

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON

ORDER AND RESOLUTION
NO: 14-01-28-07

IN THE MATTER OF PROPOSING A
POLICY RESOLUTION TO THE NATIONAL
ASSOCIATION OF COUNTIES FOR
CONSIDERATION AT THEIR ANNUAL
LEGISLATIVE CONFERENCE TO BE HELD
MARCH 1-5, 2014 IN WASHINGTON, DC.

WHEREAS, Lane County is a member in good standing with the National Association of Counties; and

WHEREAS, the National Association of Counties provides essential services to the nation's 3069 counties and advances issues with a unified voice before the federal government; and

WHEREAS, the National Association of Counties has a specific resolutions review procedure whereby it determined policy positions on a wide variety of county issues; and

WHEREAS, Lane County has successfully developed National Association of Counties resolutions on a variety of issues in the past; and

WHEREAS, staff have created on draft resolution regarding a mental health funding concept that would increase mental health funding through an existing tax on firearm and ammunition manufacturing; and

WHEREAS, staff have created a second draft resolution regarding a concept in support of a regulatory framework development addressing nicotine use through vaporized delivery systems; and

WHEREAS, the issue of adequate mental health funding is one of the top priorities for the Lane County Board of Commissioners in their role as the Mental Health Authority; and

WHEREAS, Congress and the Administration are continuing to have discussions related to gun violence and improved funding for mental health programs; and

WHEREAS, Lane County Board of Commissioners has an interest in regulating the use of addictive and potentially harmful substances as they relate to tobacco products; and

WHEREAS, officials at the US Food and Drug Administration have indicated they plan to soon regulate the use of nicotine through vaporized delivery systems; and

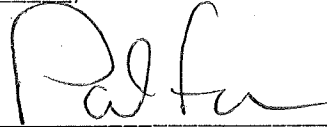
WHEREAS, the draft resolutions are attached to this resolution as Attachments B and C.

NOW, THEREFORE, the Board of County Commissioners of Lane County **ORDERS and RESOLVES** as follows:

1. The Lane County Board of Commissioners submits a resolution to NACo proposing amendments to the Pittman-Robertson Act such that it include provisions to require a funding mechanism for improved community mental health systems as outlined in Attachment A; and

2. The Lane County Board of Commissioners submits a resolution to NACo supporting the proposed federal regulations of nicotine use through vaporized delivery systems as outlined in Attachment B.

ADOPTED this 28th day of January, 2014.



Pat Farr, Chair
Lane County Board of Commissioners

APPROVED AS TO FORM

Date



LANE COUNTY OFFICE OF LEGAL COUNSEL



National Association of Counties

Resolution in support of continuous funding for community-based mental health programs

Issue: Lack of sufficient federal funding for community-based mental health programs.

Proposed Policy: NACo supports the continuous and increased use of federal funds to improve early intervention community-based mental health programs, in coordination with local human service and law enforcement, as part of a comprehensive response to gun violence. A 1% percent increase to the funds collected by the federal government from the manufacturers of firearms and ammunition under the Pittman-Robertson Act should be allocated to the counties/community-based providers upon a formula approved by the Secretary of the Interior and the Secretary of Health and Human Services in order to maintain successful community-based programs at the local level.

Background: A growing number of communities have been forced to deal with the convergence of gun violence and mental health issues. A comprehensive response to gun violence must focus on funding for community-based mental health programs in addition to other types of regulations being discussed. Mental health services are critical to overall population health. Providing treatment in a community-based setting allows people the opportunity to stay connected with family, to learn the skills needed to be more independent, to be engaged in their community, and when possible to work.

The nexus between the manufacturing of firearms and the sport of hunting provides a stable and constant source of funding for wildlife conservation under the Pittman-Robertson Act. The nexus between the manufacturing of firearms and firearm violence should also be a source of funding for early intervention mental health programs to prevent future tragedies like Thurston, Aurora, Clackamas, and Newtown.

Fiscal/Urban/Rural Impact: The potential fiscal impact to counties across the nation will be significant as community-based mental health programs are typically underfunded as a whole. The recent rise in gun and ammunition sales suggests that funding for wildlife conservation under the Pittman-Robertson Act will not experience a decrease, but will be able to maintain its funding at a rate similar to that of previous years. Total collections from these taxes were \$338.2M in FY2011 and \$555.3M in FY2012.¹

¹ Congressional Research Service, *"Guns, Excise Taxes, and Wildlife Restoration"*, May, 2013.
<https://www.fas.org/sgp/crs/misc/R42992.pdf>

National Association of Counties

Resolution in support of federal regulations addressing nicotine use through vaporized delivery systems

Issue: Address the lack of sufficient federal regulation of nicotine use through vaporized delivery systems.

Proposed Policy: NACo supports the Food and Drug Administration's (FDA) proposal of a regulation that would extend the agency's "tobacco-product" authorities. Currently, the FDA has the authority to regulate cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco. The proposed regulation grants the FDA the authority to issue regulations deeming other tobacco products that meet the statutory definition of "tobacco product" to be subject to the provisions found in Chapter IX: Tobacco Products of the Food, Drug, and Cosmetic Act. This proposed regulation is necessary to afford FDA the authority to regulate these products which include electronic cigarettes. Electronic cigarettes are battery-powered smoking devices that vaporize a liquid solution containing nicotine, simulating tobacco.

Background: Adolescence is the peak time for tobacco use initiation and experimentations. In recent years, new and emerging tobacco products, sometimes referred to as "novel tobacco products," have been developed and are becoming an increasing concern to public health due, in part, to their appeal to youth and young adults. Non-regulated tobacco products come in many forms, including electronic cigarettes, nicotine gels, and certain dissolvable tobacco products (i.e., those dissolvable products that do not currently meet the definition of smokeless tobacco under 21 U.S.C. 387(18) because they do not contain cut, ground, powdered, or leaf tobacco and instead contain nicotine extracted from tobacco), and these products are widely available. It is necessary to provide FDA with authority to regulate these products (e.g., registration, product and ingredient listing, user fees for certain product, premarket requirements, and adulterations and misbranding provisions). This framework is consistent with other approaches that the Agency has taken to address the tobacco epidemic and is particularly necessary given that consumer use may be gravitating to the proposed deemed products.

Fiscal/Urban/Rural Impact: The proposed rule has two parts: one part deems all tobacco products to be subject to the FD&C Act; the other part proposes additional provisions that would apply to newly-deemed products as well as to other covered tobacco products. The proposed deeming action differs from most public health regulations in that it is an enabling regulation. In addition to directly subjecting newly-deemed "tobacco products" to the substantive requirements of Chapter IX of the FD&C Act, it enables FDA to issue further public health regulations related to such products. Thus, almost all the potential benefits and most of the costs that flow from deeming action would be realized in stages over the long term. The proposed rule would generate some immediate quantifiable benefits by dissuading smokers of small and large cigars, thereby improving health and longevity; it would impose costs in the form of registration, submission, labeling, and other requirements.