

Missoula City Council Public Safety and Health Committee Minutes

October 23, 2019

1:10 PM

City Council Chambers

140 W. Pine Street, Missoula , MT

Members present: Stacie Anderson, Mirtha Becerra, Michelle Cares, Heather Harp, Jordan Hess, Gwen Jones, Julie Merritt, Bryan von Lossberg, Heidi West

Members absent: Julie Armstrong, John DiBari, Jesse Ramos

1. ADMINISTRATIVE BUSINESS

1.1 Roll Call

1.2 Approval of the Minutes

The minutes were approved as submitted.

2. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None

3. COMMITTEE BUSINESS

3.1 Referral-DPHHS Emergency Rule banning the sale, transport of flavored vape products

Michelle Cares first thanked Cathy, to her right, for initiating the process to get this meeting on the agenda last minute.

Michelle then welcomed to Shannon Therrialt, the Director of Human Health at the City/County Health Department, who is here to speak about the Department of Public Health and Human Services (DPHHS) emergency rules on vaping and what they are doing about the new emergency rule that was to go into effect yesterday.

Shannon discussed what the health dept. was already doing, even before rule went into place. The City Council had already discussed vaping being their radar already and she noted that they are very appreciative of that. There are currently 2 epidemics from vaping - pulmonary vaping, teen vaping & addiction. Brigid O'Connor, an infectious disease nurse with the health department, and Brad Applegate, also a nurse with the county health department were introduced to talk about what they've been doing at the health department.

Brigid discussed Montana's drug-related conditions from schools, labs, etc. Each state has different reports and there is a whole variety of what is investigatable to identify the source of the condition and prevent it's spread; pulmonary injury is reported as number 71 of unusual illnesses or conditions/death. Brigid identified the difference between infection verses injury and specified that they were specifically looking at pulmonary

injury right now - vaping acquired pulmonary injury and severe lung disorders from vaping. Brigid stated that there are many different forms of vaping and not a lot of information about the vaping products that are specifically causing these injuries.

Brad discussed the difference between public health's role in regulation and law enforcement; DPHHS is concerned with keeping people alive. Part of this process is to figure out what is going on and how can they stop these injuries from occurring.

Lisa Beczkiewicz, the Health Promotions Supervisor at the Missoula City/County Health Department, oversees all health promotions and prevention tactics around behavior health and substance abuse, worksite wellness as well as health equity. She is here to connect people with resources to take care of themselves among this health epidemic/crisis. She echoed Shannon's concerns that this is a health crisis for the youth in our community. Lisa shared stats on the screen displaying the current use of high school students using e-cigarettes/vaping is at 30% versus 4% of adults that are looking to use a product to quit smoking.

Lisa directed the council to: Missoula.co/vaping - please check out this website to learn everything you need to know about this epidemic right now. On Monday, a health alert network was sent to schools this week about vaping numbers, stats. These numbers are based on the 2019 Montana Youth behaviour risk survey. It is very concerning that high school students are using at a rate of 5x more than adults.

Lisa shared that the DPHHS is working with schools on how to educate parents to look for signs. How to get them services - quit lines. She encouraged all to listen to NPR, who shared a story this morning about a student that started young and is having a difficult time quitting.

Lisa brought and shared a display case of vaping products showing how they look like ordinary products - cosmetics, essential oils, lighters, etc. These products are fruit flavored, so they "taste good" and the kids are getting hands on them. They are being confiscated at the schools on a regular basis. Tobacco sensation services at schools are being set up. These are *not* FDA approved products. Until we know more about what is happening with these products and how they are hurting the inside of our lungs...there is an alveoli - a thin barrier between lungs and the environment - that is being investigated right now as the most affected area of the injury. These products are not safe and we need to continue to investigate them and educate the public on the use of them.

Lisa also shared that there is a coalition that is taking on this issue: the Missoula underage substance abuse coalition that will be taking this on.

Shannon returned to discuss the emergency rule that is being brought to the table. There are over 1000 cases of these injuries nationwide. In light of that epidemic, the governor directed DPHHS to develop an emergency rule on vaping:

1. You cannot sell, offer for sale, giveaway, or offer for sale flavored vaping products. Anything that has a smell of flavor that is not tobacco or marijuana. This includes online distribution.
2. Any case of pulmonary illness associated with the use of vaping must be reported to DPHHS within 24 hours. They are hoping to catch the illnesses earlier to prevent the spread of the illness and treat it as soon as possible.

Shannon noted that Health Department officials were directed to visit ICS (incident command system) (a regular practice by the Health Department) to figure out what the ban was saying and how they were going to respond and be helpful to local care providers treating these injuries. Their goal is to understand and help other health officials understand exactly what the issue is and how to report it and then also be able to continue to investigate it. First, they will make sure health providers know what their definition is of a pulmonary injury and that officials have the resources to identify and report these injuries. Shannon discussed a need to educate the public of the risks of vaping and e-cigarettes. She noted that the Health Department will cooperate with state authorities on enforcement details because compliance happens at the local level.

This emergency rule was all going to go to effect yesterday, but a judge from Ravalli Co ordered a temporary restraining order and currently everything is put on hold until October 30th. There will be a preliminary hearing on that date. Health providers have been cooperative with sending in reports. Once that meeting happens at the end of the month, we'll know if these rules go into effect. They are not at all concerned about hte docs and the health providers. They are continuing to get and investigate reports. Once the preliminary junction meeting occurs at the end of the month, a ruling will be made about whether or not the rule goes into effect.

If and when does go into effect, the Health Department will investigate any and all complaints, though online distribution complaints will be investigated by the state. There are 189 tobacco retailers and we need to know what steps we need to get the flavored vape products off the shelf. Plan is to do spot checks depending on how many complaints vs compliance is reported.

The point of getting them off the shelf is to reduce the access to teens. The 30% statistic of high school students on a regular basis is a scary statistic and there is a nicotine addiction related to the use of these products. Regardless of whether the rule is passed or not, the discussion will continue on a local and state level. How to reduce access to flavored products.

Shannon noted that this is a temp. rule - only in effect for 128 days. There is an unknown goal for what will happen after that time frame is up and it is expected to be challenged at that point. She stated that they are in a "wait and see" period in terms of compliance. Not in terms of promotions or compliance. Shannon asked for questions

Michelle Cares pointed out that there are documents available on eScribe - a FAQ on the ban and the Emergency Rule itself. She also directed folks to the website Lisa indicated: missoula.co/vaping.

Michelle asked, "You said there were 189 retailers - is that local?" Yes, that is in Missoula county

Julie Merritt asked, in regards to enforcement, where does enforcement fall down to? Whose responsibility is that? Shannon replied that the City/County Health Department who would have primary of enforcement, in addition to the state and the county attorney's office.

Heather Harp had a question for Brad. She noted that as an intake nurse, she has 2 teens and her girls have been pressured into vaping - it's very common. When a young person walks into the health official's door, how do you relate to them so they can

converse with you and have them "come clean" about vaping? Vaping is used because it is less detectable. Brad replied, "that's a wonder question", noting that it starts with developing trust and report with them and using their vocabulary and ensuring them that their visit is confidential. Heather noted that going forward, what is the proposal to curb the use of vaping? Lisa suggested working closely with schools and where they are located to prevent the practice right where it happens. There are weekly locker searches and access to the community quit line. The quit line is the number one place for people to go. There are also resources on-line for schools. Lisa also noted that there is a 3 piece of curriculum within the schools to teach specially about the use. She discussed some details about signs and indications - like whiffs of fruited smells in the hall, and how to address the teen.

Michelle asked if there is any public comment on this item. Tommie Dobbs stepped forward - the owner of Liberty Baker and she brought the following items to submit to the City Council: A cover letter to the city council, an article titled "The Rest of the Story: Tobacco and Alcohol News Analysis and Commentary, an article titled: "The Vaping Overreaction, and a copy of the Ravalli County temporary restraining order. They will be added to Escribe. There was no further discussion

Stacie Anderson asked if the schools were being quick on the uptick to get these on their curriculum? Everyone knows smoking is bad, but what is the rate of health curriculum in our schools talking about the dangers of vaping in our schools right now? Is it keeping up with the need? Lisa noted that the raw numbers aren't available right now, but they are in the process of investigating that and have been researching this information since the spring. Now is a good time to pause and see where we are and what is needed to amp it up. Shannon added that schools have been cooperative and have been moving forward with this. Fatalities are always a cause for action and there is a real cause for talking about it and there is a very open door for this discussion. There is a very proactive effort to address the issue.

Gwen Jones added that her youngest is a junior in high school and he has noted that this issue is rampant in his schools - even sitting in classrooms on the back row. She thanked the health department for coming in today. Shannon agreed noted that this is a large step backwards.

Mirtha Becerra thanked the health department for their proactive nature and added that she has been educating herself on what needs to be done to address this issue and the conversation needs to continue.

No Motion.

NA

4. ADJOURNMENT

Adjourned