

KITSAP PUBLIC HEALTH BOARD

Regular Meeting

May 3, 2016

The meeting was called to order by Board Chair, Mayor Becky Erickson at 1:47 p.m.

MINUTES

Mayor Rob Putaansuu moved and Commissioner Charlotte Garrido seconded the motion to approve the minutes for the April 5, 2016, regular meeting. The motion was approved unanimously.

CONSENT AGENDA

The May consent agenda included the following contracts:

- 1544, Washington State Smile Partners, *Navigator Services, Memorandum of Agreement*
- 1316, Washington State Department of Health, *Consolidated Contract, Amendment 8*
- 1543, Kitsap Public Health Board, *Employment Agreement for Keith Grellner*

Commissioner Garrido moved and Mayor Putaansuu seconded the motion to approve the consent agenda, including the Contracts Update and Warrant and Electronic Funds Transfer Register. The motion was approved unanimously.

PUBLIC COMMENT

There was no public comment.

HEALTH OFFICER/ADMINISTRATOR'S REPORT

Health Officer Update:

Dr. Susan Turner, Health Officer, provided a few quick announcements and updates. She first noted that a recent research brief from the Washington State Office of Financial Management reported that in 2014, Kitsap County had the lowest uninsured rate in all of Washington State. She next mentioned that the Harrison Family Medicine Residency Program received its initial accreditation, a critical milestone to open for business in June of 2018. The District will be supporting Harrison with this program. Next, she announced that following this Board meeting, Housing Kitsap will be presenting a resolution to their Board to designate all the housing under their control as smoke free. They currently have some smoke free housing, but the resolution will make *all* of their housing smoke free. She next mentioned that flu season is likely nearing an end, although there has recently been an influx of positive influenza tests, which is not normal toward the end of flu season.

Additionally, Dr. Turner wanted to inform the Board that Bremerton Police Chief Strachan contacted the Health District to make the Board aware of the increased use of Spice (synthetic marijuana) in our community. Chief Strachan was interested in approaching the Board about a local ordinance to provide for better control of the substance. Dr. Turner did some research and identified that the Washington Pharmacy Commission passed a rule that made enforcement against Spice sales and use more accessible by law enforcement. The Bremerton City prosecutors will check into that and if that seems to be a dead end, the topic may return to the Board.

Mayor Erickson asked Dr. Turner to provide more details about Spice. Dr. Turner explained that it is sold as herbal salt, or bath salt, with clear markings on the package “not for human consumption”. Chief Strachan is aware of two places that are currently selling Spice locally. It can be eaten, combusted and inhaled. It has accentuated properties similar to marijuana, but in cases where you hear about marijuana having adverse effects, this is much more common with spice, which contains synthetic THC, the principal psychoactive constituent in marijuana.

Dr. Turner also mentioned that there has been much attention to concern about lead-contaminated water around the United States. It was discussed briefly in a previous meeting with the Board. On May 2, 2016, the Governor directed the Washington State Department of Health to investigate implementing existing school safety inspection rules, which were previously discussed in a recent Health District Policy Committee meeting. One of those rules requires school water lead testing. At this time, the Governor’s direction is that the Department investigate how they could be implemented, including financial implications. Some other settings, including early learning and rental housing are also mentioned in the Governor’s directive. Secondly, the Governor directed the Department to improve their surveillance system, including bringing the state’s lead reporting system into the modern day. The last directive was to work with the Department of Ecology to access funds for water system mitigation, where needed. Most of the directive is focused on youth exposure in school or early learning settings.

There was no further discussion.

Administrator Update:

Mr. Scott Daniels, Administrator, used his time to introduce Ms. Elya Moore, PhD, the new Director of the Olympic Community of Health (OCH). Mr. Daniels stressed the importance of Dr. Moore’s work and the importance of her meeting elected officials in Clallam, Jefferson and Kitsap counties to explain the health reform work of the OCH.

Dr. Moore greeted the Board and explained that the OCH is housed under the District, which is the backbone agency. She also explained that OCH is one of nine Accountable Communities of Health (ACH) in Washington State. Each region of the state is covered by an ACH; Clallam, Jefferson and Kitsap counties are covered by the OCH. An ACH is a public-private cross-sector partnership that spans all of the healthcare delivery system, including the behavioral health system and other systems such as social services, aging, long-term services and supports, criminal justice, etc. to focus on improving the health of the communities within this three-county region. The main crux of what the OCH does is to identify the major health needs within the region which include access to care, aging, behavioral health, early childhood issues, as well as chronic disease issues. The OCH will be identifying plans to implement projects that will address these health issues across the region using the cross-sector partnership and partnering with three major state agencies: Department of Health, Department of Social and Health Services, and Health Care Authority (which administers Medicaid). This is the OCH’s first year of being designated, though it is not yet a legal entity. The Board will continue to receive updates from the OCH on the work.

Mr. Daniels informed the Board that Dr. Moore formerly worked with the Whatcom Alliance for Health Advancement, which was serving the North Sound ACH (Whatcom, Skagit, Island, Snohomish and San Juan counties). Mr. Daniels expressed enthusiasm for having Dr. Moore leading the OCH with her expertise and skills pertaining to ACHs. He also noted that Dr. Moore is currently a District employee until the OCH can become a separate legal entity.

Mayor Erickson said she looks forward to discussing how the ACH is going to work and what the legal structure will look like. Mr. Daniels responded that once the OCH has more clarity for its future, he and Dr. Moore will update the Board.

There was no further discussion.

2015 BOARD SURVEY RESULTS

Ms. Suzanne Plemmons, Director of the Health District's Community Health Division, presented a PowerPoint on behalf of Mr. Daniels regarding the 2015 Board Survey. The survey asked the Board for feedback on the effectiveness of the Health District's management of the Board meetings.

Ms. Plemmons explained that Board was asked to rate survey questions on a scale which ranged from 'strongly agree' to 'strongly disagree'. The Board reported that they agreed or strongly agreed that each of the following presentations met their needs: Health Officer and Administrator reports; budget and finance discussions; and program and services updates. For policy and initiative discussions, all measures were rated as agree or strongly agree, with the exception of two participants who commented they were unsure if the length of time devoted to these presentations was appropriate or sufficient to cover the topic.

Based on presentations relating to the Foundational Public Health Services, social determinants of health, and health system reform, the Board's knowledge on these topics ratings ranged from 6-7.6 out of 10. The Health District noted room for improvement in these areas and that during the June Work Study session, the Health District will provide the Board with more information and will be available to answer any questions on these topics.

The Board members specifically reported that the Health District did well presenting in the following areas: concise material presented, well developed agenda, environmental health presentations, well-organized, and separate packets for the consent agenda.

Ms. Plemmons noted that Board members had some suggestions for improvement including more details and in-depth information on the topics presented and a need for a deeper dive for some topics. The Board also wanted to hear more about specific topics including addiction and treatment options, HIV/AIDS status in the county, septic system design and permitting, and the Health District's work plans for the upcoming year.

Ms. Plemmons expressed appreciation to the Board for providing their feedback and requested that the Board inform the Health District of any topics they're interested in learning more about so the District can incorporate them into future presentations.

Mr. Daniels commented that these survey results assist with the Health District's Public Health Accreditation Board (PHAB) accreditation and, because the District is a performance-based agency, to improve future presentations to the Board. He also mentioned that the District has recommendations from Mayor Erickson to prepare Board presentations on 1) the 1/10 of 1% sales tax citizen advisory council recommendations; 2) lead risks in the community, and 3) the Health District's role in addressing blighted and unhealthy commercial buildings in the community. The District has a process with building officials to declare certain buildings as dangerous buildings.

Mr. Daniels noted the Health District has recently been, and will continue to be, focused on policy-based discussions with the Board.

There was no further discussion.

KITSAP PUBLIC HEALTH BOARD ORDINANCE: REGULATIONS RESTRICTING VAPING IN INDOOR PLACES

Mr. Keith Grellner, Environmental Health Director, and Dr. Turner addressed the Board. Pursuant to the Governor's recent action to sign into law Engrossed Substitute Senate Bill (SSB) 6328, An Act Relating to Youth Vapor Product Substance Use Prevention and Vapor Product Regulation, the Health District has revised the Board's draft vapor product ordinance.

In summary, the new draft ordinance proposes to prohibit the use of vapor products in indoor public places, including the "presumptively reasonable minimum distance" of 25 feet to doors, windows that open, or intake vents of indoor public places where vaping is prohibited. The "presumptively reasonable minimum distance" aspect mirrors the same requirement of the Smoking in Public Places law, RCW 70.160. The Health District has obtained legal review and approval of the newest version of the draft ordinance.

The draft ordinance currently includes a waiver provision that would allow vaping in indoor public places under the following conditions:

1. Obtainment of an annual waiver from the Health Officer;
2. Posting of warning signage;
3. Prohibiting access to the premises by minors;
4. Conducting age verification of any person whose age is in question;

5. Providing adequate ventilation to prevent vapor product emissions from being discharged into other indoor public places; and
6. Allowing inspections by the Health District to determine compliance with the regulations.

Mr. Grellner stated the Health District has concerns with the inclusion of the waiver process that was added to the ordinance. Last week, the Health District met with Kitsap Sun's editorial board and after discussion, the District has further concerns with including the waiver provision, since the new state law is very broad and allows unlimited vaping in licensed vapor product retail outlets and outdoor public places.

Dr. Turner expressed the District's concerns with the waiver concept, and stated she opposes the waiver for five reasons:

1. Being exposed to vapor by second hand or third hand contact (on surfaces) has not been shown to be safe: the chemical mixtures are not regulated – no one insures their safety; the chemicals that have been identified in some of the mixtures tested are concerning; particulate matter demonstrated in the vapor of these products is concerning – this is the component of pollution that is especially harmful; the labels are not standardized – there is no way to know what is contained in the product; and ultimately, there is no way to know if the product is safe. No one is taking responsibility or liability associated with the products.
2. Allowing for vaping in bars and restaurants enhances the mystique around e-cigarettes and gives the appearance that the District thinks the product is safe for adults in the places where only adults go. This is a dangerous impression for youth.
3. The District doesn't want to lose the ground gained by allowing the re-normalization of smoking behavior. The county has worked very hard to build an expectation that its indoor spaces are smoke free – and the District doesn't want to see this threatened, especially with nicotine containing substances, which would threaten to reverse smoking trends.
4. The District is concerned about creating conditions in which vaping lounges can thrive, exposing many individuals to the unsafe and potentially hazardous chemicals (as noted previously). Very few studies have looked at what chemicals are in crowded indoor spaces where vaping is happening. The largest study found levels of chemicals and particulate matter to be similar to bad pollution days in large cities.
5. All major medical societies and United States health authorities recommend prohibiting vapor products in indoor spaces. There has been mention of Public Health England recommending vaping, however, those statements don't include that vaping is only recommended to current smokers as an alternative to smoking. Additionally, England closely regulates its products – the manufacturer has to take responsibility for the safety

of the product; attest for contents of product; labels must be shown to be accurate; and all the chemicals must be safe.

Lastly, Dr. Turner stated that it took 50 years to learn that cigarettes are harmful, not only to the smoker, but also to bystanders, such as wait staff in restaurants and bars. Echoing the request of a presenter at one of the District's listening sessions, Dr. Turner said "Let's learn from what we discovered during the tobacco experience and err on the side of caution until the safety of these products is proven." Dr. Turner asked the Board to respectfully accept her recommendation against the inclusion of the waiver process in the ordinance.

Mayor Putaansuu asked where other communities stand on this issue and noted that a couple of counties have been sued for their ordinances. Mr. Grellner responded that the District is unsure of what other counties are doing on this issue, but that the District is the first to act in this way following the passage of SSB 6328. The District is aware of a few other health agencies with more restrictive ordinances that were hoping the District would not open the door to vapor product lounges via a waiver provision. Under new state law, if a vapor product retailer gets a license through the Liquor and Cannabis Board, they can turn their business into a vape lounge, and that a few retailers in the county are already doing so. Mr. Grellner said vape retailers will already have this opportunity under state law and he is second guessing the District's need to allow waivers for additional vapor use spaces. Mr. Grellner stated that he reached out to vapor industry representatives from the listening sessions and their attorneys, who indicated that the state law seemed to resolve all of their concerns. The District emailed a copy of this ordinance to those people last week and received no feedback expressing concerns.

Mayor Erickson asked if that was with the waiver included. Mr. Grellner confirmed, and said none of those people would be affected by the waiver, if they obtained their state license, which most of them intended to do.

Commissioner Gelder asked if removing the waiver would still leave a path to move forward for the proprietor to seek this route from the State. Mr. Grellner clarified that non-vapor retailers are not covered by the state law, however certain business, such as bars, could potentially become vapor retailers and allow vaping in their establishments. Commissioner Gelder asked if the business would state clearly on the door that vapor use may occur within the building. Mr. Grellner confirmed state law requires proper signage.

Mayor Erickson asked if this ordinance would enable small coffee shops or convenience stores to be granted a waiver to allow vape products to be used within their business. Mr. Grellner clarified that those businesses would need to restrict minors in order to get a waiver to allow vaping. Mayor Erickson asked for confirmation that only bars and vape retailers would be able to obtain a license from the state to allow vaping in their building. Mr. Grellner confirmed and said the local ordinance would in no way pertain to any licensed vape retailer because the state law preempts that. Mr. Grellner also said this ordinance, with the waiver, would allow bars and taverns the opportunity to allow vaping.

Mr. Grellner directed the Board's attention to the fact that the draft ordinance includes, much like the smoking in public places ordinance, a presumptively reasonable distance of 25 feet from entryways, open windows and air intake vents. He also noted that some bars and taverns have created smoking sheds more than 25 feet from entryways, open windows and air intake vents. He could see room within the ordinance, without the waiver, for bars and taverns to create outside vaping locations, like smoking sheds. By removing the waiver process, this would remove the opportunity to allow vaping indoors.

Commissioner Gelder asked if the current smoking in public places ordinance (pertaining to tobacco products) contains a waiver for smoking indoors. Mr. Grellner responded that it does not. Commissioner Gelder also asked if removing the waiver would more closely align the vaping in public places ordinance with the smoking in public places ordinance. Mr. Grellner confirmed. Commissioner Gelder commented that vaping would be easier to oversee and enforce if the ordinance did not contain the waiver. Mr. Grellner again confirmed.

Commissioner Ed Wolfe commented that his only experience with vaping is driving behind a car with smoke billowing out of the windows and asked if that is the same thing that would be seen inside a bar or tavern if vaping were allowed. Mr. Grellner confirmed, based on his observations through visiting local vape retailers during the development of the first draft.

Commissioner Wolfe asked if the draft ordinance would contain a waiver with the conditions for businesses to allow vaping. Mr. Grellner confirmed that it would, as currently written.

Commissioner Wolfe asked Dr. Turner to confirm her proposal regarding the waiver. Dr. Turner said she is proposing to remove all of the language about providing a waiver for businesses to allow indoor vaping.

Mayor Erickson asked if the Board would need to meet multiple times over this ordinance. Mr. Daniels said that would not be needed, because the ordinance has already been brought through that process. The District would recommend the Board takes the ordinance directly to public hearing and make a decision on that particular ordinance.

Mayor Erickson said she was seeing interest from the Board to remove the waiver and bring the ordinance to a public hearing the following month. Mr. Grellner said the District would send out a public notice and post a draft on the website and have the revised ordinance ready for Board to discuss at a meeting of their choosing.

Mayor Erickson, with interest from the Board, asked the District to remove the waiver from the ordinance and bring it back to the Board in June.

Commissioner Wolfe agreed with Mayor Erickson and asked if the waiver was removed if the District could become a legal test case for the state. Mr. Grellner responded that this was possible, though the District didn't receive any opposition to restricting vaping in public places. The only opposition under the first draft of the ordinance was to restricting what vape retailers could do within their shops.

Commissioner Wolfe asked if removing the waiver would make this District's ordinance inconsistent with the state law in regards to smoking in public place. Mr. Grellner stated that this was incorrect and that by removing the waiver, the ordinance would be more consistent with the state law.

Mayor Putaansuu commented that with the waiver removed, it would be easier for the District to administer the ordinance, however, with the waiver, each situation would need to be dealt with case by case. Mr. Grellner agreed. Dr. Turner commented that she would have been asked to sign the waivers, which would be a very uncomfortable situation for her, considering her concerns about the safety of exposure to the products.

Mayor Erickson told the District to remove the waiver and bring it back to the Board in June for a public hearing process.

There was no further discussion.

DRAFT KITSAP COUNTY INTERAGENCY OPIOID WORKING PLAN

Dr. Turner presented a PowerPoint to provide a quick overview of the draft Kitsap County Interagency Opioid Working Plan with time allowed for a short discussion about potential next steps.

Dr. Turner said there is currently much national, state and local interest in opiate use disorder and its consequences, including overdose deaths. She has spoken with the Board on a couple of occasions about the 2016 Washington State Interagency Opioid Working Plan, and the possibility of leveraging the state work by mirroring it locally. This presentation provided a status update on the local work by the Kitsap County Human Services Department (KCHS) and the Kitsap Public Health District's Health Officer. The presentation covered the current opiate use disorder related statistics for Kitsap County in comparison to Washington State, and the current status of the local plan.

She said the state plan was reviewed by KCHS and the Health Officer with a group of community members listed on page three of the Kitsap draft plan which was included in the packet. Those community members were then asked to provide information to KCHS about their current activities in line with the state plan. The format of the state plan was used to record their responses to allow concurrent review of the state and local goals, strategies, and activities. This makes reading the plan a bit complicated, because some of the things already being done at the state level (placed in sections called "Ongoing" in the state plan) are actually new actions at the local level.

Overall, there were 77 activities identified in the state plan. There were 25 activities named in the state plan that were identified by KCHS and the KPHD Health Officer to be appropriate at the local level, and five more which were not named in the plan. This would result in 30 potential

activities community-wide in Kitsap County. The information gleaned from community members indicated that eight of the 30 are already ongoing.

Mayor Erickson asked Dr. Turner why Washington State isn't required to report Neonatal Abstinence Syndrome (NAS). Dr. Turner said she's aware there are some states that include NAS as a reportable condition and is not sure why Washington State has not done so. Dr. Turner said she would follow up with the state's health officers regarding this question in June.

Commissioner Gelder commented that this is a step in the right direction, but is a huge body of work. As the backbone for this, the County would have finite resources within the Human Services Department. The County would need to be aware of its limitations, while still ensuring the project moves forward. Dr. Turner agreed with this comment and said she considers this project similar to the District's prioritization process as far as scope and capacity.

Commissioner Gelder said the District should brainstorm other partners who could support the work to offset the staff capacity. Dr. Turner agreed.

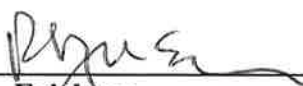
Mayor Erickson commented that she has personally seen how this affects young people and that this cannot be ignored. Mr. Daniels agreed that young people with chemical dependency issues often have a lifetime of treatment which has an impact on social services and the healthcare system.

There was no further discussion.

Mayor Erickson asked for any other comments for the good of the order. There were none.

ADJOURN

There was no further business; the meeting was adjourned at 2:40 p.m.



Becky Erickson
Kitsap Public Health Board



Scott Daniels
Administrator

Board Members Present: *Council Member Sarah Blossom; Mayor Becky Erickson; Commissioner Charlotte Garrido; Commissioner Rob Gelder; Mayor Rob Putaansuu; Commissioner Ed Wolfe.*

Community Members Present: *Sam Agnew, Salish BHO; Michelle Beahm, Bremerton Patriot; Roger Gay, South Kitsap Taxpayer; Deanne Jackson, Kitsap County Human Services; Gay Neal, Kitsap County Human Services; Tad Sooter, Kitsap Sun; Doug Washburn, Kitsap County Human Services.*

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Staff Present: Karen Bevers, *PIO/Communications Coordinator, Administration*; Scott Daniels, *Administrator*; Kerry Dobbelaere, *Program Manager, Clinical Services*; Keith Grellner, *Director, Environmental Health Division*; Angie Larrabee, *Confidential Secretary, Administration*; Nicola Marsden-Haug, *Epidemiologist, Assessment*; Elya Moore, *Director, Olympic Community of Health*; Suzanne Plemmons, *Director, Community Health Division*; Susan Turner, *Health Officer*.