



## AITKIN COUNTY HEALTH & HUMAN SERVICES

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### AITKIN COUNTY HEALTH & HUMAN SERVICES BOARD May 28, 2024 H&HS Board Minutes

#### Attendance

The Aitkin County Board of Commissioners met this 28<sup>th</sup> day of May 2024, at 9:00 a.m. as the Aitkin County Health & Human Services Board with the following members present: Board Chair, Commissioner J. Mark Wedel, Commissioners Laurie Westerlund, Travis Leiviska, Bret Sample and Michael Kearney. County Administrator Jessica Seibert, Health & Human Services Director Sarah Pratt, and Administrative Assistant Paula Arimborgo. Others present included: H&HS Supervisors Erin Melz and Rebecca Person; H&HS Social Worker Nick Anderson; ACHHS Advisory Committee member representatives Cindy Chuhanic and Andrew Jergenson; Jeanne Schram Aitkin Age, and other public guests.

#### 1.A Approval of the Agenda

Motion by Commissioner Leiviska, seconded by Commissioner Westerlund and carried, all members present voting yes to approve the May 28, 2024 Health & Human Services agenda.

#### 1.B Approval of the April 23, 2024 Minutes

Motion by Commissioner Sample, seconded by Commissioner Leiviska and carried, all members present voting yes to approve April 23, 2024 Health & Human Services minutes.

#### 1.C Approval of Bills

Motion by Commissioner Westerlund, seconded by Commissioner Kearney and carried, all members present voting yes to approve the bills.

#### 2.A 1<sup>st</sup> Reading of the updated Aitkin County Tobacco Ordinance

Erin Melz, H&HS Public Health Supervisor gave the 1<sup>st</sup> Reading of the updated Aitkin County Tobacco Ordinance which included the following:

- The Aitkin County Tobacco Ordinance was last updated and signed in 2006
- The title of the ordinance changed to “Aitkin County Ordinance Regulating the Sale, Procurement, and Possession of Tobacco and Related Devices”, clearly identifying the purpose of the ordinance.
- The description of the ordinance was condensed, simplified, and updated to include sale, procurement and possession with the County of Aitkin, Minnesota.
- The recitals were updated to provide an evidentiary basis for the proposed commercial tobacco control policies, to reference state and federal laws, to further address intent and protection of youth and young adults, to demonstrate the reasoning for adopting specific provisions, and to reference sale, procurement and possession.
- The following sections were updated: (Attachment A)
  - Section 1: Applicability and Jurisdiction

- Section 2: Definitions and Interpretations in this ordinance
- Section 3: License Provisions
- Section 4: Basis for Denial of License
- Section 5: Prohibited Sales and Acts
- Section 6: Responsibility
- Section 7: Compliance Checks and Inspections
- Section 8: Violations
- Section 9: Administrative Penalties
- Section 10: Exemptions and Defenses
- Section 11: Terms
- Section 12: Effective Date

## **2.B Public Hearing for updated Aitkin County Tobacco Ordinance**

Commissioner J. Mark Wedel, Board Chair, opened the Public Hearing for the updated Aitkin County Tobacco Ordinance at 9:12 a.m.

- Erin Melz spoke about a video created by McGregor students speaking out against vaping which was received in an email from Cheryl Meld. Here is a link to the video [https://drive.google.com/file/d/1wPVLlubbGoJ1tHEV6x3dhwsNeawyaG\\_X/view](https://drive.google.com/file/d/1wPVLlubbGoJ1tHEV6x3dhwsNeawyaG_X/view)
- A letter received on May 27<sup>th</sup> supporting the updated Tobacco Ordinance from Dr. Lito Burgos and Jen Burgos, DNP, APRN, CNP was read aloud (Attachment B).
- Another letter in support of the updated Tobacco Ordinance was received on May 28<sup>th</sup> from Riley Jones and Ziva Seybold, Students in McGregor High School Class of 2027 (Attachment C).
- A Copy of the draft ordinance was placed at the Auditor's Office but no public comments were left regarding the updates to the Tobacco Ordinance.
- The first public comment was received from Rachel Johnson, Riverwood Healthcare Center in support of the updated Tobacco Ordinance.
- Jim Henrickson, Dean of Students Aitkin High School, gave public comment in support of the updated Tobacco Ordinance.
- Pastor Andrew Jergenson, Aitkin Assembly of God Church, gave public comment in support of the updated Tobacco Ordinance.
- Robert Staska, McGregor High School Principal, gave public comment in support of the updated Tobacco Ordinance.
- Jon Cline, Aitkin County Sheriff Deputy and McGregor School Resource Officer, gave public comment in support of the updated Tobacco Ordinance.
- Pat McKone, Advocacy Director at the American Lung Association in MN, gave public comment in support of the updated Tobacco Ordinance.

Commissioner J. Mark Wedel, Board Chair, closed the Public Hearing for the updated Aitkin County Tobacco Ordinance at 9:39 a.m.

## **3.A CRE – Comprehensive Re-Entry Program Presentation**

- Nick Anderson, H&HS Social Worker along with Rebecca Person, H&HS Behavioral Health Supervisor, presented on the CRE Program to include:
- History of the Program
- Screening, Early Intervention and Discharge Planning

- Aitkin County's Specific Process
- Program Goals
- Program Data
- Strategic Shift in Addressing Needs
- Future Changes and Innovation
- Positive Program Outcomes
- Continued Challenges
- Program Funding

#### **4.A Director Updates**

H&HS Director updates were deferred until the June 25<sup>th</sup> H&HS County Board Meeting.

#### **5.A Committee Updates**

Committee Updates were deferred until the regular County Board meeting. However, Cindy Chuhanic and Andrew Jergenson, members of the ACHHS Advisory Committee, gave the Board an update on the last AC meeting held on May 1<sup>st</sup>.

#### **Adjourn**

The meeting was adjourned at 10:07 a.m.

Next Meeting – June 25, 2024

## Attachment A

Today we will be holding the first reading of the updated Aitkin County Tobacco Ordinance, last updated and signed in 2006. Due to the length of the ordinance, rather than reading it verbatim, a detailed summary will be provided to you.

The title of the ordinance changed to “Aitkin County Ordinance Regulating the Sale, Procurement, and Possession of Tobacco and Related Devices,” clearly identifying the purpose of the ordinance, the description of the ordinance was condensed, simplified, and updated to include sale, procurement and possession within the County of Aitkin, Minnesota.

The recitals were updated to provide an evidentiary basis for the proposed commercial tobacco control policies, to reference state and federal laws, to further address intent and protection of youth and young adults, to demonstrate the reasoning for adopting specific provisions, and to reference sale, procurement and possession.

### Section 1: Applicability and Jurisdiction

Defines the applicability and jurisdiction of the ordinance, including that the ordinance governs the licensing and regulation within Aitkin County and in any city or town located within that does not license and regulate retail tobacco and related devices.

### Section 2: Definitions and Interpretations in this Ordinance

Definitions were placed in alphabetical order, some were added, some were removed, some were updated to provide clarity and/or to align with applicable statutes and one stayed unchanged.

The following definitions were added:

- Administrative fee
- Administrative penalty
- Child-resistant packaging
- Cigar
- County board
- Electronic delivery devices
- Flavored product
- Indoor area
- Licensed products
- Nicotine or Lobelia delivery product
- Smoking
- Synthetic nicotine product, and
- Youth oriented facility

The following definitions were removed:

- Individually packaged
- Licensee, and
- Minor

The following definitions were updated:

- Tobacco or tobacco products has been updated to Tobacco Product
- Tobacco-related device
- Self-Service Merchandising has been updated to Self-Service Display
- Vending Machine
- Loosies
- Retail Establishment
- Moveable place of business, and
- Compliance Checks

And the definition of “sale” remained unchanged

### Section 3: License Provisions

Current provisions within this section that have been updated and clarified include: the requirement to have a license for tobacco sales, paying applicable license fees, the requirement to post and display said license, that a license cannot be issued for a moveable place of business, that a license can be suspended and revoked and that no new license shall be issued while a licensee’s previous or current license remains in a condition outside of good standing

For clarity and to align with state and/or federal law and best practices, provisions that have been added to this section include: identifying the term for which a license is valid, that a license is valid for the location for which it was issued and cannot be transferred to another person or location, that license issuance is a privilege not an absolute right and does not entitle a current license holder to automatic renewal, that no new license will be granted to any person or retail establishment location not already established that is within 500 feet of a youth-oriented facility, prohibits smoking within the indoor area of any establishment with a retail tobacco license and prohibits the distribution of samples of any licensed products free of charge, at a nominal cost or as a free donation.

The specific dollar amount for a retail tobacco license annual fee was removed from this ordinance and referred to the County’s Fee Schedule for review and consideration on an annual basis.

### Section 4: Basis for Denial of License

This is an added section outlining potential reasoning and rationale for which a retail tobacco license request could be denied. Included, but not limited to, an applicant being under 21 years of age, failure to provide necessary application information, has had a license suspended or revoked within the preceding 12 months, is delinquent in or has failed to pay local, state or federal fines, fees, or taxes, has interfered with a compliance check and/or the business is moveable and not at a fixed location. This section also indicates that if a license is mistakenly issued or renewed to a person, it shall be revoked upon discovery that the person was ineligible for the license under this section.

### Section 5: Prohibited Sales and Acts

For clarity and to align with state and/or federal law and best practices, this section has revisions, clarifications, and additions outlining prohibited acts and sales concerning retail licensed tobacco. Updates have been made to the minimum age for purchase, and to the restriction of sale by means of a self-service display or vending machine. Added restrictions to this section include selling liquid intended for use in an electronic delivery device in packaging that is not child-resistant, selling flavored products,

including a taste or smell other than the taste or smell of tobacco, and following federal and state requirements regarding minimum pack pricing on any licensed product.

Part B of this Section has been added to address legal age and the restriction of any person selling, giving or otherwise furnishing a licensed product to any person under the age of 21, the requirement for licensees to verify age by means of a government-issued photo ID, the requirement to provide notice of legal sales age, age verification and possible penalty, that it is a violation of ordinance for any person 21 years of age or older to purchase or procure on behalf of a person under the age of 21 and that it is a violation of this ordinance for any person to disguise or attempt to disguise their true age by the use of a false form of identification.

Part C of this section has been added to identify that it is a violation of this ordinance for any person under age 21 to have in their possession any tobacco product or related device.

#### Section 6: Responsibility

The updated language in this section for responsibility is clearer and does not make reference to penalties for clerks. Licensees are responsible for the actions of their employees regarding the sales of licensed products.

#### Section 7: Compliance Checks and Inspections

This section allows for compliance checks. Edits include the ages of individuals who may participate in compliance checks, following state law, and an update to the frequency to state "from time to time," with no specific timeframe.

#### Section 8: Violations

This section outlines and defines the process and timeline for determined violations. Updates include consolidation and clarification of language under (A) Notice and (B) Hearings, with no other changes in this section.

#### Section 9: Administrative Penalties

Part A outlines the penalties and requirements for licensees and individuals found to violate this ordinance. The fine schedule was updated to align with State law minimums and language was added to require online instructional programming for the licensee, and in cases of 2<sup>nd</sup> or 3<sup>rd</sup> violations, their staff. Upon completion of training, proof must be submitted to the Public Health Department within 10 calendar days.

Part B was added to this section and outlines penalties that may be required and or charged to an employee of a licensee who is found to violate this ordinance.

Part D was updated to align with State Law which allows for a 5-year lookback period of a first violation

Part E, Persons under Age 21 has been added to this section.

Part 1 clarifies persons under age 21 who use false identification to purchase or attempt to purchase licensed products may only be subject to non-monetary, non-criminal civil penalties, per State Law. Collaboration among legal and licensing authorities will determine the appropriate penalty.

Part 2 has been added to identify that it is a violation of this ordinance for persons under the age of 21 to have in his or her possession any tobacco or tobacco-related product or device. Penalties may include

non-monetary, non-criminal civil penalties or an administrative penalty, to be determined collaboratively by the legal and licensing authorities.

Part F has been added to clarify the timeline for payment of the penalty.

#### Section 10: Exemptions and Defenses

Language has been updated and clarified around use of tobacco or tobacco-related devices by any person as part of an indigenous practice or lawfully recognized religious, spiritual, or cultural ceremony.

#### Section 11: Terms

No changes have been made to this section.

#### Section 12: Effective Date:

Will be updated with the new effective date of this ordinance.

## Attachment B

I remember my first cigarette. I was fourteen years old, in my brother's bedroom. My brother, a year and a half older than me, had already been smoking for two years. He gave me one, and after I stopped coughing, the buzz hit me. I liked it. That was all it took. One cigarette, and I was hooked. I quickly became a pack-a-day smoker, and most everything revolved around when I could smoke. Plus, the more you smoked, the better! We saved our Marlboro Miles, hoping to cash in for a sweatshirt, bag, or other promotional materials. I tried to quit countless times and was finally successful at 25 when I got pregnant with my first child.

Getting cigarettes was the easy part. Finding a time and place to smoke without getting caught was the tricky part. It is so different for teens today. Flavored products in inconspicuous devices make it easier for adolescents to vape almost anywhere. These products are addictive and dangerous, and becoming addicted to one substance increases the risk of addiction to other substances. As adults, it is our job to help protect our kids. Sometimes, it is not enough to advise them, especially when the marketing makes it appealing and safe. It is addictive and dangerous, and we need to take action.

In healthcare, we are at the receiving end and taking care end of patients with lung diseases from whatever cause. By far, the majority is still directly or indirectly related to tobacco smoking. Nicotine from tobacco is highly addictive. We have nicotine receptors in our body from head to foot. That is why it is extremely difficult to quit successfully and very easy to fall back. Most people continue to smoke to avoid the "discomfort" of nicotine withdrawal. COPD, emphysema, and chronic bronchitis are long-term adverse health effects that are progressive and permanently affect quality of life.

Some people think ECs and vaping are less harmful to health compared to conventional smoking. On the contrary, the additives and flavorings that help aerosolize the liquid nicotine have been proven to cause acute lung injury and quite possibly chronic and long-term irreversible lung damage in the form of lung scarring. These adverse effects present like coughing, "asthma-like attacks," and even presenting like pneumonia. The common denominator symptom is progressive shortness of breath. Then, the long-term risk of developing cancers, not just from the lung.

Lito smoked his only cigarette as a freshman in college. He hated the bitter taste and never became a smoker. Adolescents and adults today don't have the bitter taste to dissuade them. Flavored products are appealing and make it easier to start. Therefore, we fully support the tobacco ordinance, particularly restricting flavored tobacco product sales.

Dr. Lito Burgos and Jen Burgos, DNP, APRN, CNP



Attachment C

May 28, 2024

To Aitkin County Commissioners,

As members of the McGregor School vaping prevention effort and representatives of our community on the state wide Youth Advisory Committee for tobacco and vaping health, we strongly support the tobacco ordinance you are working on. We see problems among our classmates and friends when they get caught up in habits of smoking tobacco and vaping. Thank you for considering the negative impact flavored tobacco and vaping products have on the youth in Aitkin County.

Sincerely,

Riley Jones

Ziva Seybold

Students in McGregor High School Class of 2027