

COLUMBIA/BOONE COUNTY BOARD OF HEALTH

MEETING MINUTES

July 10, 2014

The Columbia/Boone County Board of Health met for a regularly scheduled meeting at 5:30 p.m., Thursday, July 10, 2014. The meeting was held at the Columbia/Boone County Department of Public Health and Human Services, 1005 W. Worley St. Public Health & Human Services Assistant Director, Scott Clardy, represented the staff. Senior Administrative Support Assistant, Brittany Klusman, recorded the minutes of the meeting.

MEMBERS PRESENT:

Dr. Michael Szewczyk
Jean Sax
Lynelle Phillips
Dr. Sally Beth Lyon
Dr. Beth Hussey
David Sohl
Harry Feirman
Ilalyn Irwin
Denise Stillson

MEMBERS EXCUSED:

Dr. Colin Malaker
Mahree Skala

MEMBERS NOT EXCUSED

CALL TO ORDER

Chair Dr. Michael Szewczyk called the meeting to order at 5:30 p.m.

APPROVAL OF AGENDA

Dr. Lyon made a motion to approve the agenda which Dr. Hussey seconded. Motion carried.

APPROVAL OF MINUTES

Mr. Sohl asked that the minutes reflect his absence during the June meeting. Dr. Lyon made a motion to approve the minutes with that correction, which Mr. Feirman seconded. Motion carried.

DIRECTOR'S REPORT

Mr. Clardy, Assistant Director of the Columbia/Boone County Department of Public Health & Human Services, explained that Stephanie Browning, Director of the Department, was in the process of returning from the annual National Association of County & City Health Officials (NACCHO) Conference, which was held in Atlanta, Georgia. He went over some of the changes that have occurred in the Department. Stacia Reilly resigned and Michelle Riefe was promoted from the Coordinator of the Teen Outreach Program (TOP) & HIV Testing to the Health Promotion Supervisor. Ms. Riefe has already received her first grant from the State Health Department in the amount of \$4,300.00 to strengthen tobacco coalitions in the area. She has sent in two applications for funding under the County Children's Health Board. The first application is to expand the TOP

Program in select schools located in the County. The second application is to expand the home visiting program for at risk mothers. Moving onto the Department's budget, Mr. Clardy explained that there are minimal changes compared to last year. Furthermore, groups are continuing to work on the Community Health Improvement Plan. The five different work groups, for each of the strategic issues, are finalizing their plans for how they are going to address the issues. Mr. Clardy believes the Community Health Improvement Plan will be ready by the end of September. At the end of May, the Department applied for accreditation from the Public Health Accreditation Board. Mr. Clardy explained the Department now has one year to submit the necessary documentation. Mr. Clardy will be going to Alexandria, Virginia for training on how to submit that documentation.

Dr. Szewczyk asked how the mosquitos are this year. Mr. Clardy responded that there have not been any complaints, but the Department has not done any trappings. Ms. Phillips asked if the Department was holding a public comment session on how the different action groups will be addressing the strategic issues. As of now, staff has not talked about holding a public comment session. Mr. Clardy explained getting people on each one of those teams was a struggle and anyone that is willing to participate on a team is welcome. Ms. Irwin inquired about any state legislation that affects the Department. Mr. Clardy discussed in detail a bill that exempted organizations doing fundraisers for charitable groups from following the food code. After working with legislators, Boone County is exempt from the bill, so those organizations in Boone County are still obligated to meet food code regulation. It was clarified that this is for events that are open to the public, and it doesn't matter if they are selling the food or taking donations. Mr. Clardy also mentioned that Boone County was holding a public hearing about adopting the food code the City has already put into effect.

The State legislature is also considering a bill regarding e-cigarettes. Some people believe the bill removes municipalities' abilities to enact stronger ordinances than the state requirements regarding sales. Others believe the language just refers to local taxation. The State legislature approved a one million dollar increase to the amount of State General Revenue funds distributed to local health agencies for core services. Mr. Clardy explained that all of the General Revenue funds distributed to local health agencies for core services have been withheld by the Governor. The Department will not know whether the Governor will release those funds until after the veto session in September.

OLD BUSINESS

It was decided that Dr. Szewczyk and Ms. Phillips would work on the Board's report to City Council regarding recommendations on the proposed amendments to Chapter 16 of the City Code as it relates to marijuana. Dr. Lyon offered her assistance if it was needed. Mr. Clardy mentioned the Substance Abuse Advisory Commission met yesterday and voted six to three to recommend that the Council not adopt the proposed amendments. Their report to council will be very basic in that it will just state the outcome of their vote.

Dr. Szewczyk laid out a few options for the Board's report which included: responding in a similar manner as the Substance Abuse Advisory Commission with a very basic report, discussing different parts of the proposal to present a more detailed report, and/or giving suggestions on the proposed amendments. Dr. Szewczyk opened the discussion for input from the Board. Dr. Hussey felt it would be beneficial to take an immediate poll on how everyone feels about the ordinance as it is written, and if that decision would change if there were adjustments made to the proposal. She explained that if everyone's decision was made up over the general concept of the proposal then it would be a waste of time to go through each step of the ordinance. Ms. Phillips noted that everyone should explain what their issues or concerns are with the proposal when they cast their vote. Dr. Lyon agreed with Ms. Phillips; she believed the explanations that are given could strengthen their recommendation depending on the consensus of the group. It was decided to go forth with the immediate poll.

Dr. Szewczyk started the poll by reading Dr. Malaker's comment that was sent to the Board via email. Dr. Malaker stated, "In summary, it is my opinion that we as a Board of Health must not endorse the proposed ordinance for the reasons outlined above. I want to be sure that the record shows that I do not condone this ordinance because it is in my opinion an unhealthy drug, a harmful practice, and, at the present time, illegal by law in the State of Missouri."

Additionally, Dr. Szewczyk mentioned he spoke with Ms. Skala. She had concerns with allowing any activity in Columbia that would be considered a felony under State law.

The official poll of the Board Members present was as follows:

- Ms. Sax voted no; there is no legal flow from the State to the City to enforce this, and Columbia does not have the needed support to make this type of decision. This will set medical marijuana users up to be targets and victims, not just legally but by family, friends, and even neighbors who are aware of them growing marijuana.
- Mr. Feirman voted no; the amendment about cultivating is problematic because all the law enforcement basically said it would be a felony outside the city. The University of Missouri Police, State Troopers and Sheriff's Department will treat this crime as a felony. The City Police mentioned they would have to treat it as a felony too since the State treats it as such. The message will go out that this is legal to cultivate when it is not. Also, when a person has six plants, they produce beyond 35 grams. Additionally, a number of people who need medical marijuana simply cannot grow it and their care givers will fall outside the parameter of this proposal.
- Mr. Sohl voted no; the proposal doesn't address where individuals will get seeds in order to start cultivating their own plants. Nurseries and greenhouses will have to create policies for when customers ask about marijuana cultivation. The proposal doesn't address access and where it should be grown to keep it out of reach from others, especially neighborhood kids. Regarding a physician's recommendation; how will it be documented? Does it expire? Is the patient getting it from a licensed physician who is still Board Certified? How is the Drug Enforcement Administration (DEA) going to approve this? Will there be a State Medical Marijuana Patient I.D. Card for police to validate. If a patient has a doctor recommendation, and does not want to show the police, the patient can claim HIPAA protection. This would put the City in violation of HIPAA. There will also be tenant/landlord problems. Employers would have to update policies regarding marijuana use. The city will have to re-evaluate marijuana use around schools. How will police know individuals are growing the correct variety of marijuana? The proposal doesn't specify smoking, eating or use of oil. Where is consumption going to be dictated? An individual using medical marijuana is federally prohibited from owning a firearm or ammunition by the Bureau of Alcohol, Tobacco, and Firearms (ATF)--how many people are aware of this? Would medical marijuana users' start to sell their crop for financial reasons? What would happen if the State of Missouri should legalize marijuana, but Columbia is allowing residents to grow tax free? The States that have approved medical marijuana have the infrastructure to organize this, Columbia does not.
- Ms. Irwin voted no; she does support legalization of medical marijuana, but cannot support this proposal. Her decision is based on the vulnerability of certain populations, and how law enforcement said it is not sustainable and they would not be able to enforce it. Columbia is a college town and college kids are risk takers who would be facing felonies if this passed, which is not acceptable.

- Dr. Lyon voted no; the Board of Health cannot send a message of endorsement to further removing barriers on the use of a currently illegal substance in the State. There are excellent arguments to be made in the direction of decriminalization of marijuana, which are made most wisely in a context of appropriate public health regulation. She referred to the article Mr. Phillips made available to the Board, which talks about the adverse public consequences of marijuana and strategies for regulation to mitigate those. She believes this ordinance is the “wild west” of legalization. Growing one’s own marijuana causes a great risk of expanding adolescent use in the community. She has concerns over the quantity, opportunity of distribution, and the criminal outcome.
- Ms. Phillips voted no; she was concerned for adolescent health, especially since Columbia is a college town. Columbia wants to attract students to continue their education here and those parents are entrusting their children to this City. She is also concerned about the “wild west” approach to this policy. The City has more specifics in its ordinances regarding back yard chickens, feeding stray cats, and how to handle food compared to what is in this proposal. These policies have to be written to protect adolescents. She suggested whoever drafted this ordinance to look at other ordinances in this community to see how thorough and detailed they are. Additionally, the legal contradiction is a problem but her decision was based on protecting the adolescents of the town.
- Ms. Stillson voted no; this proposal will create a misunderstanding that it is okay to use marijuana. She feels there is already a drug issue that needs to be addressed before adding to the problem. Also, growing marijuana in homes causes a concern that children will be affected and they could potentially start bringing it to school.
- Dr. Hussey voted yes; all the concerns that were brought up are real and require some attention but could be fixed if the underlying support for the proposal was there. She is enough in favor of the proposal to spend the time to work out the problems.
- Dr. Szewczyk voted no; as the only physician on the Board, he stated there is no doubt that marijuana has some benefit for some illnesses. Unfortunately, marijuana has gotten a bad rap that has prevented exploration and development of drugs that could help with several different health conditions. Opium is a natural substance and there are lots of beneficial drugs that have come from it. There are problems with Vicodin and Percocet being sold in the street, but the health care profession understands that issue, and it is workable. Dr. Szewczyk supports medical marijuana, but it has to be controlled and regulated. Infrastructure needs to be in place to keep it from getting out of hand. His biggest concern is giving people the false sense they can legally grow marijuana when in actuality, people will end up going to prison. He believes this issue needs to be resolved on a state-wide level.

Dr. Szewczyk asked the Board if they wanted to make recommendations on improving the ordinance or just point out the concerns with the proposal for their report to City Council. Ms. Sax believes it is beyond the Board’s purview to address all the problems with the proposal. Mr. Fierman suggested the report should explain why the Board recommended against the proposal and that the main concern that was agreed on is the legal ramifications it will cause. Additionally, if the City Council wants to push the issue, they should bring it to the state level and push for state-wide legalization. Dr. Lyon suggested the report should reflect that legalization at the smallest government in the sea of otherwise illegality isn’t the correct way to deal with the issue. One of the points in the Board’s recommendations should be that those who advocate for decriminalization of marijuana might be better advised to begin at the state level. The State can use lessons of the other states who have ventured further in this regard. Mr. Sohl doesn’t think it is the Board’s assignment to re-write anything. He recommends the content of the report should reflect the vote, consensus, and the

reasons that lead to that consensus. Ms. Phillips would like the report to emphasize our concern about adolescent health issues whether pro or against marijuana cultivation.

After hearing the suggestions, Dr. Szewczyk stated the report would reflect the vote, where there was agreement and the reasons that lead to that consensus. Dr. Szewczyk asked Dr. Hussey if she wanted to write a dissenting opinion, or if she would prefer him to mention her reasons why she was for the proposal. Dr. Hussey mentioned that every great revolution has to start somewhere and more often than not it normally does start at the lower level. She explained people have to be careful to stand-up and support it, which is a shame. She did not want to write a consenting argument.

Dr. Szewczyk stated that he and Ms. Phillips will write the report and Ms. Klusman will send it to the rest of the Board. The Board members can then send any comments they have on the report to Ms. Klusman. Dr. Szewczyk emphasized that these comments will be put into the Board of Health binder and will be public record. Dr. Szewczyk and Ms. Phillips will then finalize the report after considering the member's comments.

Ms. Sax made a motion that the Board will not endorse the amendments to the ordinance as written. Mr. Feirman seconded the motion. Dr. Lyon did not think the "as written" was the right motion, because it implies the possibility of an endorsement if it's changed. She felt that was not the consensus of the Board. Mr. Clardy recommended the motion be changed to the Board will not endorse Council Bill B74-14 and to give the reasons. Ms. Sax accepted this change to her motion. All in favor of the motion included: Mr. Feirman, Ms. Irwin, Ms. Phillips, Ms. Sax, Mr. Sohl, Ms. Stillson, Dr. Lyon, and Dr. Szewczyk. Against the motion included: Dr. Hussey. The results of the vote were 8-1 to recommend against Council Bill B74-14.

Dr. Szewczyk thanked the Board for the thoughtful responses and taking the time to research the information to make an informative decision.

NEW BUSINESS

Dr. Szewczyk had previously mentioned having an outdoor meeting on the patio of the Bleu or another restaurant and asked the Board if the August meeting would work. It was unanimously decided the August meeting would be held on the patio of the Bleu.

Mr. Sohl mentioned he would like to invite an individual to speak on e-cigarettes at a future Board meeting. He knows someone who is an advocate promoting e-cigarette acceptance. Mr. Sohl feels this presenter would give the Board more knowledge in understanding the e-cigarette movement. Dr. Szewczyk would also like to hear from someone who is not in favor of e-cigarettes so the Board will hear both sides. He will set this up for the September meeting.

Ms. Irwin asked Mr. Clardy to send information on how the proposed Missouri constitutional amendment, "Right to Farm", may impact Boone County. She also wanted the Board to know that Mary Pat Boatfield, the Director of the Central Missouri Humane Society, passed away on June 18th.

ADJOURN

There being no additional business, Mr. Sohl made a motion to adjourn the meeting at 6:50 p.m. Dr. Hussey seconded and the motion carried.