

# OFFICIAL RECORD OF PROCEEDINGS

## Boulder County Board of Health (BOH) Regular Meeting Boulder County Public Health (BCPH) Auditorium June 10, 2019

**BOH Members Present:** President Gregg Thomas, Vice President Olga Bermudez, and Board Member Morgan McMillan (in at 5:56 p.m.). Absent: Board Members Jorge DeSantiago and McKenzie Rieder.

**Staff Members Present:** Public Health Director Jeff Zayach; Director of Health Divisions Heath Harmon; Director of Strategic Initiatives Susan Motika; Communicable Disease & Emergency Management Division Manager Indira Gujral; Healthy Eating and Active Living (HEAL) & Built Environment Coordinator Rachel Arndt; Tobacco Education and Prevention Partnership (TEPP) Program Specialists Brittany Carpenter and Vanessa St. Clair; GENESIS Program Coordinator Mary Faltynski, Open and Affirming Sexual Orientation & gender identity Support (OASOS) Program Specialist Rachel Gellert; Health Systems & Policy Planner Marcy Campbell; Air Quality Program Coordinator Bill Hayes; Business Sustainability Specialist Collin Tomb; Oil & Gas Specialist Cindy Copeland; and Business Operations Manager Tammy Golden.

### **Meeting Called to Order.**

President Thomas called the meeting to order at 5:36 p.m.

### **ITEM 1. Public Comments (on unscheduled agenda items).**

None.

### **ITEM 3. Legislative Update.**

Director of Strategic Initiatives Susan Motika introduced this item and said she and Environmental Health Division Manager Joe Malinowski drafted a legislative update following the conclusion of the 2019 state legislative session (January 4-May 3). She said several bills passed with significant relevance to public health. She then introduced the following staff to provide specific legislative updates.

**Mobile Home Parks** – Healthy Eating and Active Living (HEAL) & Built Environment Coordinator Rachel Arndt:

- House Bill (HB) 19-1309 provides protections for mobile home owners by granting statutory counties (e.g. Boulder County) the authority to enact mobile home ordinances. It also extends the time for posting eviction notices from 48 hours to 30 days without prepayment of rent and 60 days if the resident can prepay their rent; it extends the time to procure nonpayment of rent from five to ten days (which is more uniform with other rentals), and it creates the “Mobile Home Park Act Dispute Resolution and Enforcement Program”(i.e. residents can file a complaint with the Department of Local Affairs to activate the mediation and appeals process if they feel their rights have been violated). Ms. Arndt said staff is now working on the 2020 legislative session and rulemaking process. She extended thanks to Boulder County’s Policy staff and mobile home park residents for their advocacy.

Public Health Director Jeff Zayach agreed and said this legislation wouldn't have passed without the extensive work and support of BCPH and Boulder County. He said this it was the first mobile home bill to advance in 35 years.

**Tobacco** – TEPP Program Specialists Brittany Carpenter and Vanessa St. Clair:

- HB 19-1033 expands the ability of local governments to regulate tobacco, impose fees and licenses, and consider taxes on tobacco. It allows counties to enact policies regarding sale and purchase by minors (municipalities may already do so), and it allows counties to levy, collect, and enforce special county sales taxes on nicotine products if approved by voters. The bill clarifies that statutory and home-rule entities have the same authority regarding taxation and regulation of tobacco products.
- HB 19-1076 adds e-cigarettes and similar devices to the Colorado Clean Indoor Air Act (“the Act”). It also bans their use in areas where cigarettes, cigars, etc. are already prohibited, and it requires hotel and motel rooms to be smoke-free and eliminates other former Act exemptions.

**Sex Education** – GENESIS Program Coordinator Mary Faltynski:

- HB 19-1032 adds requirements for public schools to offer sex education, including consent relative to safe and healthy relationships and safe-haven laws. It prohibits instruction from emphasizing sexual abstinence as the primary or sole acceptable preventive method, and it prohibits instruction from explicitly or implicitly using shame-based or stigmatizing language/instructional tools, employing gender stereotypes, and excluding health needs of LGBT (lesbian, gay, bisexual, or transgender) individuals. Schools also can no longer hire organizations to present that are abstinence-only.

Ms. Faltynski said the new bill may require changes at St. Vrain Valley School District (SVVSD) because abstinence is a big component of their sex education instruction. OASOS has started partnering with BVSD on its health education policy, and she noted some Boulder Valley School District (BVSD) parents were lobbying for opt-out for some components of the education on sex change. Directors Zayach and Motika thanked Ms. Faltynski for her testimony before the legislature on behalf of Boulder County.

**LGBTQ (lesbian, gay, bisexual, transgender, and questioning)** – OASOS Program Specialist Rachel Gellert:

- HB 19-1120 lowers the age of consent from 15 years to 12 years for those seeking outpatient mental health services with or without parental consent, with some exceptions. This is significant for transgender youth and those suffering abuse.
- HB 19-1129 prohibits mental health providers from practicing conversion therapy with patients under 18 years.
- HB 19-1039 makes it easier for transgender people born in Colorado to change the gender on their birth certificate and requires the state registrar to issue a new birth certificate instead of amending the original one, and it removes the stipulations of surgery and a court order.

**Family Leave** – Director of Strategic Initiatives Susan Motika:

- SB 19-188 requires the Department of Labor and Employment to perform or contract an analysis regarding implementation of a paid family and medical leave program for all employees in Colorado. The bill also creates a task force to recommend program implementation so benefit payments can begin in January 2024.

Ms. Motika acknowledged the significant contributions of Family Health Division Manager Andrea Prueett on this bill.

**Mental Health** – Health Systems & Policy Planner Marcy Campbell:

- HB 19-1269 helps to ensure that private insurance companies and Medicaid provide the same quality of coverage for behavioral health (e.g. mental health, substance abuse) as for physical health

care. It provides additional enforcement requiring insurance companies to demonstrate that they're providing equal levels of coverage.

Ms. Campbell noted that school-based health centers are in schools with the lowest attendance rate to determine where the greatest need is. Staff will help them identify how to support youth access to mental health support.

**Immunization and Opioids** – Communicable Disease & Emergency Management Division Manager Indira Gujral:

- SB 19-227 allows hospitals to be clean syringe exchange sites and schools to administer naloxone (i.e. administered to reverse opioid overdose). Dr. Gujral said Representative Jonathan Singer was very active and instrumental in passing opioid legislation. He attended Boulder County's Opioid Advisory Group (OAG) meetings and met extensively with staff to learn about the subject.
- SB 19-228 appropriated \$2 million for local public health agencies to address opioid and other substance abuse disorders (SUD) priorities.
- HB 19-1312 failed, which would've required parents exempting their children from immunizations to submit a form to their local public health agency or the Colorado Department of Public Health & Environment (CDPHE).

Dr. Gujral said much work is still needed to address immunization rates in Colorado. CDPHE is working with staff on targeted strategies to improve immunization rates. She said Denver and Boulder Counties were selected to work on this since immunization rates for kindergarten students in these counties were low. She noted that BVSD will exclude children without proper vaccination.

President Thomas highlighted the importance of herd immunity to help protect those who could be detrimentally impacted since they're unable to receive immunizations themselves or are more susceptible to contracting diseases (e.g. young babies, immunocompromised people, pregnant women).

**Oil & Gas and Climate Change** – Air Quality Program Coordinator Bill Hayes; Business Sustainability Specialist Collin Tomb; Oil & Gas Specialist (O&G) Cindy Copeland:

- SB 19-181 modifies the composition and regulatory charge of the Colorado Oil & Gas Conservation Commission (COGCC) to include health, public safety, and the environment; expands the regulatory charge of CDPHE, imposes new requirements for O&G operators, and provides additional regulatory authority to local governments for O&G operations. Some of the expanded requirements pertain to leak detection and repair (LDAR) at well production facilities, inspection/maintenance of transmission pipelines, and continuous methane monitoring.
- SB 19-096 requires the Air Quality Control Commission (AQCC) to promulgate rules requiring greenhouse gas (GHG)-emitting entities to monitor and public report their emissions. It also requires the Air Quality Control Commission to update the statewide inventory of GHG at least every two years.
- HB 19-1261 sets statewide GHG pollution reduction goals. It requires AQCC rulemaking for statewide standards that are in line with the Paris Agreement. President Thomas asked when the last comprehensive inventory was conducted and was told that occurred in 2008.

**Firearms and ERPO (extreme risk protection orders)** – Public Health Director Jeff Zayach:

- HB 19-1177 establishes procedures for requiring individuals deemed to be significant risks to themselves or others to surrender firearms in their possession when the court issues an ERPO on them. Mr. Zayach said law enforcement was supportive of this law. Many feel it could've prevented deaths if in effect sooner, but there are others who have voiced opposition to and reluctance to enforce the law. There will likely be lawsuits challenging this new law since some feel it violates Second Amendment rights. Ms. Motika said Mr. Zayach was the only public health officer allowed to testify on this bill.

Board Member McMillan commended staff and said it was a privilege working with BCPH because it places so much leadership, knowledge, and importance on active participation in the legislative process. President Thomas and Vice President Bermudez echoed her comments and said there are many people who benefit from the work of BCPH – not just in Boulder County, but statewide. They said the County Commissioners and state legislators were very supportive and appreciative of the work of BCPH staff.

## ITEM 2. Consent Agenda.

The consent agenda included the following items:

A. *Approval of May 13, 2019, Regular Board of Health Meeting Minutes.*

***Vice President Bermudez made a motion, which was seconded by Board Member McMillan, to approve the consent agenda, as presented. With all board members present voting in favor of the motion, President Thomas declared the motion approved. Absent: Board Members DeSantiago and Rieder.***

## ITEM 4. Director's Report.

**Oracle:** Vice President Bermudez asked for an update on the County's conversion to Oracle (new county-wide financial software system). Mr. Zayach said the system's been in place for two months, and there have been some glitches. Staff is collaborating with the County on prioritization (e.g. closeout of state grants ending June 30, entering vendors into the system, and closeout of federal grants ending September 30). BCPH and Boulder County are also dealing with significant staffing shortages, which has impacted the conversion process. Things will improve once the glitches are worked out. Staff will provide a comprehensive update at an upcoming board meeting.

**Maltreatment, Abuse, and Neglect:** Mr. Zayach said Boulder County is part of a large effort (i.e. 100 organizations) to address maltreatment, abuse, and neglect. A five-year grant has been applied for; if awarded, the focus would be on the 0-5 years age group. Mr. Zayach said Family Health Division Manager Andrea Pruettt and Boulder County Housing and Human Services Director Frank Alexander have dedicated a great deal of work on this issue.

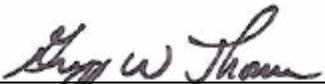
**E. coli:** Director of Health Divisions Heath Harmon said a local watershed group is investigating E. coli levels in recreational waters, and BCPH staff members Joe Malinowski, Erin Dodge, and Scott Coulson are providing expert advice.

## ITEM 5. Old and New Business & Announcements.

None.

## ITEM 6. Adjournment.

There being nothing further to discuss, President Thomas declared the meeting adjourned at 6:58 p.m.

  
\_\_\_\_\_  
Gregg Thomas, President

  
\_\_\_\_\_  
Jeffrey J. Zayach, Public Health Director