

Chicago Board of Health  
Meeting Summary: July 16, 2014  
DePaul Center, 333 South State Street

**Roll Call**

Board Members Present

Carolyn C. Lopez, M.D., President  
Carl C. Bell, M.D.  
Adele Joy Cobbs, M.D.  
Melanie Dreher, Ph.D., R.N., F.A.A.N.  
Caswell A. Evans, Jr., D.D.S., M.P.H.  
Victor M. Gonzalez  
Steven K. Rothschild, M.D.  
Horace E. Smith, M.D.  
Joseph B. Starshak

Board Members Absent

None

For the Department

Bechara Choucair, M.D., Commissioner

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**Call to Order:** The meeting was called to order at 9:04 AM.

**Approval of Minutes:** The Board approved the minutes from the May 21, 2014, Board Meeting.

**Commissioner's Report and Healthy Chicago Update:** Commissioner Bechara Choucair, M.D. provided an update on the following items:

- Commissioner Choucair referred the audience and Board to the available handout – June Implementation Update.
- CDPH was named the Local Health Department of the Year by the National Association of County and City Health Officials (NACCHO). NACCHO represents more than 2,800 local health departments across the nation. This award is a testimony to the great work that the Chicago Department of Public Health (CDPH) and our partners in the community are doing for the City of Chicago. Dr. Choucair accepted the award at the NACCHO meeting.
- Erica Salem retired at the end of last month which, coupled with other factors, called for internal reorganization of the department. Jaime Dirksen is expanding her portfolio to include planning and development. Violence prevention efforts are now growing to include the substance abuse team. Brian Richardson will oversee External Affairs. Mr. Jesse Lava hails from California and has now joined CDPH as the new Director of Legislative Affairs. Kendall Stagg is taking on additional duties as the Senior Advisor, working directly with Bechara Choucair, focusing on policy and systems change.
- NACCHO's Big Cities Health Coalition recently had their annual meeting, which Dr. Choucair co-chairs with a representative from Boston. Dr. Tom Frieden spent some time at the meeting along with Judy Monroe who oversees the state and local office at the Center for Disease Control (CDC). The City of Chicago was praised highly for their leadership efforts in the public health sector. The meeting had high level discussions on health systems integration, clinical health, and population health, to name a few. Jay Bhatt, Chief Innovation Officer at CDPH, leads similar work here at the department. In the next budget cycle, CDPH hopes to obtain funding to work on these important public health issues.
- CDPH is currently pursuing two grants from the CDC worth a combined \$24 million. The CDC is very focused on making environmental changes in order to positively affect the health of populations. The first funding opportunity is strictly for state and big cities departmental efforts. The second fund from the CDC is called Partnerships to Improve Community Health (PICH) and is awarded to multiple levels of public health departments, focusing on reducing the prevalence of chronic diseases across America. With CDPH's most recent award and track record, Dr. Choucair feels that the department has great potential to receive this funding. The applications are due on July 22, 2014, and funding turnaround will start October 1, 2014.

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Dr. Evans noted that in the Healthy Chicago Report, under access to care, there are mentions to visual, hearing, and dental exams. Dr. Evans asked how referrals for care and needed follow up being handled?

Dr. Choucair responded to Dr. Evans by stating that, with respect to dental, CDPH has received funding to help with identification for urgent referrals, thus going beyond simply identifying a provider. CDPH has expanded funding for tracking dental referrals. With respect to vision, CDPH has an agreement in which the Illinois Eye Institute accepts the referrals. The vision program's initial goal of getting 35,000 students comprehensive eye exams has already been met and currently over 40,000 have received complete vision exams.

Dr. Rothschild noted a weak area during the accreditation process the slow process of getting employees into jobs. Dr. Rothschild asked that if either if the 12 million funding opportunities are granted, if that money would be used at all for human resource/hiring purposes.

Dr. Choucair responded to Dr. Rothschild by stating that if funds are received, some of the funding will be used to hire additional positions. CDPH has tightened the hiring process and continue to work on streamlining the hiring process. Currently, over 71 positions are in the process of hiring.

**Comments from Board President:** Dr. Carolyn Lopez, M.D., acknowledged the students in attendance at the meeting. Dr. Lopez is glad the students are present and is pleased that this opportunity will allow them to see some of the work that the board does and hear important discussion moving forward.

**Public Hearing: Mobile Food Trucks Regulations:**

Kendall Stagg, Policy Director at CDPH, introduced Gerrin Butler, Director of Food Protection. Mr. Stagg stated that notice was given in the previous month and was given 30 days in advance. There were no written comments received.

Gerrin Butler gave updates on the proposed changes concerning the food truck global positioning system (GPS) requirements. She noted that CDPH has worked with other departments including police, law, and fire to come up with changes that will meet the needs of both the regulators and the food truck operators. The changes include clarifying when and how the GPS should be used by the food truck operators and further clarifies the use of data collected from the GPS.

Mr. Gonzalez expressed concern about propane use in food trucks in light of a recent propane explosion inside of a Philadelphia food truck. Mr. Gonzalez asked if CDPH and other regulators have looked to public health authorities in that jurisdiction to see if our regulations would address such a hazard.

Ms. Butler answered that they have. Also, Chicago's regulations are one of the most stringent with regards to propane usage.

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Dr. Evans inquired whether the regulations required equipment to be stored in the commissary.

Ms. Butler addressed Mr. Evans concerns by clarifying that food truck owners can store at any legal parking spot (not at their homes) and they do not have to store at the commissary. The mobile food vehicle must report to the commissary at least once per day for servicing on the days that the mobile food vehicle operates. However, it is not required to store the truck at the commissary. An overnight garage would also be a legal spot.

Dr. Lopez asked from Comments from the attendees. None were given.

Dr. Lopez reminds the board that they have to vote and have the authority to pass these regulations.

Mr. Starshak moved and Dr. Rothschild second the motion. There was a unanimous vote in favor of the regulations by the Board. No oppositions.

**Public Hearing: Rulemaking on Flavored Tobacco Sales:**

Kendall Stagg reminds the audience and Board that unlike the Food Truck regulations, the regulations concerning flavored tobacco sales are not passed by the Board. The role of the Board with respect to flavored tobacco sales restrictions is advisory. CDPH has accepted comments during the 30 day period both orally and in writing.

Kendall Stagg summarized the following comments received during the 30 day period and provided a staff response to each as follows:

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<b>Comment:</b>	<p>Kids will still be able to get products by going just beyond the 500 foot barrier. A better course of action would be to engage in youth education by exposing the dangers of tobacco through seminars/speakers, brochures, leaflets, and incorporating tobacco into education.</p> <p>Another alternative is to raise taxes on these products, which are very appealing to kids because they are sold at cheap prices. The taxes could be used to pay for educational efforts.</p>
<b>Submitted by:</b>	<p>Mr. Rey Ampon  Tobacco Retailer  2181 N Clyborne Ave.</p>
<b>Staff response / recommendation:</b>	<p>There is no silver bullet that, by itself, will reduce youth exposure to tobacco products. Moreover, a total ban on flavored tobacco is unlikely necessary to appreciably reduce youth tobacco use.</p> <p>The City of Chicago is committed to using multi-pronged strategies to reduce youth tobacco use. This multi-prong approach is in line with suggestions from the Center for Disease Control.</p> <p>Nonetheless, the options offered in this comment are substantive policy decisions to be made by the Chicago City Council. Choosing among competing policy goals, without any legislative delegation or guidance, would infringed upon the legislative jurisdiction of the City Council.</p>

<b>Comment:</b>	<p>The City Council should ban the products altogether rather than creating an uneven playing field.</p> <p>This ordinance will create financial ruin for some retailers. Other retailers are celebrating the fact their store is not affected by the Ordinance and even erecting signs to say they sell flavored tobacco.</p>
<b>Submitted by:</b>	<p>Mr. Mohammed Abdallah  Owner of multiple convenience stores  (Comment provided orally, in person)</p>
<b>Staff response / recommendation:</b>	<p>Choosing among competing policy goals, without any legislative delegation or guidance, would infringed upon the legislative jurisdiction of the City Council.</p>

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<b>Comment:</b>	The City of Chicago should advise, in writing, all affected retailers that their business is subjected to the ordinance. The basis for the determination ( <i>i.e.</i> , data used to make the determination) should also be communicated to the impacted retailers. The 90 day grace period for depletion of existing inventories should not start until notice is given.
<b>Submitted by:</b>	<p>Sweis Law Firm  On behalf Independents Gas and Servicing Stations Associations,  2803 Butterfield Road, Suite 170  Oak Brook, IL 60523  (630) 575-8505</p> <p>Chicago Retail Merchants Association  19 S. LaSalle Street, Suite 300  Chicago, IL 60603</p>
<b>Staff response / recommendation:</b>	<p>Such notification is planned. Every June, BACP sends an annual update to all tobacco retailers. This year’s update provided high-level information about this new law. It also outlined that retailers who are impacted by this law will be notified with more details in a separate letter to come from the Chicago Department of Public Health.</p> <p>It is within the prosecutorial discretion of the Chicago Department of Public Health and Chicago Department of Business Affairs and Consumer Protection to not start the 90 day clock until written notice is sent.</p> <p>Staff recommends this concession should be granted. Even with this concession, enforcement could still start in October 2014, as planned.</p>
<b>Additional notes:</b>	<p>Commissioners of CDPH and BACP agree to this concession.</p> <p>The proposed rules and guidelines, as amended, reflect that the 90-day grace period does not begin until notice has been given.</p>

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<b>Comment:</b>	Retailers should have the right to continue selling restricted stock while a good-faith objection is pending. During the time that the objection is under review by the City of Chicago, tobacco retailers cannot be cited for the sale of the challenged product(s).
<b>Submitted by:</b>	<p>Sweis Law Firm  On behalf Independents Gas and Servicing Stations Associations,  2803 Butterfield Road, Suite 170  Oak Brook, IL 60523  (630) 575-8505</p> <p>Chicago Retail Merchants Association  19 S. LaSalle Street, Suite 300  Chicago, IL 60603  (312) 726-4600</p>
<b>Staff response / recommendation:</b>	<p>Staff does not recommend allowing tobacco retailers to wait until the end of the 90 day period only to seek an extension of time by filing an objection.</p> <p>During the 90-day grace period, retailers can either deplete their existing inventory and/or file any relevant objection. Timely filing of an objection (during the 90-day grace period) provides an opportunity to continue depleting their inventory while their objection is under appeal.</p> <p>Moreover, the decisions of CDPH and BACP are subject to review in accordance with applicable law.</p>

<b>Comment:</b>	In the event that tobacco retailers are obligated to provide a plat of survey to the City of Chicago, the tobacco retailer should be reimbursed for all costs associated with providing such information, if the tobacco retailer prevails.
<b>Submitted by:</b>	<p>Sweis Law Firm  On behalf Independents Gas and Servicing Stations Associations,  2803 Butterfield Road, Suite 170  Oak Brook, IL 60523  (630) 575-8505</p>
<b>Staff response / recommendation:</b>	Staff recommends this request be discussed by the Commissioners of Health and BACP.
<b>Additional notes:</b>	<p>Commissioners of CDPH and BACP agree to this concession.</p> <p>The proposed rules and guidelines, as amended, adopt the suggestion in this comment.</p>

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<b>Comment:</b>	A plat of survey for all schools in Chicago should be readily available for tobacco retailers and the general public so as to allow tobacco retailers and the public to be placed on notice as to which locations may be subjected to the ordinance.
<b>Submitted by:</b>	Sweis Law Firm On behalf Independents Gas and Servicing Stations Associations, 2803 Butterfield Road, Suite 170 Oak Brook, IL 60523 (630) 575-8505
<b>Staff response / recommendation:</b>	This is not process we have chosen to use for providing notice.  Our current plans entail publishing a list of impacted retailers and schools on the City’s Open Data Portal and notifying existing retailers in writing. Going forward, new licenses and renewals for retailers that fall within 500 feet of a school will be issued with the condition that flavored tobacco cannot be sold.  Nonetheless, staff recommends this issue be discussed by the Commissioners of CDPH and BACP before final rules are promulgated.

<b>Comment:</b>	Prohibiting a retailer’s right to sell a product without providing a “grandfather clause” is likely unprecedented.
<b>Submitted by:</b>	Chicago Retail Merchants Association 19 S. LaSalle Street, Suite 300 Chicago, IL 60603
<b>Staff response / recommendation:</b>	While it is true that taking away a right to sell a legal product is unusual, tobacco is no ordinary product and the disease and death it causes is not unlike any other consumer product on the market.  Moreover, the action is not unprecedented. Upon information and belief, when the City of Chicago enacted regulations that prohibited the sale of all tobacco products sold within 100 feet of a school, existing retailers were not “grandfathered” exception to the regulation.



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<b>Comment:</b>	Existing retailers should be grandfathered in.
<b>Submitted by:</b>	Chicago Retail Merchants Association 19 S. LaSalle Street, Suite 300 Chicago, IL 60603  Mr. Mohammed Abdallah Owner of multiple convenience stores (Comment provided orally, in person)
<b>Staff response / recommendation:</b>	This ordinance does not contain a grandfather clause.  Whether or not to provide a grandfather clause is a substantive policy decision that can only be made by the City Council. This is not an issue that can be decided by the Executive Branch.

<b>Comment:</b>	When a new school opens in the area, the fair and proper course of action would be to notify the school that a tobacco retailer is close by and allow the school to make the decision about whether or not to move into the area.
<b>Submitted by:</b>	Chicago Retail Merchants Association 19 S. LaSalle Street, Suite 300 Chicago, IL 60603
<b>Staff response / recommendation:</b>	The suggested course of action is incongruent with the policy decisions outlined in Section 4-64-180 <i>et seq.</i> , of the Chicago Municipal Code, as amended by Chicago City Ordinance no. O2013-9185.  The suggested course of action is a substantive policy decision to be made by the Chicago City Council. Choosing among competing policy goals, without any legislative delegation or guidance, would infringe upon the legislative jurisdiction of the City Council.

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<b>Comment:</b>	<p>Terms like “sweet” and “frost” should be removed from Exhibit A because terms like ‘frost” and “sweet” are not concepts that specifically relate to a candy, dessert, alcoholic beverage, fruit, herb, or spice, and therefore cannot be used toward “presumptive evidence” of a charactering flavor. More evidence is needed.</p> <p>Additional terms should not be added to Exhibit A other than very close variants of terms already on the list, after removing vague terms like “sweet” and “frost.”</p>
<b>Submitted by:</b>	<p>Cigar Association of American, Inc.  1100 G Street, NW  Suit 1050  Washington, D.C. 20005</p>
<b>Staff response / recommendation:</b>	<p>Case law suggests this more narrow approach suggested is wise. Staff will review Exhibit A to ensure it only contains terms that unquestionably reference a “characterizing flavor.”</p> <p>Removing these terms from Exhibit A does not necessarily mean such products are not a restricted flavored tobacco product. It merely means additional evidence will be necessary to prove the product in question is a flavored product. For example, CDPH is in receipt of a letter from RJ Reynolds that admits “Frost” Snus is a flavored product. RJ Reynolds made this statement even before the City of Chicago authored its flavored list of products. This is enough evidence to categorize Frost Snus as a flavored product. Frost Snus and numerous other products, for which we have found additional evidence beyond the terms on the package, will remain on the database of restricted products.</p>

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<b>Comment:</b>	The Chicago Department of Public Health and the Chicago Department of Business Affairs and Consumer Protection should develop meaningful testing processes and criteria that put the industry on notice of how it will arrive at a flavoring determination.
<b>Submitted by:</b>	Cigar Association of American, Inc. 1100 G Street, NW Suit 1050 Washington, D.C. 20005
<b>Staff response / recommendation:</b>	<p>Staff does not recommend any changes. Fact finding missions should not be relegated to a rigid methodology or source of data. The City should use all reasonable means to produce evidence of a product’s flavor, rather than limit the determination to only one method or a singular source of evidence.</p> <p>The Proposed Guidelines clearly outlines three mechanisms for determining if a product is flavored. Specifically:</p> <p style="padding-left: 40px;">Such a determination may be made through any one or more of the following methods:</p> <ol style="list-style-type: none"> <li>1) testing a product using a panel of trained sensory testers;</li> <li>2) reviewing retail or market research data from any widely recognized information and measurement company regarding a product’s flavor or aroma; and</li> <li>3) reviewing any list of cigarettes (or other tobacco products) maintained by a government entity that contains certified information from tobacco manufacturers related to a product’s flavor (e.g., a “Directory of Certified Tobacco Manufacturers and Brands,” or a “Certification of Fire Safety/Ignition Propensity for Cigarettes” maintained by any Attorney General’s Office).</li> </ol> <p>In addition, the guidelines clearly state that when making a final determination based on an appeal, the City will provide:</p> <ol style="list-style-type: none"> <li>1) a brief description of how the determination that a product has a characterizing flavor was made;</li> <li>2) the identity of any entity involved in collecting the data or conducting the consumer research or product testing used to determine if the product has or produces a characterizing flavor; and</li> <li>3) any other relevant findings of fact.</li> </ol> <p>To say that the City is not providing adequate notice of how these determinations are being made is unfounded.</p>

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<b>Comment:</b>	General support
<b>Submitted by:</b>	American Cancer Society and Respiratory Health Association
<b>Staff response / recommendation:</b>	No response.

<b>Comment:</b>	Retailers and/or manufacturers may try to evade regulation by suggesting their nicotine is derived from something other than tobacco.
<b>Submitted by:</b>	American Cancer Society
<b>Staff response / recommendation:</b>	This is a concern. However, these Rules and Guidelines are not the appropriate place to adequately deal with these concerns.  The City does not believe any manufacturer can sustain a claim that the nicotine in their products is not derived from tobacco.

At the end of Mr. Stagg’s summary, he entertained questions from the board.

Dr. Lopez then opened comments to the public.

Shehdeh Abu-Khalil, convenience store owner, testified:

Mr. Abu-Khalil purchased his business a few years ago with a partner, spending over 1 million dollars on the business. He is unsure whether his business is 500 feet or more from a school. Mr. Abu-Khalil sells only to people over 18 years of age, and the business itself has been present for over 50 years. Customers come to his store desiring to purchase gas, snacks, and tobacco products. Once a customer realizes that they cannot buy tobacco at his store, then the customer will simply go ten feet down the street to buy their desired products. Mr. Abu-Khalil is concerned that his business will not be able to survive.

Bodonna Reingold testified:

Ms. Reingold asks how the national regulations barring candy-flavored cigarettes fails to apply to this situation?

Kendall responded by saying that those federal regulations do not apply here. Flavored cigarettes are regulated, but in response, manufacturers put candy flavored little cigars and other products onto the market that did not meet the definition of a cigarette. It does not meet this definition because the tobacco is wrapped differently now. The industry found a loophole for the flavored products. With over 250 kid-friendly flavors on the market now, this issue is one of the hottest tobacco control issues of the day. It will be an ongoing effort to update flavors.

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Tanya Triche, with the Chicago Retailers Merchants Association testified:

Ms. Triche noted that she submitted comments, which were read earlier by Kendall Stagg, and she wanted to further clarify her comments. Ms. Triche re-stated her organization's concern over the lack of a grandfather clause. She noted that it is currently in the Code that sale of tobacco or alcohol cannot occur within 100 feet of a church or school. If a church or school makes the decision to locate within 100 feet of a retailer selling alcohol or tobacco, then that person is not required to discontinue the sale of those products. With the new regulation preempting sale of flavored tobacco within 500 feet of a school, persons will have to discontinue the sale of such products when a new school chooses to locate within 500 feet. Ms. Triche stated that this new flavored tobacco regulation is inconsistent with prior regulations and asked that it be changed to fall more in line with prior, similar regulations.

Ms. Triche quoted the ordinance by summarizing that if a retailer disputes whether they fall within 500 feet of a school, the retailer is responsible for issuing a plat of survey. However, the City has no requirement to show how they arrived at their decision. Ms. Triche would like more responsibility to be placed on the City so that the City can show how they arrived at their ruling and allow the retailer to refute that finding and/or methodologies.

Ms. Triche asks for further clarification of when notice would be given of a new school opening to near retailers. She called for clarification on the phrase "school opening", because it could mean when the school breaks ground or when the school opens its doors for business. She asked at what point the clock starts ticking.

Kendall Stagg responded to her questions as follows:

Flavored tobacco is such an insidious product, Mr. Stagg questioned if the alcohol and tobacco sales within 100 feet of a school is analogous to this situation. In regards to notice to a retailer, Mr. Stagg agreed with Ms. Triche, and the City will be submitting letters to retailers. Furthermore, there is a database of restricted products and and search engine available for retailers. He also told Ms. Triche he would follow up on defining when the 90 day grace period begins post a new school entering a 500 feet perimeter of a flavored tobacco seller.

David Sweis, attorney at Sweis law firm, testified:

Mr. Sweis wanted to take note of the first speaker's [Shehdeh Abu-Khalil] comments, asking how a similarly situated person would know if they are within the 500 feet perimeter of a school. Mr. Sweis stated that despite this million dollar investment [made by Ms. Abu-Khalil], the City is unwilling to make clarification on how a person should know if the regulation applies to them. Assuming that notice is not provided to a person tomorrow [July 17, 2014], then that person will not be on notice to deplete his stock of flavored tobacco. The rule silently assumes that the City will get back to the retailer within 90 days, but Mr. Sweis states that the City does not work that quickly. The lack of notice will cause confusion on how a person will know when the regulations will apply to them. Mr. Sweis also expressed safety concerns such as if a store is not selling the

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desired consumer product, then that consumer may be forced to go to an alternative store that is not as safely located. Mr. Sweis asks that the City clarify which persons are affected and notice be given in a timely manner.

Kendall Stagg stated that the City has consistently and unequivocally communicated with one voice on this issue — the City will not start issuing citations before October 2014. Mr. Stagg further stated that it is within the City's prosecutorial discretion to allow a grace period until notice has been given. Allowing for a grace period makes sense, not only because it is fair, but also because kids like flavored tobacco, especially when it is cheap. The health department does not want to create a situation where retailers are incentivized to offer flavored tobacco at deeply discounted prices. That would be a very perverse result.

Retailers will be given written notice. And, they will be given information about which school has been found to be within 500 feet of their business if they are impacted.

Sami Khalil, with JGJ Enterprises, testified:

Mr. Khalil wanted to make clear that the businesses that are affected by the regulation are reliant on current tobacco sales. Many businesses have loans and this restriction will greatly affect their ability to repay them. Most stores are not surviving off of gas and snacks. In fact, gasoline sales provide little profit in the current gasoline market. Mr. Khalil stated that tobacco sales are a part of a seller's livelihood and survival. While he realizes that the City's desire is to reduce tobacco use among children, he believes the 500 feet will create an unfair playing field and a black market of such products. Resources are better spent fighting cigarette and tobacco use in general. Sellers take the restrictions very seriously. For example, if a person is caught three times selling tobacco products to children, then their license is revoked. Since Mr. Khalil and others are trying to pay off loans, they do not take such risks. The 500 feet flavored tobacco sales restriction, especially without a grandfather clause, will put the sellers out of business and will affect their children.

Mohamed Kashkeesh, DePaul University College of Law, testified:

Ms. Kashkeesh questioned if this ordinance would have any impact. Also, he has been around small businesses for his whole life. The common practice is to measure door to door when making such determinations as the 500 feet or less flavored tobacco restriction. Mr. Kashkeesh asked why the City has chosen to not follow common practice and instead measure from property line to property line.

Mr. Kendall Stagg noted that there is an evidence base to show that retail density and proximity to schools does affect tobacco use by children. Furthermore, it is not the authority of CDPH to change this measurement method. Mr. Stagg acknowledges that door to door data can be used to pinpoint which places should be considered with closer scrutiny, but the regulation specifies property line to property line.

Dr. Lopez closed public hearing on flavored tobacco sales restrictions.

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Dr. Lopez asked for comments and discussion from the Board.

Mr. Victor Gonzalez raised questions about definitions and other language choices. Kendall Stagg responded to this by saying that the City intentionally mirrored the language that has already been upheld in the First and Second Circuits.

Dr. Evans Jr. asked next, why the City settled on 500 feet, versus 1,000 feet?

Mr. Stagg responded, the impact of a 1,000 foot buffer and a 750 foot buffer were in fact explored. A 1,000 feet ban on the sale of flavored tobacco would come closer to creating a complete ban on the products. The City does not desire to outlaw flavored tobacco throughout the entire city. A policy decision, that was well-informed by substantial analysis, resulted in the City choosing a 500 foot buffer. The City believes this buffer is the least-burdensome effective tactic to combat flavored tobacco use among youth.

Dr. Lopez closed the Board discussion on flavored tobacco sales restrictions. Without any objection, Dr. Lopez recommended the Commissioner move forward with the promulgation of the proposed rule.

No suggestions for substantive changes to the proposed rules were recommended by the Board.

**Policy Update:** Kendall Stagg gave the policy update. During this legislative session, 511 bills were passed in both chambers. Governor Quinn has received all 511 bills and acted on 82 of them as of yesterday [July 15, 2014]. The Governor has 60 days to act on a bill. There were no questions concerning this update.

**New Business:** none

**Old Business:** none

**Public Comments:** Badonna Reingold, Community Mental Health Advisory Board, addressed the Board:

Ms. Reingold noted that The Chicago Tribune reported that there are six trauma centers in the city, none of which are located on the South side. Ms. Reingold asked why are there no trauma units on the south side.

Dr. Choucair responded that this is a state issue and that the City has not been actively engaged. The jurisdiction for trauma centers is under the purview of the state. The City defers to partners of the state on this matter.

Ms. Reingold asked for further clarification.

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Dr. Choucair stated that the jurisdiction is under the purview of local health department. The City does not have the expertise.

Dr. Lopez noted that hospitals are regulated by state and not local jurisdictions. Anything that occurs in those hospitals that includes services is overseen by the Illinois Department of Public Health, and therefore the city has no particular voice about what happens in any particular hospital, even in the confines of Chicago.

Ms. Reingold stated that she was informed of discussions between the University of Chicago and Cook County concerning planning a trauma center on the South Side. However, the University could not fund without the help of the County.

Dr. Choucair responded by saying that he is neither aware of such a conversation nor is he informed to speak on it. The County does have a major trauma center, so the discussion may have occurred, but he is not aware of such a conversation.

Ms. Reingold states that the conversation concerns a regional plan but that the University can not take on the full cost. She asked if the Board could simply lend support.

Dr. Lopez responded that the Board only provides guidance to the Mayor and Health Commissioner. Therefore, we only advise on items within their authority. The operations of hospitals are strictly within the authority of the Illinois Department of Public Health.

Ms. Reingold had another question concerning CDPH becoming a network resource for managed care that she had proposed last meeting.

Dr. Choucair stated that the CDPH not reached a decision on that yet, but it is still being discussed.

An unnamed store owner asked whether limiting advertising on flavored products, rather than restricting sales within 500 feet of schools, was a viable option. He suggested that the stores could even utilize prevention signage.

Kendall Stagg responded that the Department would love to use that option, however, the First Amendment does not allow them to restrict advertising in that manner.

The man then asked if the store owners could “do it on their own?”

Kendall Stagg responded that if a coalition of business owners wants to get together and voluntarily agree to restrict advertising near schools, they are welcome to do so and health advocates would unquestionably applaud such action. But, it is very doubtful the City could mandate such restrictions without facing a serious First Amendment challenge from the tobacco industry. Also, no one in the room is a policy maker and even if the First Amendment were not a potential barrier, the Board of health cannot mandate such a restriction on store owners.



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**Adjourn:** The meeting adjourned at 10:13 AM.

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