Public Health Policy Change Webinar Series

• Providing substantive public health policy knowledge, competencies & research in an interactive format
• Covering public health policy topics surrounding Tobacco, Obesity, School and Worksite Wellness, and more
• 12:00 p.m. to 1:30 p.m. Central Time
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Acknowledgments
Introductions

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MDH Grant Programs:

Tobacco Free Communities (TFC)

Statewide Health Improvement Program (SHIP)

Community Transformation Grants (CTG)
Introductions

Betsy Brock
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Introductions

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The Public Health Law Center

We do:

- Legal research
- Policy development
- Publications
- Trainings

We don’t:

- Direct representation
- Lobby
Webinar Objectives

- **New Tobacco Products**
  - Product descriptions
  - Marketing strategies
  - Health impact

- **Regulation**
  - Minnesota Tobacco Modernization and Compliance Act
  - Local Ordinances

- **Questions**
New Tobacco Products: Prevalence, Health Effects, and Marketing

Betsy Brock, MPH
Association for Nonsmokers-Minnesota
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Background

- “Other Tobacco Products” (OTP) are a growing category for tobacco companies and retailers; cigarettes are a declining category
- OTP keep tobacco consumers using in spite of:
  - Cigarette tax increases
  - Increasing number of smoke-free policies
- OTP are often designed for use by those who also use cigarettes
OTP

- Snus
- Cigars
- Blunt Wraps
- Electronic Cigarettes
- Hookah
- Dissolvable Tobacco
Snus

- Smokeless, spitless pouches filled with pasteurized tobacco
- Users place a pouch between the gum and lip and leave in place for 15-20 minutes; the pouch is then removed and discarded
- Snus originated in Sweden; American snus is different than Swedish snus.
Snus Health Effects

- Oral cancer?
- Heart attack, stroke
- Pancreatic cancer
- *Dual use is a major concern*
WARNING: This product can cause gum disease and tooth loss.

Marlboro Snus website: June, 2010
Camel Snus ad found in Rolling Stone, USA Today, local papers, etc.

Source: Trinkets and Trash
www.trinketsandtrash.org
Camel Snus coupon mailing.
January, 2012
ENJOY TOBACCO IN ANY MOMENT.

WARNING: Smokeless tobacco is addictive.

General Snus
3,504 likes · 233 talking about this

Company
Welcome to the official page of The Original Swedish Snus, General.
Mailing from General Snus: September, 2012
This mailing included a leather bound journal and approximately $66 in coupons
Snus Prevalence: Youth

- 14% of MN high school students and 3% of MN middle school students report that they have tried snus at some point
- 23% of male MN high school students report ever trying snus

Snus Prevalence: Adults

- 1% of MN adults are current snus users:
  - 4% of current smokers also use snus
  - 8% of 18-24 year old smokers also use snus

Source: Minnesota Adult Tobacco Survey, 2010
Snus Prevalence: Adult Smokers

- Snus users are more likely to:
  - Be white
  - Have lower educational attainment
  - Be those without immediate plans to quit smoking

Little Cigars and Cigarillos

• The newest generation of cigars is very different from traditional cigars.

• Little cigars and cigarillos are smoked in the same way as cigarettes. There is emphasis on:
  • Flavoring
  • Small package sizes
  • Low cost
Cigar: Definitions

- **Large Cigar**: Cigar that contains at least one-half ounce of tobacco (as much as a pack of cigarettes) and takes 1-2 hours to smoke.

- **Cigarillo**: A short (3-4 inches) and narrow cigar that contains around 3 grams of tobacco and (usually) does not contain a filter.

- **Little Cigar**: A small cigar that is close to the same size as a cigarette; little cigars typically have a filter.

*Note: these definitions are not written in stone. They are often used interchangeably.*

Most popular youth brands:

1. Black & Mild
2. Swisher Sweets
3. White Owl
Cigar Regulation

- Cigars are generally less regulated than cigarettes.
  - Exempt from flavoring prohibition
  - Taxed differently, which can result in lower taxes
  - Many cigar manufacturers are not part of the tobacco settlement agreements
Cigar Marketing

- Often associated with Hip Hop artists, culture, and vocabulary (swag, OG, etc.)
- Particular effort to market these products to African Americans
- Often include overtones about drug use; cigarillos are often used as drug paraphernalia
Splitarillos Facebook Page: February, 2013
Cigar: Health Effects

- Cigar use results in the same health conditions as traditional cigarette use:
  - Heart disease/attack
  - Cancer (lung, esophagus, oral)
  - Lung disease
- Secondhand smoke is also a concern
Little Cigar/Cigarillo Prevalence: Youth

- More than one-quarter (29%) of MN high school students and 7% of MN middle school students report that they have ever tried flavored cigars, cigarillos or little cigars.
- 36% of MN male high school students report that they have ever tried flavored cigars, cigarillos or little cigars.

Little Cigar/Cigarillo Prevalence: Adults

- 3% of MN adults are current cigar smokers:
  - 9% of current cigarette smokers also use cigars
  - 25% of 18-24 year old current smokers also use cigars
- 5% of U.S. adults are current cigar smokers:
  - 9% of U.S. adult males
  - 1% of U.S. adult females
  - 7% of African American adults

Sources: Minnesota Adult Tobacco Survey, 2010.
Substance Abuse and Mental Health Services Administration. Results from the 2009 National Survey on Drug Use and Health: Detailed Tables.
Flavored Cigar Prevalence: Adults

- 43% of all cigar smokers report smoking flavored cigars.
- 3% of U.S. adults are current smokers of flavored cigars. Use of flavored cigars is more common among those who are:
  - Younger
  - Less educated
  - Less wealthy
  - LBGT

Blunt Wraps

- Sheet of flexible paper made largely of tobacco
- Used to roll loose “tobacco” into a cigar
- Primarily used as drug paraphernalia; for this reason, several places have prohibited their sale altogether
Electronic Cigarettes

• Battery operated nicotine vaporizer
• Most are produced in China
• Electronic cigarettes contain nicotine derived from tobacco
• Users exhale vapor (a.k.a. “vaping”)
• Nicotine cartridges are available in lots of flavors: cherry, vanilla, fruit punch, etc.
• Electronic cigarettes are regulated by the FDA as tobacco products
blu cigs Facebook page: September, 2012
“We are all adults here. It’s time to take our freedom back.”

~ Stephen Dorff
This NJOY ad ran during the 2013 Academy Awards.
Electronic Cigarettes: Health Effects

- Nicotine is a stimulant: it increases blood pressure and heart rate
- Small study demonstrated decreased lung capacity in smokers and nonsmokers after use of an EC
Electronic Cigarettes: Health Effects

- These products are poorly regulated and highly variable. One study found that:
  - Nicotine content labeling was not always accurate; some cartridges that were labeled “no nicotine” actually contained high doses of nicotine
  - Secondhand EC vapor contains nicotine

Electronic Cigarette: Health Effects

- EC vapor has been found to contain heavy metals, silicate, and nanoparticles (which can go deep into the lungs).
- Many of the ingredients found in EC vapor are known to be dangerous to human health. These ingredients can cause: lung and cardiac inflammation, cancer, and cell damage.

Electronic Cigarette: Prevalence

• Sales are increasingly rapidly: expected to reach $1B in 2013 (cigarettes=$80B)
• Some think that EC sales could overtake traditional cigarette sales in the next decade
Electronic Cigarettes: Prevalence

- Around 1% of MN adults report that they currently use EC
  - 4% of current cigarette smokers report also using EC
  - 6% of 18-24 year old current cigarette smokers also report using EC

Source: Minnesota Adult Tobacco Survey, 2010
Hookah

- Waterpipe used to smoke tobacco
  - Specially made tobacco is indirectly heated with charcoal or wood embers
- Hookah is also known as: narghile, argileh, shisha, sheesha, goza, and hubbly-bubbly

Sources: American Lung Association, World Health Organization, Centers for Disease Control and Prevention
The tobacco used in a hookah is called shisha or maassel. Shisha is a mixture of tobacco, sweetener (honey or molasses) and flavorings.
Hookah: Health Effects

- Hookah smoking carries the same or similar health effects as smoking cigarettes and exposure to secondhand smoke: cancer, heart disease, respiratory disease, etc.
- The social nature of hookah also puts users at risk for other infectious diseases like tuberculosis, hepatitis, and meningitis.

*Source: World Health Organization, Centers for Disease Control and Prevention, American Lung Association*
Hookah: Health Effects

- Hookah smokers inhale as much smoke during a typical hookah session as a cigarette smoker would inhale by consuming 100-200 cigarettes
  - Typical cigarette: 500-600 ml of inhaled smoke
  - Typical hookah session: 90,000 ml of inhaled smoke

Hookah: Health Effects

- The method used to burn the tobacco (charcoal, wood cinders) also poses a health risk; CO and heavy metals are released
- Many hookah lounges in the U.S. use “quick lighting” charcoal, which releases more CO than traditional charcoal

Source: American Lung Association, Centers for Disease Control and Prevention
Hookah: Health Effects

- Carbon monoxide poisoning
- Fire Risk
  - Hookah tobacco is heated using red hot coals or embers.
  - These coals are often heated in an indoor “fire pit,” which is a fire risk.
Hookah: Prevalence

- Around 1% of MN adults report current use of hookah:
  - 2% of current cigarette smokers report also using hookah
  - 9% of 18-24 year old current cigarette smokers also report using hookah
- Data from the California Tobacco Survey saw a 40% increase in hookah smoking from 2005-2008.
  - 18-24 year olds, male, college-educated, current or former smokers

Sources: Minnesota Adult Tobacco Survey, 2010 and California Tobacco Survey
Dissolvable Tobacco

- Milled tobacco that is meant to be dissolved in the mouth - no spitting required
- Companies that manufacture dissolvable tobacco products:
  - Camel (R.J. Reynolds): Test marketing in North Carolina and Colorado
  - Marlboro and Skoal (Altria): Test marketing in Kansas
  - Ariva and Stonewall (Star Scientific): Discontinued in 2013
0.6 mg nicotine

1 mg nicotine

3 mg nicotine
WARNING: This product can cause gum disease and tooth loss.

April, 2011
Camel Dissolvables ad found in free and alternative papers in test market city of Denver.

The ad ran repeatedly during the last quarter of 2011.

Source: Trinkets & Trash
Dissolvable Tobacco: Health Effects

- Too soon to know
- Nicotine overdose (especially in children)
- Oral cancer?
- Heart attack/stroke?
- More addiction? Typically more nicotine is absorbed through smokeless tobacco use than through smoking; smokeless tobacco also results in a more sustained level of nicotine
- *Dual use is a major concern*
Dissolvable Tobacco: Prevalence

- No data - these products are too new
Final Thoughts

- OTP are one way that American cigarette companies can remain viable until they can break into global markets (particularly in Asia)
- OTP marketing must be monitored to watch for harm reduction claims, cessation claims, and dual use promotion
- Prevalence data must be collected and health effects studied
- Loopholes in current laws must be closed
Questions?

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Regulation
Goal

• Broad tobacco control laws that address:
  • Novel tobacco
  • Nicotine products
Consequences

- Failure to enact comprehensive laws poses serious risks to public health
  - Tobacco initiation
  - Continued use by smokers and other tobacco users who may otherwise try to quit.
Federalism

• Ever-evolving relationship between:
  • Federal government
  • States
Presumption
Reality
Tobacco Modernization and Compliance Act

• 2010

• Expanded the state laws related to the sale and use of tobacco products and related devices
Definitions

609.685 SALE OF TOBACCO TO CHILDREN.
(a) "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
Nicotine Delivery Devices

- Prohibits the sale to minors of any:
  - Nicotine delivery devices
  - Lobelia delivery devices
Minors

• Crime to sell tobacco or tobacco related devices to a minor

• Minors are prohibited from possessing or attempting to purchase such products
Open Displays

• Employee “intervention” required:
  • Tobacco
  • Tobacco-related devices
• Exception – Adult only facilities
Tobacco-Related Devices

• Retail license required to sell:
  • Pipes
  • Rolling papers
Promotional Distribution

• Promotional ban applies to tobacco products that can be ingested by any means
  • Not just those smoked or chewed
Retail Licensing & Regulation
Ordinances - Generally

- Regulate people and property
- Provide penalties for violations
- Comply with procedural requirements
- Need to be consistent with state and federal laws
Tobacco Licensing Ordinances

- Definitions
- License
  - Application process
- Fee
- Basis for denial
- Prohibited sales
- Other illegal acts
- Compliance checks and inspections
- Violations and penalties
Local Authority

461.19 EFFECT ON LOCAL ORDINANCE; NOTICE.

Sections 461.12 to 461.18 **do not preempt a local ordinance that provides for more restrictive regulation of tobacco sales.** A governing body shall give notice of its intention to consider adoption or substantial amendment of any local ordinance required under section 461.12 or permitted under this section. The governing body shall take reasonable steps to send notice by mail at least 30 days prior to the meeting to the last known address of each licensee or person required to hold a license under section 461.12. The notice shall state the time, place, and date of the meeting and the subject matter of the proposed ordinance.
Options for Regulating Tobacco in the Retail Environment

This document sets forth some options for state and local regulation of tobacco at the point of sale. In many cases, these options may be implemented in more than one way. The information contained in this document is not intended to constitute or replace legal advice and we encourage you to consult with local legal counsel before attempting to implement these measures. Some of these options are the subject of ongoing legal challenges by the tobacco industry and its allies. For more information and to discuss considerations relating to specific options, please contact the Public Health Law Center at publichealthlaw@wmitchell.edu.

Basic Strategies\(^1\)

- Require a retailer to obtain a license, renewable annually, to sell tobacco products.
- Set the license fee at an amount sufficient to fund adequate implementation and enforcement of the law (in Minnesota, the fee cannot exceed enforcement costs).
- Include incremental monetary fines and suspension as penalties for license violations.
- Expand the definition of “tobacco product” so the law’s restrictions encompass new and emerging tobacco products, such as dissolvable products or “e-cigarettes” (electronic cigarettes).
- Ensure that the license is nontransferable (i.e., if a licensee changes ownership or its place of business, it must reapply for a license).
- Prohibit the sale of any tobacco products to anyone under the age of 18.\(^2\)
CLEAN INDOOR AIR ACT

144.411 CITATION.
Sections 144.411 to 144.417 may be cited as the Minnesota Clean Indoor Air Act.
History: 1975 c 211 s 1

144.412 PUBLIC POLICY.
The purpose of sections 144.411 to 144.417 is to protect employees and the general public from the hazards of secondhand smoke by eliminating smoking in public places, places of employment, public transportation, and at public meetings.
History: 1975 c 211 s 2; 1987 c 399 s 1; 2007 c 82 s 2

144.413 DEFINITIONS.
Subdivision 1. Scope. As used in sections 144.411 to 144.416, the terms defined in this section have the meanings given them.
Subd. 1a. Indoor area. "Indoor area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable doors, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge window screen with an 18 by 16 mesh count is not a wall.
Subd. 1b. Place of employment. "Place of employment" means any indoor area at which two or more individuals perform any type of service for consideration of payment under any type of contractual relationship, including, but not limited to, an employment relationship with or for a private corporation, partnership, individual, or government agency. Place of employment includes any indoor area where two or more individuals gratuitously perform services for which individuals are ordinarily paid. A place of employment includes, but is not limited to, public conveyances, factories, warehouses, offices, retail stores, restaurants, bars, banquet facilities, theaters, food stores, banks, financial institutions, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, and rooms or areas containing photocopying equipment or other office equipment used in common. Vehicles used in whole or in part for work purposes are places of employment during hours of operation if more than one person is present. An area in which work is performed in a private residence is a place of employment during hours of operation if:
   1. the homeowner uses the area exclusively and regularly as a principal place of business and has one or more on-site employees; or
   2. the homeowner uses the area exclusively and regularly as a place to meet or deal with patients, clients, or customers in the normal course of the homeowner's trade or business.

Subd. 2. Public place. "Public place" means any enclosed, indoor area used by the general public, including, but not limited to, restaurants; bars; any other food or liquor establishment; retail stores and other commercial establishments; educational facilities; other than public schools, as defined in section 120A.05, subdivisions 9, 11, subdivision 13; hospitals; nursing homes; auditoriums; arenas; meeting rooms; and common areas of rental apartment buildings.
MCIAA Page 1 of 5
Regulatory Options: Use

Tobacco Free Campus

For Better Health, Smoking and Use of Tobacco Products are Prohibited Everywhere on our Property.
Next webinar

Harnessing the Power of Procurement to Improve Food Environments

April 18, 2013 – 12 pm

More information at: http://www.networkforphl.org/
Questions
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