



**MINUTES OF THE
OTTER TAIL COUNTY BOARD OF COMMISSIONERS
Tobacco Provision Minimum Legal Age Ordinance Public Hearing
Government Services Center, Commissioners' Room
515 W. Fir Avenue, Fergus Falls, MN
August 27, 2018
7:00 p.m.**

Introductions:

The Otter Tail County Board of Commissioners convened at 7:00 p.m. on Monday, August 27, 2018, at the Government Services Center in Fergus Falls, MN, for the purpose of continuing the Public Hearing from Tuesday, August 14, 2018, to receive comments regarding the proposed Tobacco Provision Minimum Legal Age Ordinance.

The following County Officials were present;

Doug Huebsch, District 1 Commissioners	Diane Thorson, Public Health Director
Wayne Johnson, District 2 Commissioner & Board Chair	John Dinsmore, County Administrator
John Lindquist, District 3 Commissioner	Michelle Eldien, County Attorney
Roger Froemming, District 4 Commissioner	
Lee Rogness, District 5 Commissioners	

Overview of Proposed Ordinance:

Diane Thorson explained the reason for proposing the T21 Ordinance. The County Public Health Department received requests to raise the age to purchase tobacco products from local schools, law enforcement and health care providers. The Public Health department then looks at science to make recommendations. She presented data showing a significant increase in e-cigarette usage in schools. There is particular concern for younger children because the vaping products that are being used are small and hard to detect. Ms. Thorson indicated that the Ordinance is being proposed under M.S. 145A. The Ordinance would prohibit the sale or distribution of tobacco products for anyone under the age of 21. Establishments selling tobacco and/or tobacco products would be required to verify the age of purchasers and post visible signs stating the minimum age requirement. Ms. Thorson read the fines for violating the Ordinance and the proposed effective date is January 1, 2019. Cities will continue to conduct their own compliance checks and license their retailers and must comply with the legal purchase age of 21.

Public Meeting Guidelines and Comments:

At 7:11 p.m., Chairman Wayne Johnson read the rules for the hearing and opened the meeting to the public. The sign-in sheet contained 56 signatures. The following is the list of citizens offering comment and a summary of comments:

Andrew Bremseth, City of Fergus Falls Administrator	Desta Hunt, Fergus Falls
Troy Haugen, Family Services Collaborative Coord.	Cheyenne Goodhart, Dalton
Mitch Peterson	Robby Olson, Perham
Curt Markgraf, Pelican Rapids	Justin Danberry, Fergus Falls
Anna Carlson, New York Mills	Derek Abrahams, Asst. FF High School Principal
Jim Slovensky	Connie Graff, Retired LRHC Respiratory Therapist
James Robideaux, TH Reduction4 Life	Katie Johnson, LRHC Marketing VP
Brandon Whitcomb	Josh Chapman, Pediatrician in Perham
Jenny Hoban, TH Reduction4 Life	Brett Glawe, Surgeon in Perham
Cap O'Rourke, Vaping Industry	Emily Myatt, American Cancer Society
Lisa Peterson, Relay for Life & Volunteer for ACS	Tim Meehl, Perham
Ron Anderson, Retired Perham Teacher	Colonel Tim Hunt, Fergus Falls

Summary of Comments in Support:

- Presented City of Fergus Falls Resolution #176-2018 in support of raising the tobacco purchasing age to 21 and in support of the T-21 initiative of the community
- Adult smokers generally start prior to age 21 so stiffer enforcement makes sense
- Stopping smoking and/or vaping before beginning the habit is crucial
- Twenty-eight partners are involved in the Family Services Collaborative serving students in support of this initiative
- 26% of students are using tobacco or e-cigarette products
- Tobacco industry is targeting our youth with easy to hide, flavored vaping products
- T21 will make use more difficult, decrease smoking and vaping, and save lives
- Vaping is unhealthy and is hard to quit
- E-cigarette use is increasing at an alarming rate in our schools
- Parents don't recognize e-cigarette use – it does not smell and the products are small
- T21 Ordinance will not eliminate tobacco product use but it can reduce the use of these products in the younger ages
- Nicotine is an addictive product in tobacco
- When smoking was prohibited in restaurants and bars, small businesses were worried about their finances – this is not a problem today and the T21 Ordinance will also, not hurt small businesses
- The T21 Ordinance is an opportunity to create a partnership to focus on prevention and help our community focus on our health
- Science indicates that T21 will equate to a 25% reduction in tobacco product use
- Teenagers brains are not fully developed until age 25 so we should not expose kids to life-long struggles before they reach full development
- The journal of medical medicine states that vaping increases the risk of heart attack because of what it does to the blood vessels
- Vaping is not an effective smoking prevention factor for people trying to quit smoking

Summary of Comments Opposed:

- Vaping helps people quit smoking which is the unhealthiest habit
- Enforcement to purchase tobacco products will not stop the use of the products
- Flavored tobacco or vaping products are no different than different flavors of wine
- The government has better items to focus on
- You can vape with zero nicotine
- Vaping without nicotine can help lose weight by diminishing snacking and other unhealthy habits
- Citizens need the freedom to make their own choices
- Cost of the T21 Ordinance to small stores that are already economically struggling
- Use money for more education, let adults make choices, and do not hurt business
- Minors are not going to stop smoking or vaping because of the T21 Ordinance
- This Ordinance will be difficult to enforce
- Vaping is a healthier alternative to smoking
- 18 – 20 year olds will return to smoking if they cannot purchase vaping products
- The T21 Ordinance will not stop minors from obtaining these products and it could create a black market
- If you tell young people they can't do something, they tend to go ahead and try it – T21 will not help people
- E-cigarettes are 25% less harmful than smoking and should be recommended to smokers for smoking cessation
- Current data being used in support of the T21 Ordinance is not an accurate measurement
- The average nicotine level in juul pods is 5%

- The majority of kids are trying e-cigarette products without nicotine. If T21 is passed, 18-20 year olds will have to drive to Fargo or Detroit Lakes to purchase products with no nicotine
- T21 Ordinance will be a barrier for youth to quit smoking
- The same organization pushing T21 has actively prevented the FDA from raising the age of smoking to 21 which keeps tobacco control groups in business because their financing comes from big tobacco
- Parents should be responsible to prevent use – the #1 reason youth smoke is if their parents smoke
- Petition opposed to the proposed Tobacco 21 Ordinance was presented and contained 545 signatures
- E-cigarettes became popular in 2007 and that is the reason for the science that shows a reduction in smoking
- Questioning the authority of the County to take over jurisdiction of the cities who currently license and regulate tobacco and tobacco products – counties have jurisdiction in unincorporated areas
- Questioning who will do compliance checks in the cities and what fine is issued from the city or county ordinance

Adjournment:

At 8:35 p.m., with no further comments offered, Chairman Johnson closed the public hearing. He stated that written comments will be accepted through August 31, 2018.

Respectfully Submitted,

Kathy Domholt,
Board Secretary