

**MINUTES
of the
SECOND MEETING
of the
TOBACCO SETTLEMENT REVENUE OVERSIGHT COMMITTEE**

**July 1, 2019
University of New Mexico
Domenici Center for Health Sciences Education
North Wing, Room 2720
1001 Stanford Drive NE
Albuquerque**

The second meeting of the Tobacco Settlement Revenue Oversight Committee (TSROC) was called to order by Senator Gabriel Ramos, co-chair, on July 1, 2019 at 9:40 a.m. in Room 2720 of the North Wing of the Domenici Center for Health Sciences Education at the University of New Mexico (UNM) in Albuquerque.

Present

Sen. Gabriel Ramos, Co-Chair
Rep. Elizabeth "Liz" Thomson, Co-Chair
Rep. Joanne J. Ferrary
Sen. Candace Gould
Sen. John Arthur Smith

Absent

Rep. Gregg Schmedes

Advisory Members

Rep. Gail Chasey
Rep. Jim R. Trujillo

Sen. Linda M. Lopez
Sen. Mary Kay Papen
Sen. Sander Rue

Staff

Elisabeth Johnson, Staff Attorney, Legislative Council Service (LCS)
Lenaya Montoya, Staff Attorney, LCS
Rebecca Griego, Records Officer, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are on the website and in the meeting file.

Monday, July 1

UNM Health Sciences Center (HSC) Tobacco Settlement Revenue Programs Overview

Richard Larson, M.D., Ph.D., executive vice chancellor and vice chancellor for research, UNM HSC, welcomed the committee and provided an overview of programs at the center that are funded by tobacco settlement revenue.

Dr. Larson said that the UNM HSC is requesting that tobacco settlement funding for fiscal year (FY) 2021 return to the level received in FY 2017. Dr. Larson explained the difference between revenue resulting from the cigarette tax and revenue from tobacco settlement funds. Tobacco settlement funds support tobacco-related research and clinical care at the UNM HSC, while revenue from the cigarette tax supports clinical care, education and research at the UNM Comprehensive Cancer Center.

Dr. Larson stated that tobacco settlement funds are also used for instruction and general funds, which is a corpus of funds used for special education in trauma and pediatrics and for general line items.

Dr. Larson explained that the UNM HSC centralizes and shares large equipment and pools the services of biostatisticians. Dr. Larson discussed a pilot program that has resulted in the commercialization of many medical inventions. He stated that for every \$1.00 invested in a pilot program project, \$8.00 to \$20.00 is returned.

On questioning, Dr. Larson and committee members addressed the following topics.

Licensing costs for pilot program project inventions. A committee member asked if the licensing costs for pilot program project inventions is significant. Dr. Larson said that licensing projects receive \$1 million from the HSC and \$1 million from the UNM main campus and that no tobacco settlement funds are used. He said that costs are also subsidized with federal funding.

Fetal alcohol and drug levels. A member asked whether it can be readily determined if a mother has used drugs or alcohol during a pregnancy. He responded that it is generally not easy to discern unless the use was severe.

Return to FY 2017 funding level. A member asked for clarification regarding the request to return to the FY 2017 funding level. Dr. Larson explained that the UNM HSC's funding request should match the FY 2017 level because the amount requested in FY 2019 was not received in full due to a reduction in tobacco settlement funds.

Multiple sclerosis patients. A member raised concern regarding the difficulty of patients with multiple sclerosis in getting appointments with neurologists. Dr. Larson stated that there are shortages of registered nurses, doctors and pharmacists across the state.

Instruction and general funding. A member asked if instruction and general funding should come from the UNM General Fund. A member suggested that this question be discussed with the Legislative Finance Committee.

Technology in the course of study. A member asked about universities moving away from hands-on experience. Dr. Larson said that the UNM HSC uses simulated autopsies as well as actual autopsies. Dr. Larson also indicated that some artificial intelligence is being used and that there are many new medical advances using artificial intelligence.

Shaken baby legislation. A member asked whether the shaken baby legislation is being implemented properly. Dr. Larson replied that UNM would follow up on this issue.

Enforcement by the Taxation and Revenue Department. A member expressed an interest in having the Taxation and Revenue Department make a presentation regarding tobacco licensing enforcement.

Agreements with Indian nations, tribes and pueblos. A member expressed an interest in revisiting tobacco agreements with Indian nations, tribes and pueblos.

Pediatric Oncology Program — Specialty Education in Pediatrics

John Kuttesch, M.D., Ph.D., division chief, Pediatric Hematology and Oncology, UNM HSC, presented an overview of the HSC's pediatric oncology program. Dr. Kuttesch shared the UNM HSC's mission to decrease the burden of childhood cancer on children and families in New Mexico through clinical service, research and education.

Dr. Kuttesch said that the UNM HSC currently has over 400 active patients and 65 open research studies relating to pediatric oncology.

On questioning, Dr. Kuttesch and committee members addressed the following topics.

Bone marrow donor population. A member asked if there have been increases in the bone marrow donor population. Dr. Kuttesch responded that he would follow up on that question.

Childhood cancer factors. A member asked whether certain types of childhood cancers cluster by age. Dr. Kuttesch responded that age is a factor but that there are also genetic factors. A member followed up by asking whether race plays a role. Dr. Kuttesch affirmed that race is another factor.

Tour: Interprofessional Healthcare Simulation Center (IHSC)

Committee members toured the HSC's IHSC. Tour guides included Herica Torres, director of simulation, IHSC, and Joseph P. Sanchez, Ph.D., program operations director, UNM College of Nursing.

New Mexico Poison and Drug Information Center (NMPDIC)

Susan Smolinske, Pharm.D., director, NMPDIC, reported on the NMPDIC's work. Dr. Smolinske explained that there is still a low awareness rate relating to poison control issues.

On questioning, Dr. Smolinske and committee members addressed the following topics.

Nicotine poisoning. A member asked about the causes of nicotine poisoning. Dr. Smolinske replied that the primary occurrence is when a child consumes e-cigarette liquid.

Vaping issues. A member asked whether there are vaping-related poison control issues. Dr. Smolinske responded that 90% of reports are vaping related.

Childproofing. A member asked how dangerous products are made childproof. Dr. Smolinske replied that all vaping products are required to have a childproof cap but that this requirement is hard to enforce due to the number of products sold on the internet.

Marijuana poisoning. A member asked whether the NMPDIC receives reports of marijuana poisoning. Dr. Smolinske indicated that the NMPDIC does receive reports of marijuana poisoning and that most reports are related to edible marijuana products.

Current Issues with E-Cigarettes and Vaping

Matthew Campen, Ph.D., regents' professor, College of Pharmacy, UNM HSC, presented on the current health issues resulting from e-cigarette use and vaping. Dr. Campen explained that vaping is now being regulated by the federal Food and Drug Administration. Dr. Campen also said that vaping products are required to have a limited warning label.

Dr. Campen explained that e-cigarette liquid can be a poison, and he discussed the various problems with the regulation of vape shops.

On questioning, Dr. Campen and committee members addressed the following topics.

Studying the effects of vaping. A member asked whether it is difficult to study the effects of vaping. Dr. Campen responded that, because there are so many ingredients and variabilities in the compounds, it can be very difficult to study the effects of vaping.

Inclusion of vaping in the Dee Johnson Clean Indoor Air Act. A member asked whether the inclusion of vaping in the Dee Johnson Clean Indoor Air Act will help to reduce the use of vaping products. Dr. Campen replied that the inclusion of vaping was a good step toward reducing the use but that an emphasis also needs to be placed on studying the variabilities in the manufacturing process.

E-cigarette advertising. A member asked if there is a movement to regulate e-cigarette advertising. Dr. Campen responded by stating that there might be a possibility of regulating

advertisements aimed toward children. He said that there have been some regulations to limit advertising of certain e-cigarette flavors that are aimed at children.

Adjournment

There being no further business before the committee, the second meeting of the TSROC for the 2019 interim adjourned at 2:05 p.m.