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James M. Illig  
Commissioner

Margine A. Sako  
Commissioner

David J. Sanchez, Jr., Ph.D.  
Commissioner

Catherine M. Waters, R.N., Ph.D.  
Commissioner

## HEALTH COMMISSION

CITY AND COUNTY OF SAN FRANCISCO  
Edwin M. Lee, Mayor

Department of Public Health



Barbara A. Garcia, MPA  
Director of Health

Mark Morewitz, MSW  
Executive Secretary

TEL (415) 554-2666  
FAX (415) 554-2665

Web Site: <http://www.sfdph.org>

**MINUTES**  
**HEALTH COMMISSION**  
**COMMUNITY AND PUBLIC HEALTH COMMITTEE**  
**Tuesday,**  
**November 15, 2011 2:00 p.m.**  
**1001 Potrero Avenue, Conference Room 2A6**  
**San Francisco, CA 94110**

**1) CALL TO ORDER**

Present: Commissioner Margine Sako, Chair  
Commissioner James M. Illig, Member  
Commissioner Catherine Waters R.N., Ph.D., Member  
Commissioner Steven Tierney  
Commissioner Sonia Melara

The meeting was called to order at 3:04pm.

**2) APPROVAL OF THE OCTOBER 18, 2011 COMMUNITY AND PUBLIC HEALTH COMMITTEE MINUTES**

Action Taken: The minutes of the October 18, 2011 were unanimously approved.

**3) RESOLUTION: URGING THE FDA TO BAN MENTHOL FROM CIGARETTES AND OTHER TOBACCO PRODUCTS**

Mele Lau-Smith, DPH, and Carol McGruder, from the San Francisco Tobacco Free Coalition, gave the presentation.

Ms. Lau-Smith and McGruder stated that the Food and Drug Administration (FDA) already prohibits sweet and fruit flavors in tobacco products because they make these products appealing to children. However, menthol was left out of the list of additives although it is known to be a "starter" product for children and youth because it makes it easier to inhale smoke more deeply. In addition the

tobacco industry has specifically targeted African American youth in its advertising efforts regarding menthol products.

Commissioner Comments/ Follow-Up:

Commissioner Sako asked if FDA is currently taking formal comment on the topic of Menthol in tobacco products. Ms. Lau-Smith stated that the FDA is not formally taking comment at this time. However, input from policy-bodies with expertise in health issues will hold heavier weight when the comment period begins which is likely in early 2012.

Commissioner Sako requested that the draft resolution be amended to take out the term “create an entity” in the paragraph beginning with “Further Resolved.” Commissioner Waters requested that the term “commit resources” be added to the same paragraph. The final paragraph of the final resolution is amended to the following:

*“FURTHER RESOLVED, That the San Francisco Health Commission urge the Food and Drug Administration to recognize the severity of the tobacco industry’s pernicious targeting of marginalized communities and to ~~create an entity~~ commit resources to address the special and disparate needs of these populations.*

Action Taken: The resolution, as amended above, was unanimously approved to be forwarded to the full Health Commission for their review and approval.

**4) MINOR CONSENT**

Michael Baxter MSW, Director of Youth Programs and Family Planning, gave the presentation. He stated that in an effort to insure that youth in need have access to mental health services, two California statutes now give minors the right to consent to their own mental health treatment if they meet either of the following statutes:

*Family Code § 6924*

*“A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis or to residential shelter services, if both of the following requirements are satisfied: (1) The minor, in the opinion of the attending professional person, is mature enough to participate intelligently in the outpatient services or residential shelter services. AND (2)The minor (A) would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (B) is the alleged victim of incest or child abuse.” Cal.Fam. Code § 6924. Health & Safety Code § 124260*

*“[A] minor who is 12 years of age or older may consent to [outpatient] mental health treatment or counseling services if, in the opinion of the attending professional person, the minor is mature enough to participate intelligently in the mental health treatment or counseling services.” Health & Saf. Code § 124260.*

Commissioner Comments/Follow-Up:

Commissioner Waters asked if Title X supports the efforts of these statutes. Mr. Baxter stated that Title X does support youth having appropriate access to mental health services.

Commissioner Sako asked how the minor mental health clients are tracked and whether their information is sealed when they turn eighteen. Mr. Baxter stated that charts are kept as record for services provided to minor clients. Only with their consent can the information be shared.

Commissioner Sako asked how the DPH measures success in providing mental health to minor clients. Mr. Baxter stated that a short survey is given to youth clients to solicit information on skills learned through participation in services in addition to a quality of life measure. He also said that chart data includes progress on individual care plans.

Commissioner Sako asked for clarification on whether DPH runs the wellness centers. Mr. Baxter stated that the school wellness centers are a partnership between DPH and Department of Children and Youth and their Families (DCYF). Mr. Baxter also stated that were there to be additional funds available for youth mental health, he would advocate for expanding the wellness centers because of their proximity and effectiveness in serving the needs of school-aged youth.

**5) DPH LGBT PROGRAMS UPDATE**

Michael Baxter MW, Director of Youth Programs and Family Planning, gave the presentation. He stated that Dimensions Clinic was created in 1998 as a response to an overwhelming response from gay, lesbian, bisexual, and transgender youth stating there was no clinic in San Francisco in which they felt comfortable accessing. The majority of clients at Dimensions are transgender. There are also services offered to this population at the school-based wellness centers.

Commissioner Comments/Follow-Up:

Commissioner Illig stated that he is impressed with the level of community partnerships that Mr. Baxter and DPH have initiated for this population. Director Garcia stated that Mr. Baxter has been successfully working towards community integration of youth services in San Francisco for many years.

**6) EMERGING ISSUES**

Director Garcia gave an update on the status of Occupy SF. DPH has provided two health inspections a day and outreach to the participants three times a day. The inspectors have found that garbage and portable toilets have not been maintained appropriately. In addition there are dog feces throughout the camp area. She will continue to update the Commission at other meetings.

**7) PUBLIC COMMENT**

There was no public comment.

**8) ADJOURNMENT**

The meeting was adjourned at 3:53pm.

**HEALTH COMMISSION**  
**CITY AND COUNTY OF SAN FRANCISCO**  
**Resolution No. 12-11**

**RESOLUTION URGING THE U.S. FOOD AND DRUG ADMINISTRATION (FDA) TO BAN MENTHOL IN CIGARETTES AND OTHER TOBACCO PRODUCTS.**

WHEREAS, A high percentage of children aged 12-17 years, including Asian American, Latino/Hispanic, African American, and white high school-aged teens who smoke use menthol cigarettes; and

WHEREAS, A high percentage of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) smokers, particularly youth, smoke menthol cigarettes; and

WHEREAS, The tobacco industry has a well-documented history of developing and marketing mentholated brands to racial and ethnic minorities and youth; and

WHEREAS, The tobacco industry manipulated the dose of menthol in cigarettes to ensure the uptake and continued use of tobacco, especially by young people and other vulnerable populations for many years; and

WHEREAS, Mentholated and flavored products have been proven to be a “starter” product for youth who begin smoking; and

WHEREAS, The U.S. Food and Drug Administration already prohibits cigarettes from having candy, fruit, and spice as characterizing flavors because these flavors make tobacco products especially appealing to children, and often lead to a lifetime of tobacco addiction; and

WHEREAS, Menthol was expressly exempted from the ban on characterizing flavors in cigarettes; and

WHEREAS, The tobacco industry has perniciously targeted African Americans with mentholated products and as a result many African American smokers smoke menthol cigarettes, as compared to white smokers; and

WHEREAS, The U.S. Food and Drug Administration has the authority to issue product standards to promote public health, which can include reducing or eliminating certain ingredients; and

WHEREAS, Other tobacco products (including but not limited to smokeless tobacco, cigarillos, little cigars, hookah tobacco, and dissolvable tobacco products) are not included in the ban on candy, fruit, spice or other characterizing flavors; and

WHEREAS, The City and County of San Francisco is committed to the health and well being of its residents and is particularly concerned about preventing tobacco use among youth; now, therefore, be it

RESOLVED, That the San Francisco Health Commission hereby urges the Food and Drug Administration to exercise its authority to ban the use of menthol in cigarettes and other tobacco products in the United States; and, be it

FURTHER RESOLVED, That the San Francisco Health Commission urge the Food and Drug Administration to recognize the severity of the tobacco industry's pernicious targeting of marginalized communities and to commit resources to address the special and disparate needs of these populations.

I hereby certify that the San Francisco Health Commission at its meeting of November 15, 2011 adopted the foregoing resolution.

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Mark Morewitz  
Executive Secretary to the Health Commission