BOARD OF HEALTH
SPECIAL MEETING
MINUTE SUMMARY
August 28, 2018
3:00 PM

MEMBERS PRESENT:
Jeff Burrows
Roger De Haan
Wayne Chilcote
Katie Scholl
Mick Turner

Members Absent:
None.

STAFF PRESENT:
Chris Taggart, minutes
Lyndsay Stover, MTUPP

Guests Present:
Deanna Marshall
Ron Marshall
Jason Ellsworth
Coryn Van Grunsven
Nancy Ballance

The special meeting was called to order at 3:03 PM by Chairman Jeff Burrows.

I. CORRESPONDENCE:
None.

II. AMENDMENTS TO THE AGENDA:
None.

III. OLD BUSINESS:
1. Discussion with possible decision on Ravalli County Clean Indoor Air Act Enforcement Protocol

Jeff gave brief background and history.

Lyndsay explained one part of CIAA has been requested to be amended by MTUPP liaison Mackenzie Peterson, which is the definition of CIAA. According to Mackenzie, the definition infers that Ravalli County is trying to change the State CIAA.

BOH consensus: keep definition as is for now until civil counsel recommendation is received at a future date.
Lyndsay requested to revisit this protocol each year as more information and legislation comes out in regards to e cigs. Mick suggested that this protocol be reviewed on an event schedule as necessary.

**BOH concurred to review on an event schedule as necessary.**

Lyndsay requested to speak about the BOH, MTUPP and PHN teaming up and requested possible funding assistance from BOH. Possible future agenda item. Jeff suggested completing the BOH/BCC MOU first.

**Public comment 3:14 PM**

Deanna Marshall: handed out the US Department of Health & Human Services study.

Nancy Balance, HD 87: stated that today’s meeting makes sense. I-185 is proposed to tax these products which are completely different than tobacco products (cigarettes). As more studies are done, we will have a better picture of results of vapor smoke (or lack thereof) which will clarify what is actually happening. Jeff asked about I-185. Nancy explained that some funding will go to Medicaid expansion and over half of the funding will go to the general fund. Not earmarked for specific programs.

Jeff asked as of now, the e cigs are not illegal to use inside. But there is no regulation to stop people from putting other things into a vaping system and asked how we can stop that.

Jason Ellsworth, SD 43 candidate: stated that he is a proponent for removing vaping language from the protocol document.

Coryn Van Grunsven: said if this is how people believe we need to get rid of garages because people commit suicide in them. Jeff stated that this example is way off base. He was referring to second hand smoke to public and children in allowing vaping to occur in public spaces.

Katie requested that the BOH stand with Lyndsay to assist her with the public education portion of vaping with adolescents (anyone under 18 purchasing or in possession of), the general public, businesses and the Justice Department. Discussion ensued regarding laws and penalties on under age kids in possession of cigarettes.

Coryn Van Grunsven: referred to the subcommittee meeting and that Katie requested that “we all need to compromise”. Lyndsay, at that meeting, said directly to her “I am not going to compromise”. How are we going to know if Lyndsay is telling people the correct facts? Katie explained that the subcommittee meeting is in the past and explained what the BOH is moving forward. The BOH will be working on the education with regard to this matter. We are all going to work together and work from the same page. Coryn asked if Lyndsay is going to run around and say vaping is bad. Jeff and Katie said what is wrong with trying to keep kids from vaping. Coryn said vaping is not bad.

Deanna Marshall: stated that Nancy Ballance is going to assist the Marshalls in order to place some teeth into legislation.

Ron Marshall: stated that he does not want kids to start smoking, vaping, chewing, drinking. Senate Bill 66 became statute in 2015 which states you cannot purchase or possess any tobacco under age of 18. Law does not include if tobacco products are purchased by someone 18 years of age or older and given to or sold to minor. Nancy will be amending to add language with consequences for 18 years plus purchasing and providing tobacco to under aged kids. Language would mirror under age alcohol statute. There are a lot of laws on the books which are broken every day and that is a never ending cycle. Within legislations last session, Senate Bill 147 was heard and several amendments were submitted. Vaping products were included within those amendments. Electronic cigarettes were specifically named and vaping was not
included. He suggested and requested that the BOH strike any language referring to vaping listed within RC CIAA enforcement protocol. It is the business owners’ choice to allow vaping in their business or not. Actual example products should not even be taken into schools for educational purposes. Use the media outlets so that the kids don’t even see the available products. Nicotine in tobacco is very addictive. The vaping mission is to help former smokers and get the message out to public. Smoking cigarettes, per CDC, is at an all-time low. Vaping is not big tobacco. A Pharmacist developed the vaping products and tools to provide a cigarette smoker the sensation of smoking and habit of smoking without the dire effects of a cigarette.

Public comment closed 3:41 PM

Megan Lindrell of Markette Law, suggested to add bland MCA language.

**BOH consensus:** add language to active smoking “this does not include alternative nicotine devices as defined in MCA”.

**BOH consensus:** remove language as advertised for this meeting.

Roger proposed that the following Findings of Fact be included within the BOH record (below):

**All concurred.**

1. Vapes can be used to help individuals stop smoking
2. Vapes are not benign and there is much conflicting data
3. Changing the definition in the protocol would not allow sampling of products in businesses, which would be a disadvantage to them.
4. Any business can post “no vapes” along with no smoking
5. Vapes should be kept away from children
6. County schools already have no smoking or vaping policies
7. It is legally difficult to ban public vaping without affecting vaping businesses.
8. State legislature is discussing/re-working CIAA legislation
9. Education can and should be continued regardless of the definition in the protocol and kids should be kept from starting
10. Additional studies are on-going
11. Other additives can be easily put into the vaping liquid mix by individuals
12. Only 7 other Montana counties have banned vaping in public places.
13. It is illegal for anyone under 18 to buy but easy for kids to get access to vapes.
14. In last legislative session, SB 66 was debated and decided to not include vaping products

Wayne requested to review the entire document and his concerns and questions

Amendments:
Page 1 - CIAA Coordinator: remove colon after CIAA
Page 1 - Ravalli County CIAA Enforcement Team: to now read, “A team comprised of local officials, including at least one representative of the Ravalli County Board of Health, and County Attorney’s Office and coordinated by the County CIAA coordinator to maintain enforcement protocols for CIAA violations and resolutions”.
Page 1 – Active Smoking: to now read, “Smoking” or “to smoke” includes inhaling, exhaling, burning, lighting, or carrying any lighted or heated cigar, cigarette, pipe, or any other tobacco or other smoke able product intended for inhalation, whether natural or synthetic, in any manner or in any form, including the use of marijuana for a debilitating medical condition as provided for in MCA Title 50, Chapter 46. This does not include alternative nicotine devices as defined in MCA”.
Page 1 – “Smoking”: DELETE
Page 1 – Alternative smoking devices: DELETE
Page 2 – Anonymous complaints: to now read, “Anonymous complaints will not be accepted or investigated.
Page 3 – Inspection: to now read, “Inspection: An inspection will be made on every business that is identified in a valid citizen complaint (or to determine if a citizen complaint is valid) and may be made in the CIAA Coordinator’s discretion on a business that is identified in an agency violation report. Businesses that are believed to have ongoing violations may receive ongoing inspections”.
Page 4 – Fines: to now read, “When an establishment that has received violation letters fails to take the action required in the violation letter, the CIAA Coordinator will forward the matter to the Ravalli County Board of Health for enforcement action. The CIAA Coordinator forward a complaint to the Board of Health when sufficient evidence is available”.
Page 5 – Approved and signed: change date from May 17, 2018 to August 28, 2018.


Katie moved to approve the CIAA Enforcement Protocol as amended here today. Seconded by Roger. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

IV: PUBLIC COMMENT:
Deanna Marshall thanked the BOH.

V. NEXT MEETING:
Wednesday September 12, 2018 at 3:00 PM

VI. MEETING ADJOURNMENT:
Wayne moved to adjourn the meeting at 4:16 PM. Seconded by Katie. All voted “aye” (5-0).