



Tobacco and Nicotine: Banning the Sale of Flavored Tobacco Products

Presenters:

Rachael Banks,
Public Health Director
Dr. Jennifer Vines,
Deputy Health Officer

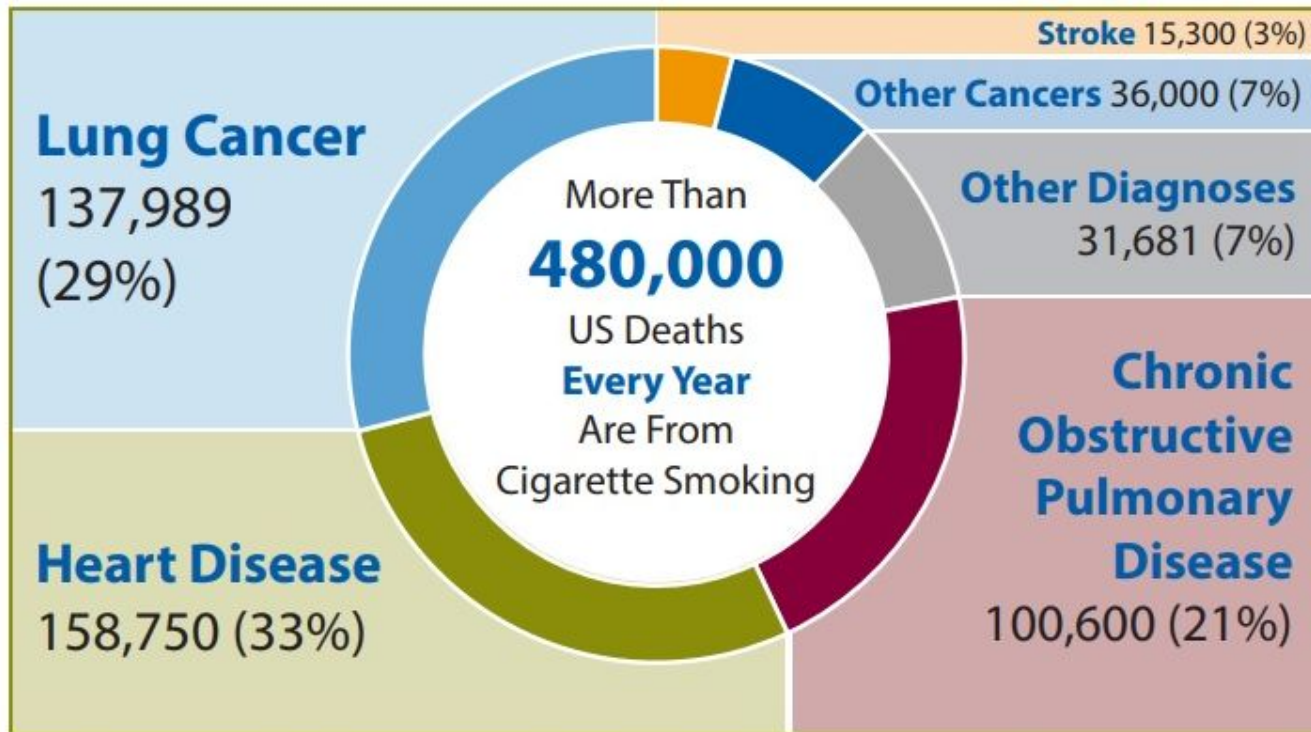
October 3, 2019

Today's Presentation

- Provide an overview of the impact of flavored tobacco and nicotine products;
- Provide an update on the multi-state outbreak of vaping related lung disease; and
- Share examples of jurisdictions that have implemented a ban on the sale of flavored tobacco products.



Annual Deaths from Smoking



Note: Average annual number of deaths for adults aged 35 or older, 2005–2009.

Source: [2014 Surgeon General's Report, Table 12.4, page 660.](#)



Annual Toll of Tobacco Use in Multnomah County



106,900 Adults who regularly smoke cigarettes

36,090 People with a serious illness caused by tobacco



1,203

Tobacco-related deaths



\$305.6 Million

spent on tobacco-related medical care



Population

Youths	152,813
Adults	660,487
Total residents	813,300

\$271.9 Million

in productivity losses due to premature tobacco-related deaths



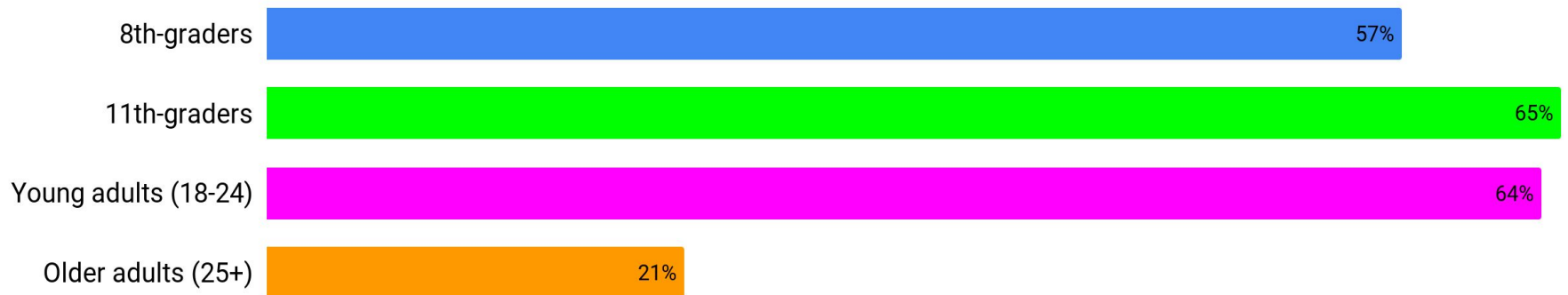
Why Regulate Flavored Tobacco

- Tobacco use = #1 preventable cause of early death
- Starter products for youth create new generation of users



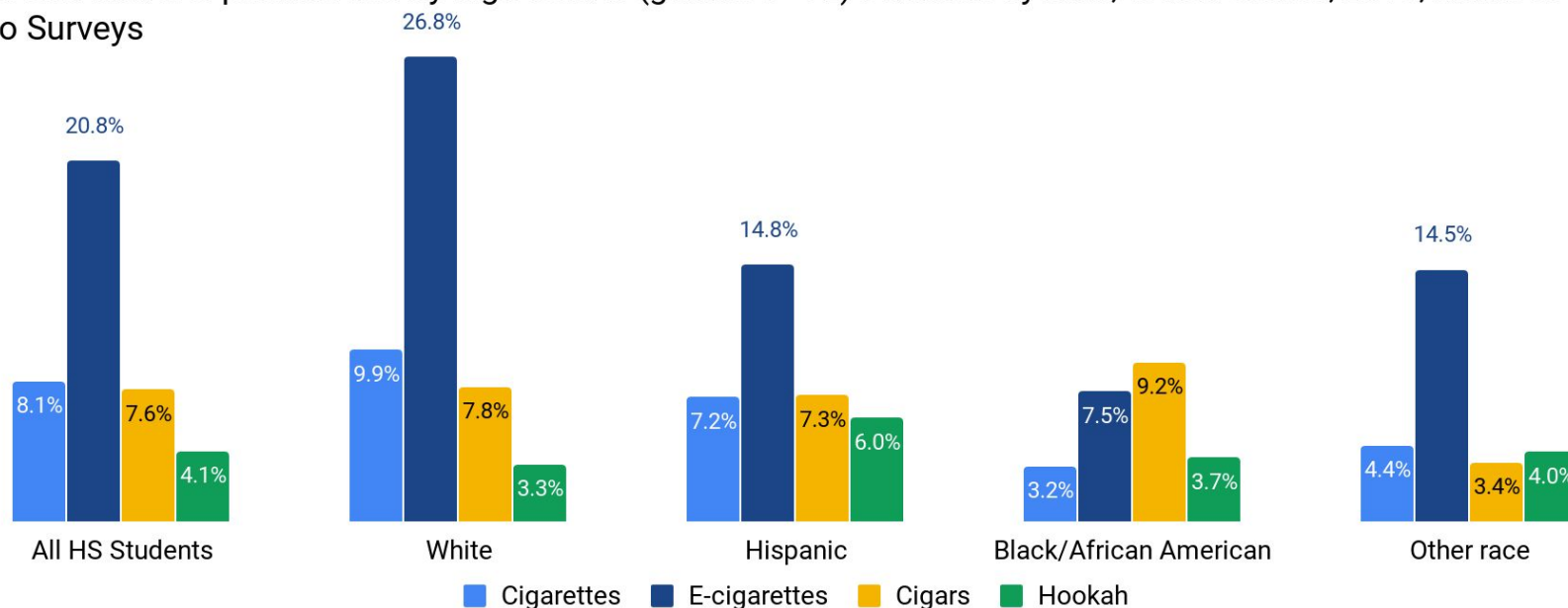
Who Uses Flavored Tobacco/Nicotine Products

Fig 1. Flavored tobacco or vaping product use among current tobacco users among Oregon adults (2016) & youth (2017)



Youth Tobacco/Nicotine Use by Race

Tobacco and nicotine product use by high school (grades 9–12) students by race, United States, 2018, National Youth Tobacco Surveys

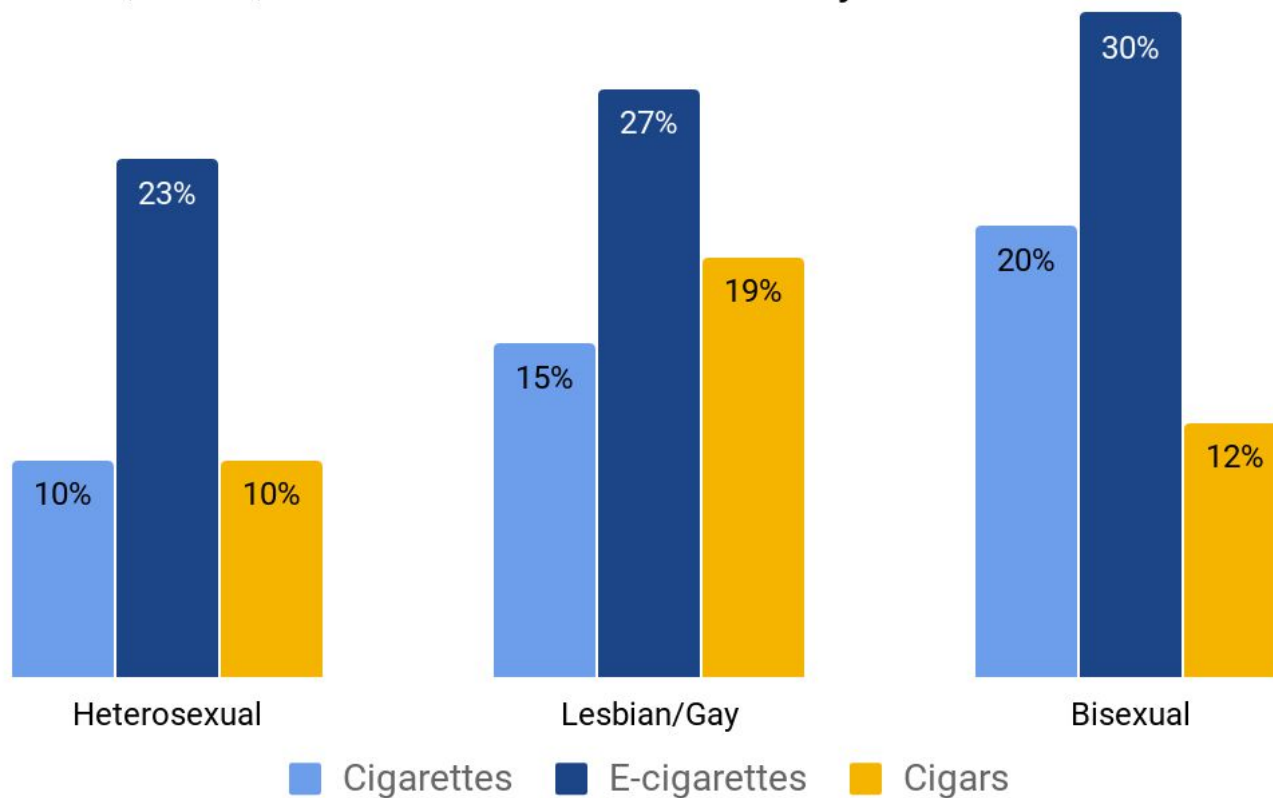


Dai H. (2017) Tobacco Product Use Among Lesbian, Gay, and Bisexual Adolescents. Pediatrics. 139(4).



Youth Tobacco/Nicotine Use by Sexual Orientation

Tobacco use by high school (grades 9–12) students by sexual orientation, United States, 2015, Youth Risk Behavior Surveys

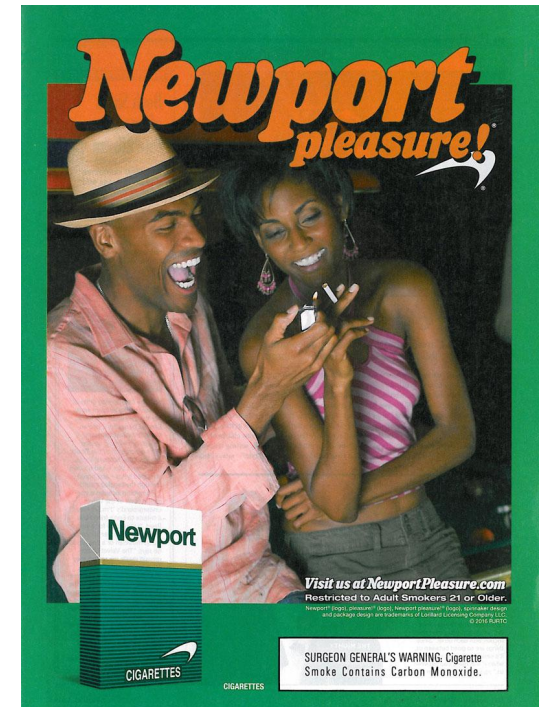
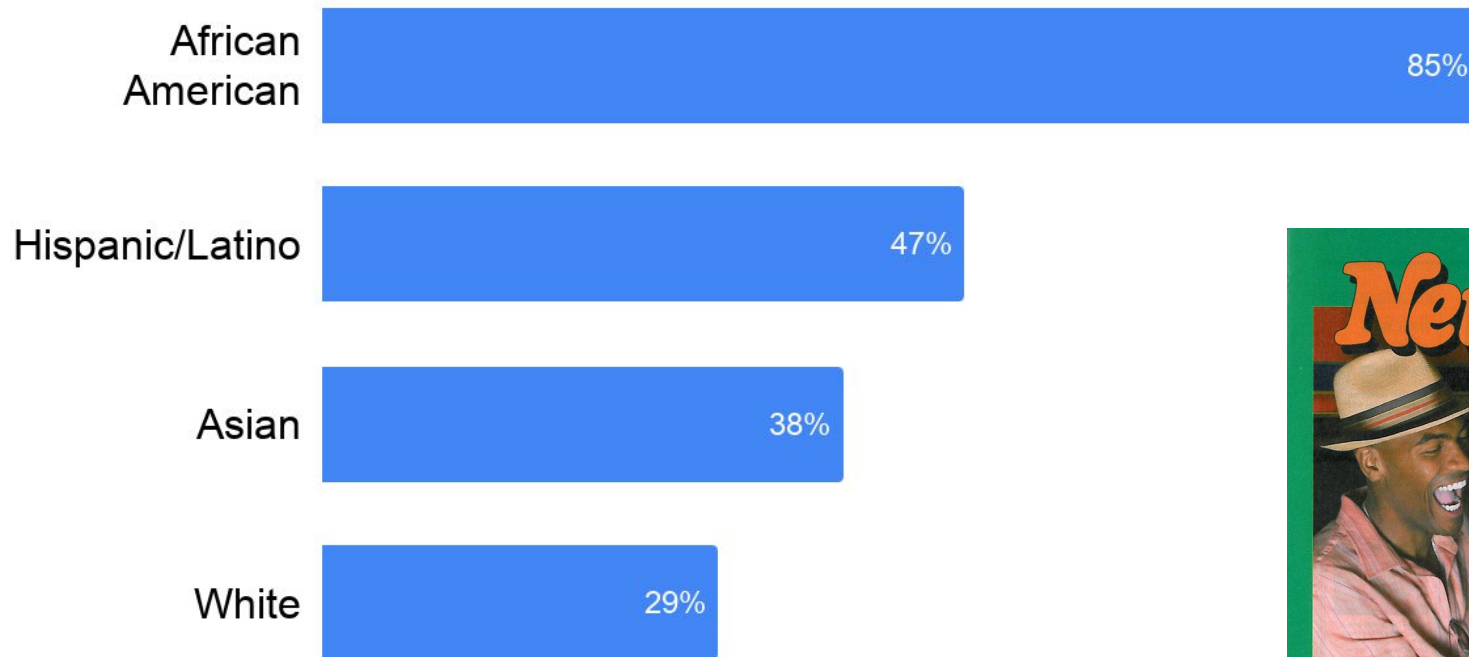


Wang TW, et al. (2018) Tobacco Product Use Among Middle and High School Students — United States, 2011–2017. MMWR Morb Mortal Wkly Rep 67:629–633



Menthol Tobacco Use

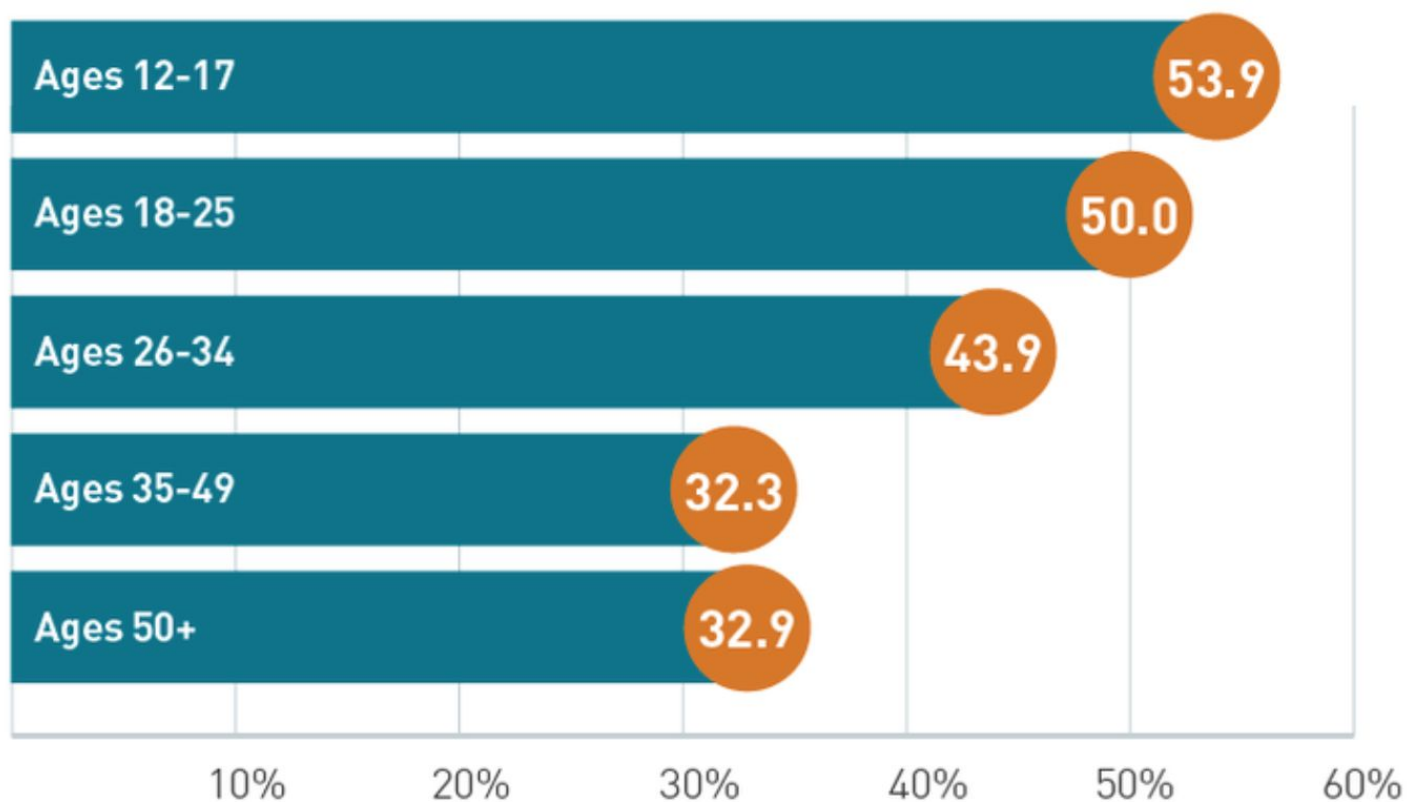
Current smokers (12 and older) who report menthol use



Villanti, AC, et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004-2014," Tobacco Control, published online October 20, 2016.



Menthol cigarette use among current smokers in the U.S. by age, 2012-2014



Source: Truth Campaign



E-Cigarettes and the Growing Concern of Health Effects

More than 1 in 4
12th graders report
vaping in the past
30 days.



Photo: <http://ehp.niehs.nih.gov/122-a244/>

Miech, et al. (2019) Correspondence: Trends in Adolescent Vaping, 2017-2019. New England Journal of Medicine. Accessed 9/19/2019 at <https://www.nejm.org/doi/pdf/10.1056/NEJMc1910739?articleTools=true>.



Vaping-Related Lung Disease

- As of September 27th, 2019:
 - 805 cases from 46 states and 1 territory
 - 12 deaths, 2 in Oregon



Stop vaping immediately, health officials urge, as 2nd person dies in Oregon of vaping-related lung illness

Updated Sep 27, 2019;
Posted Sep 26, 2019



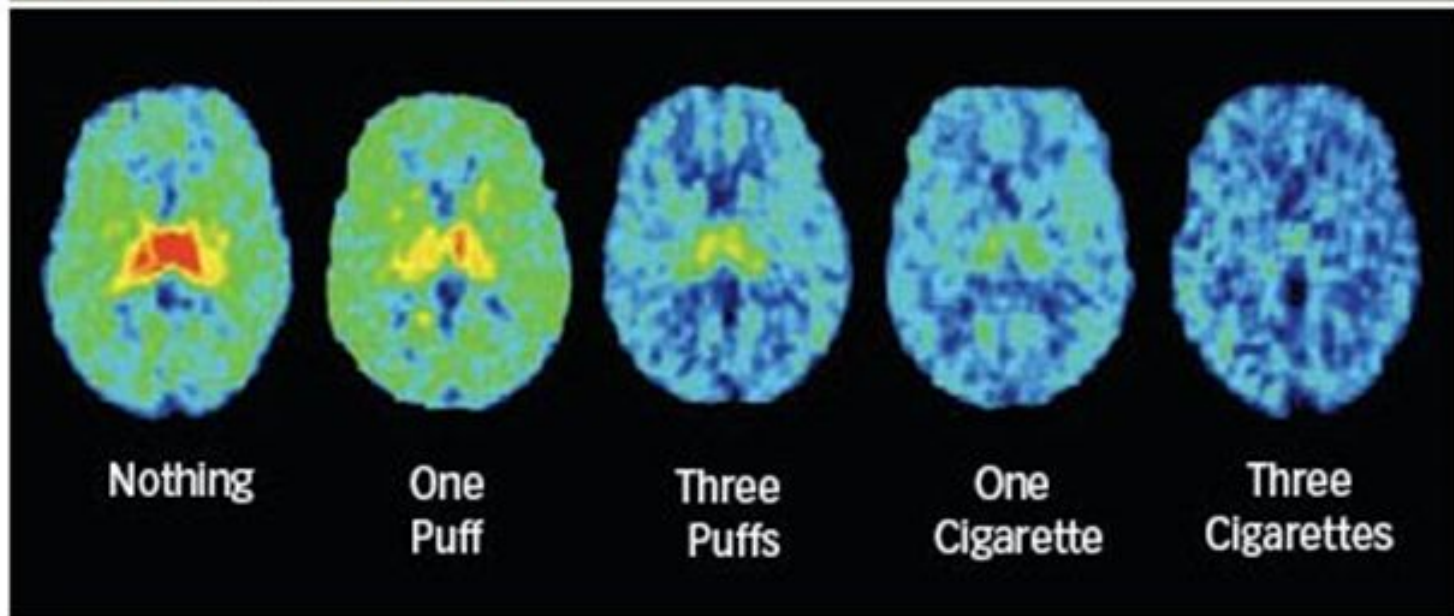
Oregonlive





NICOTINE

SMOKING SATURATES RECEPTORS As nicotine from a cigarette attaches to the $\alpha 4\beta 2^*$ -nACh nicotinic receptors in the brain, it displaces a radiolabeled tracer (red and yellow indicate high levels of the tracer, green indicates intermediate levels, and blue indicates low levels). The nicotine from three puffs displaced 75 percent of the tracer from study participants' receptors, and the nicotine from three cigarettes, nearly all.



Chemicals in Flavored Tobacco and Candy Products

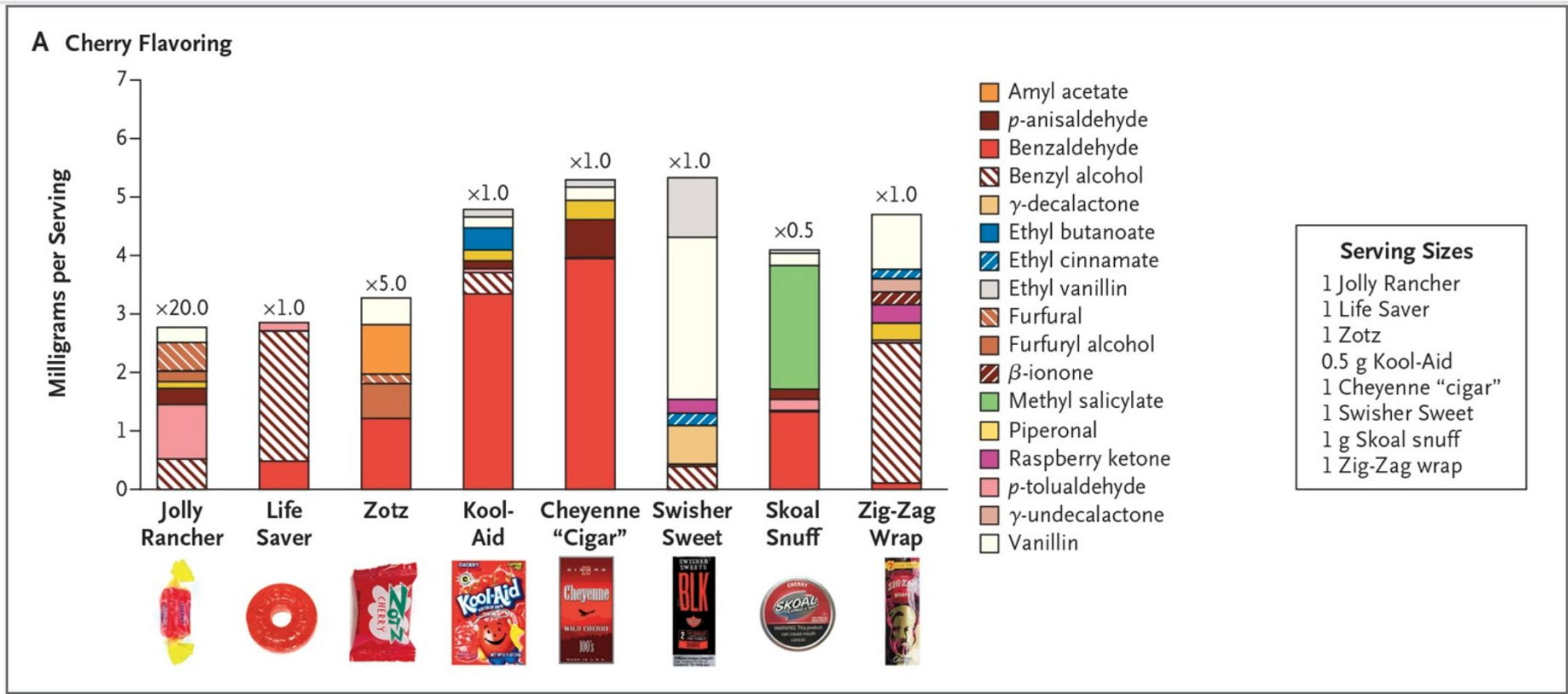


Image from: New England Journal of Medicine - Candy flavorings in tobacco. <https://www.nejm.org/doi/full/10.1056/NEJMc1403015>



Flavored Tobacco Availability in Multnomah County

- **100%** of retailers assessed sold at least one type of flavored tobacco product (menthol cigarettes, e-cigarette, little cigars/cigarillos and/or smokeless tobacco).
- **73%** of retailers offered price promotions
- **67%** of retailers who sold cigarillos or small cigars advertised them for less than \$1

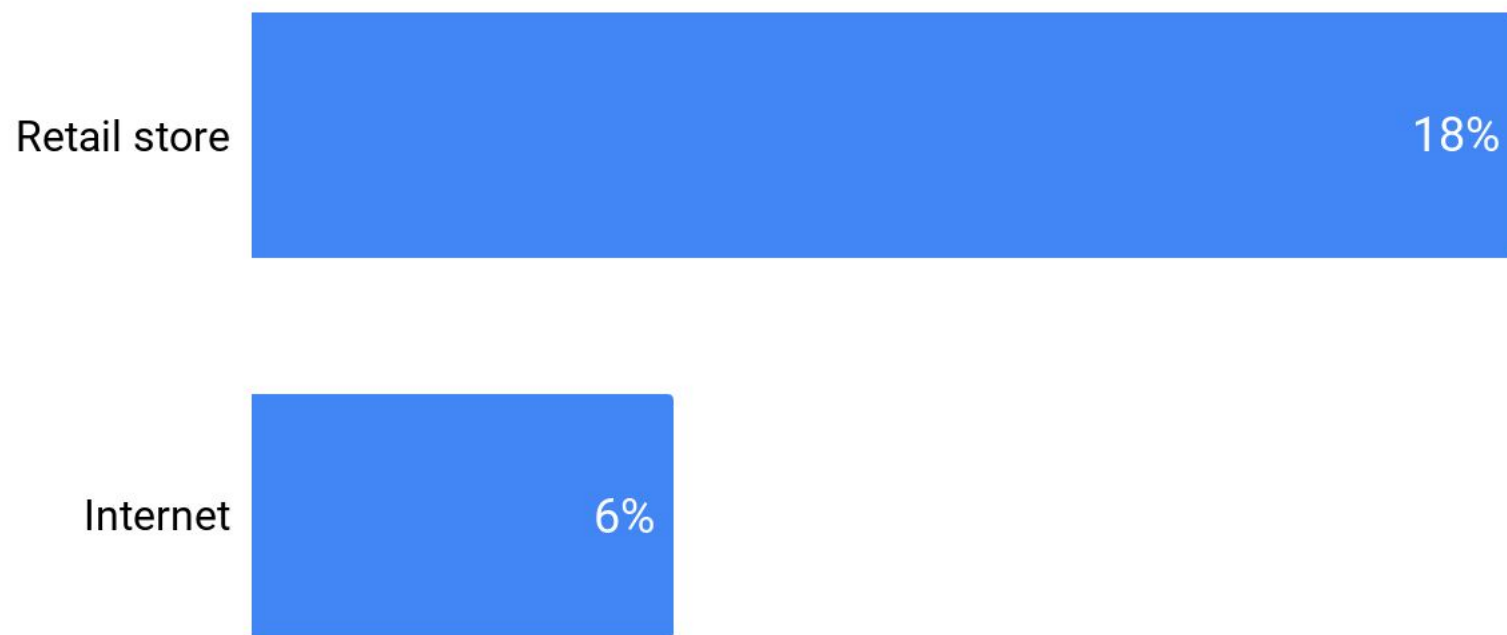


Illegal Sales to Youth

- Underage youth inspectors are illegally sold tobacco products **17%** of the time during Multnomah County inspections.



11th Grade Tobacco Users Access to Tobacco in Multnomah County



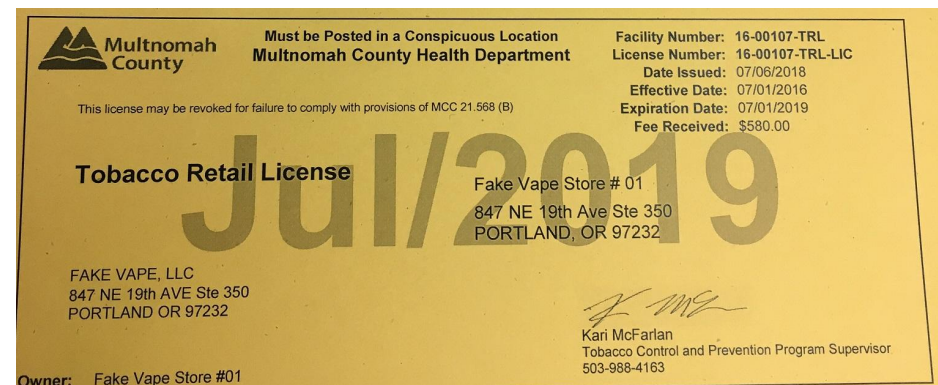
Oregon Healthy Teens Survey, 2017



Multnomah County Licensed Tobacco Retailers

771 Licensed Tobacco Retailers as of September 16, 2019

- 401 Convenience Stores
- 111 Bar/Restaurant
- 82 Grocery Stores
- 50 Tobacco Shops
- 43 Gas Stations
- 32 Liquor Stores
- 27 Pharmacies
- 20 Vape Shops



Policy & Communications Timeline

Maine passed a law banning flavored tobacco, does not include Menthol

October - Sweet Deceit flavored tobacco campaign launched

March - Multnomah County passes ordinance that prohibits minors from buying and using inhalant delivery systems; The Board also restricts the use of e-cigarettes anywhere where cigarettes are banned under the Oregon Clean Air Act.

May – Health Officer Dr. Jennifer Vines asks the Board of Commissioners to consider a tax on inhalant delivery systems

November – Multnomah County passes a tobacco retail license rule allowing inspectors to enforce the law

January – Tobacco Retail Licensing inspections begin

April – Public Health urges Board to raise legal tobacco purchase age to 21

2007

2009

2013

2014

2015

2016

2017

2019

FDA bans flavored cigarettes; except for menthol

November - Health Officer Dr. Jennifer Vines warns of an increasing number of youth using e-cigarettes locally

November - Environmental Health recommends County ban the sale of e-cigarettes to minors and ban minors from using them

July – Multnomah County Tobacco Control and Prevention begins issuing tobacco retail licenses

September – Board of Health issues vaping warning, directs Health Department to make recommendations on flavor ban



Community Outreach Timeline



African American Tobacco Prevention Education Network tackles menthol and targeted tobacco advertising

- Chair visits Madison Rebels tobacco education day
- OHEA and Upstream conduct retail assessment

Health Equity Impact Assessments by Upstream/NAYA on raising minimum legal sales age to 21

2007

2014

2017

2009

2015

2019



ACHIEVE prioritizes tobacco policies including menthol

- Pride survey asking LGBTQ communities about flavor and tobacco industry targeting
- Youth testify in front of the board and coined the term “do me a favor and ban the flavor”
- Health Equity Impact Assessment by OHEA on tobacco retail licensing

MCPHAB recommends Board of Health adopt flavored tobacco/nicotine ban including menthol



Community Education

CANDY OR TOBACCO?



FACT: Flavored tobacco products are just as addictive and harmful as regular tobacco products.

DON'T BE FOOLED.



multco-itstartshere.org



Campaign for a Healthy, Active Multnomah County



Flavored tobacco products are just as addictive and harmful as regular tobacco products.



DON'T BE FOOLED

Tobacco slows down your game



#REACHTogetherMC



Made possible with funds from the Centers for Disease Control and Prevention



History of Board Action

- Board Action
 - 2015: E-Cigarettes
 - 2016: Tobacco Retail Licensing
 - 2018: Flavored Tobacco Products
- Bringing data to the Board
 - Health Equity Impact Assessment
 - The Selling of Tobacco in Multnomah County
 - Vaping-related Health Advisory
- Public Testimony and Survey
 - Youth advocates
 - Public health advocates
 - Retailers and Consumers



Impact of Banning the Sale of Flavored Tobacco

- Reduces flavored tobacco product sales
- Decreases odds of ever using tobacco products among teens



San Francisco, California

Examples of tobacco products now banned from sale in San Francisco:



"Menthol" has a distinguishable taste and aroma.



"Sour Apple" is a fruit flavor; "Mint" has a distinguishable taste and aroma.



"Cherry," "Nectar," "Melon," "Apple," "Raspberry," "Strawberry," "Berry" and "Fruit Medley" are fruit flavors; "Crème Brûlée" and "Vanilla" are candy flavors; "Mint" and "Menthol" have distinguishable tastes and aromas; "Hawaiian Pod" has an image indicating it contains a flavor other than tobacco.



Sold individually and in packs; those that are flavored are banned.



"Berry" is a fruit flavor; mint has a distinguishable taste and aroma.



"Strawberry," "White Grape," "Grape," "Peach" and "Blueberry" are fruit flavors.



"Lemonade" is a fruit flavored beverage; "Raspberry," "Blueberry," "Orange," "Grape," "Cherry" and "Strawberry" are fruit flavors.



STATES & LOCALITIES THAT HAVE RESTRICTED THE SALE OF FLAVORED TOBACCO PRODUCTS

Cigarettes with specific characterizing flavors, other than menthol, were prohibited in the U.S. on September 22, 2009, as part of the Family Smoking Prevention and Tobacco Control Act (TCA) that gave the U.S. Food and Drug Administration (FDA) authority over tobacco products. In addition to the federal ban on flavored cigarettes, states and localities can implement additional sales restrictions to address menthol cigarettes and flavored non-cigarette tobacco products and their appeal to youth and young adults.

In September 2019, Michigan became the first state to ban the sale of all flavored e-cigarettes as the result of an emergency order by the Governor. Another two states and over 220 localities have passed restrictions* on the sale of flavored tobacco products, although laws differ in their application to specific products and store types (see endnotes). Prior to the enactment of the Tobacco Control Act, New Jersey had already restricted the sale of flavored cigarettes, excluding menthol and clove flavors. Maine prohibits the sale of flavored non-premium cigars.

Over 50 of these communities—those listed in **bold**—restrict the sale of menthol cigarettes, in addition to other flavored tobacco products.

California (41)

1. **Alameda**
2. **Albany**
3. **Berkeley**¹
4. **Beverly Hills**
5. Cloverdale
6. **Contra Costa County**^{1,3}
7. **Corte Madera**
8. El Cerrito
9. Fairfax⁵
10. **Half Moon Bay**
11. **Hayward**¹
12. **Hermosa Beach**²
13. **Lafayette**
14. **Larkspur**
15. **Livermore**
16. **Los Gatos**²
17. Manhattan Beach²
18. **Marin County**³
19. **Mono County**³
20. Novato
21. **Oakland**²
22. **Palo Alto**²
23. **Portola Valley**
24. **Richmond**
25. **Sacramento**
26. **San Anselmo**
27. **San Carlos**
28. **San Francisco**
29. San Leandro
30. **San Pablo**
31. **San Rafael**
32. **San Mateo County**³

California (cont'd)

33. **Santa Clara County**^{2,3}
34. **Santa Cruz**
35. **Santa Cruz County**³
36. Saratoga
37. **Sausalito**
38. Sonoma⁵
39. West Hollywood¹
40. Windsor⁵
41. **Yolo County**³

Colorado (4)

1. **Aspen**
2. Boulder⁶
3. **Carbondale**
4. **Glenwood Springs**

Illinois (1)

1. **Chicago**^{1,2}

Massachusetts (161)

1. Adams²
2. Agawam²
3. Andover²
4. Amherst²
5. Arlington²
6. Ashburnham²
7. Ashby²
8. **Ashland**²
9. Athol²
10. Attleboro²
11. Avon²
12. Ayer²
13. **Barnstable**²

Massachusetts (cont'd)

14. Bedford²
15. Belmont²
16. Beverly²
17. Billerica²
18. Bolton²
19. Boston²
20. Braintree²
21. Brewster²
22. Brockton²
23. **Brookline**
24. Buckland²
25. Cambridge²
26. Canton²
27. Carver²
28. Charlestown²
29. **Chatham**²
30. Chelsea²
31. Chelmsford²
32. Clinton²
33. Cohasset²
34. Concord²
35. Conway²
36. Danvers²
37. Dedham²
38. Deerfield²
39. Dracut²
40. Duxbury²
41. Easthampton²
42. E. Longmeadow²
43. Easton²
44. Edgartown²
45. Essex²
46. Everett²

Massachusetts (cont'd)

47. Fairhaven²
48. Fitchburg²
49. **Framingham**²
50. Franklin²
51. Gardner²
52. Gill²
53. Gloucester²
54. Grafton²
55. Granby²
56. Greenfield²
57. Groton²
58. Hadley²
59. Halifax²
60. Hamilton²
61. **Harvard**²
62. Hatfield²
63. Haverhill²
64. Holbrook²
65. Holden²
66. Holyoke²
67. Hopkinton²
68. Ipswich²
69. Lancaster²
70. Lanesboro²
71. Lawrence²
72. Leominster²
73. Lee²
74. Lenox²
75. Leverett²
76. Lowell²
77. Ludlow²
78. Lynn²
79. Lynnfield²
80. Malden²
81. Marblehead²
82. Marion²
83. Marlboro²
84. Marshfield²
85. Mashpee²
86. Maynard²
87. Medfield²
88. Medford²
89. Melrose²
90. Methuen²
91. Middleton²
92. Millis²
93. Milton²
94. Montague²

Massachusetts (cont'd)

95. Natick²
96. **Needham**²
97. Newburyport²
98. Newton²
99. Norfolk²
100. North Adams²
101. North Andover²
102. North Attleboro²
103. Northampton²
104. North Reading²
105. Norton²
106. Norwell²
107. **Norwood**²
108. Oak Bluffs²
109. Orange²
110. Orleans²
111. Palmer²
112. Peabody²
113. Pittsfield²
114. Provincetown²
115. Reading²
116. Rockport²
117. Royalston²
118. Salem²
119. Sandwich²
120. Saugus²
121. **Sharon**²
122. Shelburne²
123. Sherborn²
124. **Somerville**²
125. Southampton²
126. South Hadley²
127. Spencer²
128. Stockbridge²
129. Stoneham²
130. Stoughton²
131. Stow²
132. Sudbury²
133. Sunderland²
134. **Swampscott**²
135. Templeton²
136. Tewksbury²
137. Topsfield²
138. Townsend²
139. Tyngsboro²
140. Upton²
141. Uxbridge²
142. Wakefield²
143. **Walpole**²

Massachusetts (cont'd)

144. Wareham²
145. Watertown²
146. Webster²
147. Wellfleet²
148. West Boylston²
149. Westboro²
150. Westford²
151. Westminster²
152. Westwood²
153. Whately
154. Wilbraham²
155. Williamstown²
156. Wilmington²
157. Winchendon²
158. Winchester²
159. Winthrop²
160. Worcester²
161. Yarmouth²

Minnesota (11)

1. **Arden Hills**
2. **Duluth**²
3. **Falcon Heights**²
4. **Lauderdale**²
5. **Lilydale**
6. **Mendota Heights**
7. **Minneapolis**²
8. Robbinsdale²
9. St. Louis Park
10. **St. Paul**²
11. Shoreview²

New York (2)

1. New York City^{2,4}
2. **Manheim**

Rhode Island (6)

1. Barrington²
2. Central Falls²
3. Johnston²
4. Middletown²
5. Providence²
6. Woonsocket²

MA localities courtesy of the Municipal Tobacco Control Technical Assistance Program. As of July 29, 2019 these policies cover over 67% of the state's population.

*The above list may not be comprehensive. It includes communities that have passed restrictions, but some have future implementation dates and/or are the subject of litigation.



Other Jurisdictions

Where	When	What
Michigan	2019	Six-month ban on sales of flavored e-cigarette products
Massachusetts	2019	Four-month ban on all in-store and online sales of all vaping products
LA County, CA	In Progress; 1st vote 9/24/19	Prohibit sales of all flavored tobacco products, including menthol and e-cigarettes
Arden Hills, MN	2019	Prohibit sales of all flavored tobacco products, including menthol and e-cigarettes
Beverly Hills, CA El Cerrito, CA Sacramento, CA Yolo County, CA	2019	Prohibit sales of all flavored tobacco products, including menthol and e-cigarettes
Arden Hill, MN Lilydale, MN Mendota Heights, MN	2019	Prohibit sales of all flavored tobacco products, including menthol and e-cigarettes
San Francisco, CA	2018	Prohibit sales of all flavored tobacco products, including menthol and e-cigarettes



Proposed Federal and State Action

- Federal
 - All vaping products - “flavored e-cigarette products”
 - Does not include flavored tobacco
- State
 - Proposed temporary ban on sale and display of all vaping products
 - Does not include flavored tobacco
 - Expanded tobacco cessation



Recommendation: Ban the Sale of Flavored Tobacco

- To reduce access to flavored tobacco products, adopt a flavored tobacco products sale restriction within the Tobacco Retail License program.
- At the time of implementation, the regulation would end retail sales of flavored tobacco products.
- Work with partners to increase access to FDA approved tobacco cessation



What a Ban on the Sale of Flavored Tobacco Does Do



What a Ban on the Sale of Flavored Tobacco Does NOT Do



Tobacco Cessation Resources and Efforts

Multnomah
County Clinical
Policy

Oregon Tobacco
Quit Line

Contact the Quit Line

- 1-800-QUIT-NOW
1-800-784-8669
quitnow.net/oregon
- Spanish Quit Line
1-855-DEJELO-YA
1-855-335356-92
quitnow.net/oregonsp
- TTY: 1-877-777-6534



Thank You For Protecting Our Youth



Questions, Comments & Discussion

