IN OUR WORKPLACES AND IN OUR PUBLIC SETTINGS. SO, REGULATING WHERE ELECTRONIC CIGARETTES COULD BE USED WILL PROTECT PEOPLE FROM

INVOLUNTARY EXPOSURE TO THE SECONDHAND BY -- REDUCE THE LIKELIHOOD THAT SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT WILL BECOME WHAT WE REFER TO AS RE-NORMALIZED. ACCORDING TO A RECENT STUDY, ELECTRONIC CIGARETTE EMISSIONS ARE MADE UP OF A HIGH CONCENTRATION OF ULTRA FINE PARTICLES AND THE PARTICLE CONCENTRATION IN AN ELECTRONIC CIGARETTE IS HIGHER THAN CONVENTIONAL TOBACCO SMOKE. LET ME REMIND YOU BECAUSE THESE ARE TOTALLY UNREGULATED PRODUCTS, WE DON'T KNOW WHAT'S IN THEM. E-CIGARETTE PRODUCE AN AEROSOL OF UNDETERMINED AND POTENTIALLY HARMFUL SUBSTANCES.

Ms. McFarlan: ELECTRONIC CIGARETTE USE IN WORKPLACES AND PUBLIC PLACES WHERE SMOKING TRADITIONAL TOBACCO PRODUCTS IS PROHIBITED CREATES CONCERN, CONFUSION, AND LEADS TO DIFFICULTIES IN ENFORCING SMOKING PROHIBITIONS. FROM TOBACCO ENFORCEMENT PERSPECTIVE, IT WOULD SURE MAKE THINGS EASIER IF ELECTRONIC CIGARETTES WERE TREATED JUST AS CIGARETTES IN TERMS OF OUR REGULATION. AS YOU KNOW, HERE IN MULTNOMAH COUNTY, IT IS PART OF OUR TOBACCO-FREE CAMPUS POLICY THAT E-CIGARETTES ARE INCLUDED. CANNOT VAPE ON ANY CAMPUS -- ANY COUNTY PROPERTY. TWO OF OUR MULTNOMAH COUNTY SCHOOL DISTRICTS HAVE INCLUDED ELECTRONIC CIGARETTES, ONLY TWO HERE IN MULTNOMAH COUNTY ALONG WITH 77 OTHER OREGON SCHOOL DISTRICTS. BENTON COUNTY AND THE CITY OF CORVALLIS PROHIBIT THE USE OF ELECTRONIC CIGARETTES ANYWHERE THAT SMOKING IS PROHIBITED AND TO DATE THREE STATES HAVE INCLUDED ELECTRONIC CIGARETTES IN STATEWIDE CLEAN AIR ACTS, THOSE ARE NEW JERSEY, NORTH DAKOTA, AND UTAH. SO, THANK YOU. I WOULD BE HAPPY TO ANSWER ANY QUESTIONS OR I CAN TURN IT OVER TO DR. DOUGLAS.

Vice-Chair McKeel: WHAT ARE OUR TWO SCHOOL DISTRICTS IN OREGON?

Ms. McFarlan: RIVERDALE AND PPS -- SORRY, PORTLAND PUBLIC SCHOOLS.

Vice-Chair McKeel: I BELIEVE GRESHAM BARLOW.

Ms. McFarlan: WE TRIED TO FIND THAT. YOU MAY BE REMEMBERING, AS I DO, THE SCHOOL RESOURCE OFFICER, OFFICER GARRISON TOLD US THAT GRESHAM BARLOW. WE HAVE NOT FOUND THAT IN A WRITTEN POLICY YET BUT WE ARE LOOKING INTO THAT. WE WILL LET YOU KNOW AND KEEP YOU POSTED.

Vice-Chair McKeel: I'M SURE YOU WILL.

Ms. McFarlan: AS YOU KNOW, SCHOOL RESOURCE OFFICERS ALL OVER THE STATE AND HERE IN MULTNOMAH COUNTY DEALING WITH THE PROLIFERATION OF THESE PRODUCTS AND BECAUSE THE E-CIGARETTE AND

THE VAPE PENS ARE UNREGULATED, WE REALLY DON'T KNOW WHAT'S IN THEM.

Chair Kafoury: COMMISSIONER BAILEY?

Commissioner Bailey: THANK YOU FOR THE PRESENTATION. I THINK YOU HAVE IDENTIFIED THE PROBLEM SET, THE RISK NOT ONLY TO OUR YOUTH AND ALSO TO THE FEDERAL FUNDING AND BOTTOM LINE THAT DOES SO MUCH HELP AND PRESENTED US WITH A TOOLBOX AND MENU OF OPTIONS THAT I THINK IS VERY HELPFUL. ON THE ISSUE OF THE AGE FOR RETAIL SALE FOR TOBACCO PRODUCTS, WHEN THE LAW GOES INTO EFFECT IN JULY, DO YOU KNOW THE RETAIL SALE AGE FOR MARIJUANA PRODUCTS?

Ms. McFarlan: I BELIEVE IT'S 18. BUT I'M NOT A MARIJUANA POLICY EXPERT. I CAN TURN IT OVER TO THE STATE.

Mr. Ruscoe: COMMISSIONER, THAT WOULD BE 21.

Commissioner Bailey: 21. I'M CORRECT THAT IT IS STILL 21 FOR ALCOHOL, IS THAT CORRECT? OKAY. I WONDER, AND YOU DON'T HAVE TO ANSWER THIS IF WE ARE BY DEFINITION SENDING A SIGNAL THAT TOBACCO IS SOMEHOW SAFER OR LESS ADDICTIVE THAN MARIJUANA OR ALCOHOL THAN HAVING A LOWER AGE. QUICK FOLLOW-UP QUESTION, CHAIR? I DIDN'T SEE ANYWHERE IN YOUR LIST AND TOOLBOX OTHER THAN IN THE DISCUSSION OF PROHIBITING DISCOUNTING THE AFFECT OF PRICE ON YOUTH CONSUMPTION. CAN YOU TELL ME, IS THERE ANY INFORMATION THAT LINKS PRICE TO YOUTH CONSUMPTION OF TOBACCO PRODUCTS?

Ms. McFarlan: YES, THERE IS, YOU'LL REMEMBER MY OPENING SLIDE WITH THEN SURGEON GENERAL REGINA BENJAMIN. ONE OF THE PIECES OF A COMPREHENSIVE TOBACCO PROGRAM IS RAISING THE RETAIL PRICE OF TOBACCO PRODUCTS, BECAUSE WE KNOW THAT YOUTH ARE SENSITIVE TO PRICE. AND SO THE HIGHER WE GET THE PRICES, THROUGH WHATEVER MECHANISMS WE MAY HAVE AVAILABLE TO US, AT THE STATE OF COUNTY LEVEL WILL MAKE A DIFFERENCE. YES, I'D BE HAPPY TO GET YOU SOME EVIDENCE, IF YOU'D LIKE.

Commissioner Bailey: FOLLOW-UP? DO WE KNOW IF THE TOBACCO TAX IN OREGON, IS HIGHER OR LOWER THAN IN WASHINGTON?

Ms. McFarlan: OUR TAX RATE IS LOWER.

Commissioner Bailey: OKAY. THERE IS NO TAX RATE, IS THAT CORRECT, ON E-CIGARETTES?

Ms. McFarlan: AT THIS TIME, NO. AGAIN, THESE ARE CURRENTLY UNREGULATED PRODUCTS.

Commissioner Bailey: ALSO WANT TO PONTIFICATE OUT LOUD, IS IT WORTH EXAMINING PRICE AS ONE OF THE TOOLS IN THE TOOLBOX TO CONTROL YOUTH ACCESS TO TOBACCO PRODUCTS.

Chair Kafoury: COMMISSIONER McKEEL?

Vice-Chair McKeel: THANK YOU. I HAVE ONE MORE QUESTION. I NOTICE LATELY ON TV SOME ADS, I BELIEVE THEY'RE FROM SMOKE-FREE OREGON. HAVE THEY ALWAYS BEEN ON AND I JUST NOW NOTICED THEM OR IS THIS A CAMPAIGN THAT IS RAMPING UP A LITTLE BIT?

Ms. McFarlan: WE'RE ACTUALLY HERE IN MULTNOMAH COUNTY SEEING MORE OF THAT THANKS TO THE COLLEAGUES WITH THE STATE. IT IS A STATEWIDE CAMPAIGN. I HOPE YOU'RE ENJOYING THEM.

Vice-Chair McKeel: I SAW ONE IN LANE COUNTY BUT I HAVE SEEN SEVERAL HERE AS WELL, AND THEY SEEM TO SPEAK TO ALL OF THE -- YOU ALL ARE SPEAKING ABOUT THE PLACEMENT, MARKETING, AUDIENCE THAT THEY'RE TARGETING.

Ms. McFarlan: THE PRICING. I DON'T KNOW IF YOU HAVE SEEN THE ONE THAT CAME TO ME LAST NIGHT. IMAGE OF A YOUNG GIRL. AND THE TEXT IS SOMETHING ALONG THE LINES -- I CAN'T REMEMBER WHAT COUNTY IT IS, BUT THAT A CANDY BAR IS CHEAPER THAN -- I'M SORRY, THAT THE CIGAR IS CHEAPER THAN A CANDY BAR. VERY YOUNG GIRL IN PROFILE. IT IS VERY STRIKING.

Vice-Chair McKeel: THAT'S A CAMPAIGN THAT IS PICKING UP, WOULD YOU SAY?

Ms. McFarlan: YES, IT IS, A STATEWIDE CAMPAIGN FROM OUR COLLEAGUES AT THE OREGON HEALTH AUTHORITY.

Chair Kafoury: IT IS QUITE EFFECTIVE. I HAVE SEEN A COUPLE OF THE ADS. GRESHAM CITY COUNCILOR STEGMAN IS HERE, AT A BRIEFING OUT IN GRESHAM A COUPLE OF WEEKS AGO AND COMMENTING ABOUT THE IMPORTANCE OF EDUCATION IN ADDITION, WE HAVE TALKED A LOT ABOUT REGULATION HERE. THERE IS ALSO A HUGE EDUCATIONAL COMPONENT THAT IS NECESSARY, BECAUSE I THINK A LOT OF PEOPLE DON'T KNOW, AS WE TALKED ABOUT, THAT THESE PRODUCTS ARE AVAILABLE THAT THEY HAVE EXPLODED TO THE EXTENT THAT THEY HAVE AND I WAS HAPPY TO SEE THOSE ADS FROM OUR STATE PARTNERS.

Commissioner Smith: I HAVE A QUESTION -- WELL, A COMMENT. DO YOU KNOW IF OUR STATE PARTNERS, IF THEY EVER THOUGHT ABOUT USING IMAGES OF WHAT YOUR BODY COULD LOOK LIKE OF USAGE OF TOBACCO AND WHAT COULD HAPPEN TO YOU? I KNOW FOR ME, THOSE COMMERCIALS WITH THE LADY SMOKING WITH THE HOLE IN HER NECK -- I MEAN, IF THAT DOESN'T DISCOURAGE YOU FROM SMOKING, I DON'T KNOW WHAT DOES. IN TERMS OF YOUNG PEOPLE, THEY THINK THEY'RE INVINCIBLE. AND IF THEY HAD SOME YOUNGER FOLKS WITH, YOU KNOW, REALLY EGREGIOUS IMPACTS FROM TOBACCO ON SOME OF THE CAMPAIGNS THAT MAYBE THAT WOULD ALSO DETER THEM FROM SMOKING.

Ms. MacFarlan: ABSOLUTELY, COMMISSIONER. I WILL SHARE ONE OF MY FAVORITE ANTI-TOBACCO CAMPAIGNS, AND I SPOTTED THIS IN HONOLULU, HAWAII. AGAIN, TARGETING VERY SPECIFIC TARGETED TO YOUTH. AND WHAT'S IMPORTANT TO YOUTH PARTICULARLY TO FEMALE YOUTH ARE APPEARANCE. SO, THE BILLBOARD THAT CAUGHT MY ATTENTION WAS A PICTURE OF A YOUNG GIRL AT A CERTAIN AGE AND THEN A COUPLE OF YEARS LATER, AFTER FIVE YEARS OF SMOKING, AND THEN A FEW YEARS LATER AFTER FIVE MORE YEARS OF SMOKING, AND THEY DIGITALLY IMPACTED HER APPEARANCE SO YOU HAD THESE IMAGES OVER TIME, AND IT WAS VERY STRIKING. I HAD TO STOP AND TAKE A PICTURE OF IT I WAS SO TAKEN WITH IT. THE MOST IMPORTANT THING TO REMEMBER ABOUT PUBLIC AWARENESS AND EDUCATION CAMPAIGNS, IT HAS TO BE TARGETED TO THE AUDIENCE YOU'RE TRYING TO REACH. AND THIS IN PARTICULAR CAMPAIGN, AGAIN, I MENTIONED I WAS IN HONOLULU. IT WAS AN ASIAN YOUNG WOMAN THAT WAS USED AS THE IMAGE. WHEREVER WE ARE DOING MESSAGING, ANTI-TOBACCO, WE NEED TO MAKE SURE THAT IT IS SPECIFIC TO THE COMMUNITY SO THAT IT'S RELEVANT.

Commissioner Smith: YEAH, THANK YOU.

Chair Kafoury: ONE THING THAT I HAVE FOUND STRIKING ABOUT THESE CONVERSATIONS THE PAST FEW WEEKS IS THAT -- AND I HAVE BEEN READING ONLINE COMMENTS FROM FOLKS IN OUR COMMUNITY, AND THERE IS A FEELING THAT E-CIGARETTES ARE NOT AS BAD FOR YOU AS CIGARETTES. AND WHAT I HAVE LEARNED TODAY AND DURING THE PAST FEW WEEKS IS THAT THAT MIGHT BE A CONVERSATION IS HELD AT AN ADULT LEVEL. BUT FOR KIDS, THAT IT JUST REALLY -- THERE IS NO SMOKING OF ANYTHING OR VAPING THAT IS GOOD FOR THEM OR GOOD FOR THEIR HEALTH, AND BY TARGETING YOUTH WITH THE ADVERTISING THAT THEY DO, WITH THE FLAVORING, IT HELPS CREATE, AS I THINK COMMISSIONER SHIPRACK SAID, A NEW GENERATION OF PEOPLE ATTRACTED BY THIS AND THAT IS WHAT HAS BEEN PARTICULARLY DISTURBING TO ME. THIS CONVERSATION GETS LOST IN PEOPLE WANT TO RAISE IT UP TO -- WELL, IT'S BETTER FOR ADULTS. WELL, WE ARE NOT TALKING ABOUT WHETHER IT IS

BETTER FOR ADULTS. WE ARE TALKING ABOUT WHETHER KIDS SHOULD BE ENTICED BY THESE OBJECTS. JAE, DO YOU HAVE COMMENTS AS WELL?

Dr. Douglas: I DO. I AM ENORMOUSLY GRATIFIED TO HEAR IN YOUR COMMENTS ABOUT HOW CONSISTENT THEY ARE WITH WHAT WE TALK ABOUT AMONGST OURSELVES AND SOME OF WHAT WE HAVE TALKED ABOUT WITH YOU AND I THINK YOU WILL HEAR REFLECTED IN MY PIECE OF THE RECOMMENDATIONS MUCH OF WHAT YOU HAVE BEEN SAYING. I THINK WE'VE GOT REALLY SOLID AGREEMENT. AGAIN, MY NAME IS DR. JAE DOUGLAS, YOUR ENVIRONMENTAL HEALTH DIRECTOR. I HAVE THE PRIVILEGE AND SOMEWHAT AWESOME RESPONSIBILITY TO TRY TO SUMMARIZE SOME OF WHAT YOU HAVE BEEN HEARING IN THE LAST TWO SESSIONS AND TO PROVIDE FOR YOU A DESCRIPTION OF OUR RECOMMENDATIONS FOR AREAS THAT WE THINK WILL BE PARTICULARLY AMENABLE TO FOCUS AND ACTION.

SO, I'M JUST GOING TO TAKE US THROUGH IT. THREE, FOUR THINGS TO TALK ABOUT, SO I WILL JUST JUMP RIGHT INTO IT. IN TERMS OF THE ISSUE AROUND PROHIBITING SALES OF E-CIGARETTE DEVICES -- I LOVE DR. VINES, THIS IS WHAT WE KNOW KIND OF THING. WE KNOW NICOTINE IS ADDICTIVE. WE KNOW IT OPERATES ON THE BRAIN, PLEASURE AND ADDICTION CENTER OF THE BRAINS AND YOUTH ARE PARTICULARLY VULNERABLE. ADULTS WHO LIVE WITH LIFE-LONG ADDICTION STARTED THEIR ADDICTION WITH YOUTH. WE DON'T WANT ANOTHER GENERATION OF ADDICTED ADULTS MAKING THEIR WAY INTO A LIFETIME OF MORBIDITY AND MORTALITY BECAUSE OF THESE ADDICTIONS. WE DON'T WANT OUR YOUTH TO HAVE UNFETTERED ACCESS TO THE PRODUCTS. PROHIBIT THE SALES AND USE TO MINORS. THERE IS A QUESTION, COMMISSIONER, YOU RAISED ABOUT WHAT IS A MINOR? WHAT IS THE AGE THAT WE MIGHT WANT TO SET THIS AT? SEVERAL POINTS HAVE BEEN RAISED HERE ABOUT THE FACT OF LIMITING THAT ACCESS AND ALL OF THE GOOD REASONS TO DO THAT. THE SECOND AREA THAT WE WOULD LIKE TO DRAW YOUR ATTENTION BACK TO, EXPANDING THE CLEAN AIR ACT. THIS DOES IMPACT CHILDREN. IT AFFECTS ALL OF US. WE KNOW THERE WILL BE ADULTS, SOME PORTION OF ADULTS -- WE KNOW THERE ARE MANY ADULTS, PROBABLY WELL OVER 80% WHO WILL NOT CHOOSE TO USE THESE PRODUCTS. WE HAVE SO LITTLE AND UNSATISFYING LEVELS OF INFORMATION ABOUT WHAT ARE THE SHORT, MID AND LONG-TERM IMPACTS OF THESE PRODUCTS. WE BELIEVE NUMBER ONE ADULTS AND CHILDREN WHO CHOOSE NOT TO USE THE PRODUCTS SHOULD NOT BE EXPOSED INADVERTENTLY TO THE PRODUCTS. AND THE POINT RAISED EARLIER ALSO ABOUT CHANGING BACK THE CULTURE WE HAVE HAD AND IN TERMS OF PUBLIC HEALTH SUCCESS. WE CAN CALL THAT A W IN THE WIN COLUMN. WE HAVE CHANGED THE CULTURE AND NORMS AROUND THE USE OF COMBUSTIBLE NICOTINE. THE PRODUCTS ON THE MARKET THAT HAVE COME ON QUICKLY AND ENORMOUSLY HAVE CREATED CONFUSION. AND SO WE -- WE HAVE REGULATORY STRUCTURE IN PLACE THAT WE CAN LEVERAGE FOR THESE PRODUCTS. THAT IS OUR SECOND AREA OF RECOMMENDATION IS TO

EXPAND THE CLEAN AIR ACT TO INCLUDE THESE VAPING PRODUCTS OR E-CIGARETTE PRODUCTS. THIRD MAJOR AREA, KARI, I MUST APPLAUD, SHE TOOK US THROUGH A LOT OF INFORMATION AND DID IT VERY ELEGANTLY, BUT THERE IS A LOT HERE ABOUT THE RETAIL ENVIRONMENT AND JEFF WAS ABLE TO SHARE WITH US THE DATA THAT TELLSRUS THAT EVEN WITH THE EXISTING REGULATORY STRUCTURE, WE KNOW WE HAVE A PROBLEM. OUR RETAIL ENVIRONMENT IS WHERE THESE PRODUCTS ARE MADE AVAILABLE AND LEAKAGE IN THE RETAIL ENVIRONMENT THAT IS UNACCEPTABLE AND THAT WE NEED TO PREVENT. WE DO HAVE A VARIETY OF STRATEGIES AVAILABLE TO US OTHER JURISDICTIONS HAVE TRIED AND PUT IN PLACE AND HAVE BEEN EFFECTIVE. WE KNOW FOR MULTNOMAH COUNTY, WHAT OUR RETAIL EFFORT WILL LOOK LIKE, IS STILL UNDEFINED. WE WILL TAKE SOME TIME AND WE WILL WELCOME YOUR SUPPORT AND ENCOURAGEMENT AS WE CONSIDER WHAT OUR OPTIONS FOR ADDRESSING THE RETAIL ENVIRONMENT.

Dr. Douglas; I WANT TO MAKE ONE POINT, THIS IS A PARTICULAR CONCERN OF MINE. IN ENVIRONMENTAL HEALTH WE THINK A LOT ABOUT TOXICOLOGY, AND THIS ISSUE OF OUR YOUNGEST, OUR VERY LITTLEST PEOPLE, BEING EXPOSED TO THESE PRODUCTS BECAUSE OF A LACK OF CHILDPROOF PACKAGING, THAT IS SOMETHING THAT COULD BE ADDRESSED IN A RETAIL ENVIRONMENT. FROM TOXICOLOGY PERSPECTIVE, IT'S IMPORTANT TO THINK THAT KIDS AREN'T JUST LITTLE ADULTS, THEY'RE EXQUISITELY AT RISK FROM CHEMICAL EXPOSURES. THESE KIND OF EXPOSURES ARE ABSOLUTELY UNACCEPTABLE AND MUST BE STOPPED. THAT IS ONE AREA THAT WE MIGHT CONSIDER FOR OUR RETAIL ENVIRONMENT WORK. AND ALSO, YOU KNOW, THE PRODUCT PLACEMENT, WHERE ARE THE ENTICING YUMMY-LOOKING PRETTY PACKAGING BEING PUT AT THE REACH OF OUR LITTLE ONES. AND THE LAST PIECE, WHICH IS NOT THE LAST PIECE, THE FIRST PIECE, LAST PIECE, MIDDLE PIECE, IT'S COMPREHENSIVE OUTREACH AND EDUCATION EFFORT. I'M SURE -- I HAVE WATCHED AS WE TALKED ABOUT THIS THE LEVELS OF UNDERSTANDING REGISTER IN YOUR FACES AND THE FACES OF OTHER ELECTED OFFICIALS THAT WE HAVE SPOKEN TO. CHILDREN NEED THIS INFORMATION. PUBLIC HEALTH PRINCIPAL EDUCATION IS POWERFUL. KIDS NEED IT, PARENTS NEED IT, TEACHERS NEED IT. GET THE INFORMATION OUT THERE. WE NEED TO SUPPORT OUR -- LEVEL OF CONFUSION THAT EXISTS IN RETAIL BUSINESSES IS SOMETHING THAT I THINK WE CAN HELP WITH AND HELP THEM TO KNOW WHERE THE RULES OF THE ROAD, WHERE ARE THE LINES AND SUPPORT THEY'RE COMING INTO A PLACE WHERE THEY'RE -- IF THEY'RE GOING TO SELL THESE PRODUCTS THAT THEY'RE NOT INADVERTENTLY CREATING RISK FOR OUR LITTLEST CHILDREN. APPRECIATE YOUR KIND ATTENTION. YOUR OBVIOUS INVESTMENT IN THIS ISSUE, AND I WANT TO THANK MY COLLEAGUES FOR JOINING ME HERE. ANYMORE QUESTIONS WE ARE HAPPY TO TAKE THEM.

Commissioner Smith: MADAM CHAIR, I HAVE A COMMENT. I APPRECIATE YOUR COMMENTS ABOUT WHO YOU ARE GOING TO TARGET, PARTICULARLY UNDERSERVED NEIGHBORHOODS AND KIDS BECAUSE THAT'S WHERE YOU SEE A LOT OF THE CIGARETTE MARKETING IS GOING TOWARDS. PARTICULARLY WITH THE MENTHOL AND THAT KIND OF THING, IT'S HUGE. BUT THE OTHER PIECE THAT I WAS CONCERNED ABOUT, IN TERMS OF THE E-CIGARETTES, COMMISSIONER BAILEY TALKED ABOUT RAISING IT TO 21. IS THAT ACTUALLY SOMETHING WE CAN DO WITH AN ORDINANCE?

Dr. Douglas: WE CAN -- YES, MA'AM. WE CAN SET THE AGE OF LEGAL ACCESS TO THESE PRODUCTS AT 21.

Commissioner Smith: OKAY. AND SO I WOULD REALLY LIKE TO PIGGY BACK ON THAT TO SEE IF THAT IS SOMETHING THAT WE COULD LOOK AT IN TERMS OF BEING ABLE TO HAVE THE CONTROL OVER, YOU KNOW, THE AGE AND WHERE WE SELL IT AT. THAT MIGHT BE A WAY FOR US TO REALLY TAP IN TO THAT YOUNG PERSON CATEGORY THAT THEY'RE TRYING TO TARGET. AND THE LAST THING IS, THE E-CIGARETTES, ARE THEY THE SAME MANUFACTURERS OF THE TOBACCO CIGARETTES OR ARE THESE NEW PLAYERS IN THE GAME?

Ms. McFarlan: A LITTLE OF BOTH. WE ARE SEEING START-UP COMPANIES BEING BOUGHT UP BY WHAT WE REFER TO AS BIG TOBACCO. MANY OF THE ELECTRONIC CIGARETTE COMPANIES HAVE BEEN BOUGHT OUT.

Commissioner Smith: OKAY. GREAT. THANK YOU.

Commissioner Shiprack: IF I COULD TIE THIS TOGETHER WITH ANOTHER AREA THAT IS A PUBLIC HEALTH AREA AND AN AREA FOCUS FOR THE BOARD, AND THAT IS OBESITY AND SORT OF CULTURAL STIGMA THAT SURROUNDS OBESITY, AS WELL AS HEALTH ISSUES THAT SURROUND OBESITY AND A LOT OF MISUNDERSTANDING AND MISCONCEPTION THAT SMOKING WILL MAKE YOU SKINNY. AND I REALLY THINK THAT THAT IS AN IMPORTANT PART OF THE MARKETING CAMPAIGN, AND THAT WE NEED TO ADDRESS THAT MISCONCEPTION AS WELL, AND I KNOW THAT OUR WORK ON CHILDHOOD OBESITY IS AN IMPORTANT PART OF THIS BOARD'S AGENDA AND OUR HEALTH AGENDA AS WELL. I JUST WANT TO MAKE SURE THAT THE MESSAGES DON'T CROSS.

Ms. McFarlan: EXCELLENT POINT, THANK YOU, COMMISSIONER. IN TERMS OF YOUR ASTUTE OBSERVATION, THE MARKETING OF CANDY-FLAVORED PRODUCTS, THE FACT THAT TOBACCO PRODUCTS THAT ARE CANDY-FLAVORED ARE CHEAPER THAN THE CALORIE-CONTAINING CANDY BAR, AND THE IMAGE THAT I REFERRED TO EARLIER OF AN ADOLESCENT FEMALE WHO IS VERY CONCERNED WITH HER BODY IMAGE, THINK WE CAN SEE WHERE THIS IS HEADED.

Chair Kafoury: I WANT TO THANK YOU SO MUCH FOR COMING TODAY AND THANK YOU FOR YOUR TESTIMONY. I THINK YOU HAVE GIVEN US A LOT TO THINK ABOUT. ONE OF THE REASONS WHY I WANTED TO HAVE THIS CONVERSATION TODAY ABOUT WHAT OTHER COMMUNITIES ARE DOING AS I THINK ONE, IT SHOWS US THAT WE'RE A LITTLE LATE TO THE GAME. WE'RE NOT BEING LEADERS LIKE WE LIKE TO THINK OF OURSELVES HERE IN OREGON AND MULTNOMAH COUNTY AS BEING LEADERS. THESE ARE NOT NEW AND INNOVATIVE, THESE ARE TRIED AND TRUE PRACTICES AROUND THE COUNTRY. BUT I THINK IT GIVES US A LOT OF FOOD FOR THOUGHT IN WHICH OF THESE PRACTICES ARE BEST AT THE STATE LEVEL. IDEALLY, A STATE LEVEL POLICY, CONSISTENCIES BETWEEN JURISDICTIONS AND POLICIES TO INCORPORATE HERE AT THE LOCAL LEVEL. I APPRECIATE THE TWO GRESHAM CITY COUNCILORS COMING TODAY. ANY POLICIES WE UNDERTAKE AS THE MULTNOMAH COUNTY COMMISSION AND BOARD OF HEALTH ARE CONTINGENT ON SUPPORT FROM ALL OF OUR JURISDICTIONS. THE WAY WE GET THE MESSAGE ACROSS IS THROUGH A CONCERTED EFFORT OF EVERYONE BEING ON THE SAME PAGE. I LOOK FORWARD TO OUR CONTINUED CONVERSATIONS AND DISCUSSIONS ABOUT WHAT STEPS WE SHOULD TAKE AND WHEN WE SHOULD TAKE THOSE. THANKS AGAIN FOR COMING TODAY. THANK YOU ALL. LOOK FORWARD TO SEEING YOU ALL AGAIN SOON.

Chair Kafoury: WITH NO FURTHER BUSINESS, WE'RE ADJOURNED. [GAVEL POUNDED]

ADJOURNMENT

The meeting was adjourned at 11:11 a.m.

This transcript was prepared by LNS Captioning and edited by the Board Clerk's office. For access to the video and/or board packet materials, please view at:
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Submitted by:
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Marina Baker, Assistant Board Clerk
Board of County Commissioners
Multnomah County