PUBLIC HEALTH POLICY CHANGE

Regulating Non-Cigarette Tobacco Products More Effectively

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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
• Two Wednesdays per month from 12:00 p.m. to 1:30 p.m. Central Time
• Visit http://publichealthlawcenter.org/ for more information

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All participants are muted. Type a question into the Q & A panel for our panelists to answer. Send your questions in at any time.

This webinar is being recorded. If you arrive late, miss details or would like to share it, we will send you a link to this recording after the session has ended.
Today’s Agenda

• Why the Tobacco Control Community Cares About Non-Cigarette Tobacco Products (Maggie Mahoney)

• What Types of Products We’re Talking About and Gaps in Existing Laws (Mike Freiberg)

• Ways To Address Tax Discrepancies Between These Products and Cigarettes (Ann Boonn)

• Other Policy Options for State and Local Governments (Mike Freiberg)

• Q&A (moderated by Maggie Mahoney)
Tobacco Control Legal Consortium

The legal network for tobacco control.
Why We Care

• Dynamic Environment

• Public Health Implications of OTPs
  – Positive
  – Negative

• Dual Use
Other Tobacco Products ("OTPs")

1. Dissolvable Tobacco Products

Health Risks:

- Addictive
  - Risk of Tobacco Initiation
  - Risk of Tobacco Continuation (Dual Use)
- Carcinogenic
- Risk of Poisoning, esp. for Children
  - Resemble Candy
- Potentially Less Harmful Than Cigarettes
Other Tobacco Products ("OTPs")

2. Electronic Cigarettes
Health Risks:

- Addictive
  - Risk of Tobacco Initiation
  - Risk of Tobacco Continuation (Dual Use)
- No Manufacturing Standards
- Potentially Less Harmful Than Cigarettes
Other Tobacco Products (“OTPs”)

2. Electronic Cigarettes
Other Tobacco Products ("OTPs")

3. Little Cigars
Health Risks:
• Addictive
  – Risk of Tobacco Initiation
  – Risk of Tobacco Continuation (Dual Use)
• Carcinogenic
Other Tobacco Products ("OTPs")

4. Snus

Health Risks:

• Addictive
  – Risk of Tobacco Initiation
  – Risk of Tobacco Continuation (Dual Use)

• Carcinogenic

• Increased Pre-Term Birth

• Potentially Less Harmful Than Cigarettes
Other Tobacco Products ("OTPs")

5. Water Pipes

Health Risks:

- Addictive
  - Risk of Tobacco Initiation
  - Risk of Tobacco Continuation (Dual Use)
- Carcinogenic
- Shared Mouthpieces Pose Risk of Disease Transmission, e.g., Herpes, Hepatitis, Tuberculosis
OLD DEFINITION:

Subd. 19. Tobacco products. "Tobacco products" means cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; 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 otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section.

Minn. Stat. § 297F.01, Subd. 19 (1997)
OLD DEFINITION:

Subd. 19. Tobacco products. "Tobacco products" means cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; 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 otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section.

Minn. Stat. § 297F.01, Subd. 19 (1997)
Other States’ Tax Laws
Other States’ Youth Access Laws
WARNING: Smokeless tobacco is addictive.
NEW DEFINITION:
Subd. 19. Tobacco products. "Tobacco products" means any products 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, including, but not limited to, cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; 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 otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section. Tobacco products 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.

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Tax Equity for All Tobacco Products

Public Health Law Center Webinar
November 2, 2011

Ann Boonn, Research Manager
aboonn@tobaccofreekids.org, (202) 296-5469
Cigarette Prices and Cigarette Sales, United States, 1970-2010

Source: *Tax Burden on Tobacco*, 2010, and author’s calculations
Major Product Categories:

- Little Cigars
- Cigarillos, Premium Cigars
- Smoking Tobacco (Roll-Your-Own Tobacco, Pipe Tobacco)
- Moist Snuff Tobacco
Cigars: The New Cigarettes
Cigars: The New Cigarettes

“Cigars” after the Flavor Ban

Cigarettes before the Flavor Ban

20 Class A Cigarettes
Cigars: The New Cigarettes
Cigarillos and Cigars
Roll-Your-Own Tobacco
## Percentage of Price vs. Weight-Based for Moist Snuff Tobacco

<table>
<thead>
<tr>
<th>Feature</th>
<th>Simple Percentage-of-Price</th>
<th>Simple Weight-Based</th>
<th>Percentage-of-Price with Minimum Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairly taxes all moist snuff brands</td>
<td>Depends</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>Adequate tax paid on a pack of low-weight moist snuff</td>
<td>Depends</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>Revenue increases with consumption increases</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Revenue increases with inflation</td>
<td>✓</td>
<td>✗</td>
<td>✓</td>
</tr>
<tr>
<td>Revenue increases with industry’s price increases</td>
<td>✓</td>
<td>✗</td>
<td>✓</td>
</tr>
</tbody>
</table>
Low-Weight Moist Snuff Tobacco Products

- **Large Camel Snus**
  - 1 tin (15 pouches) = 0.53 oz.

- **UST Skoal Pouches**
  - 1 tin (20 pouches) = 0.82 oz

- **UST Skoal Snus**
  - 1 tin (15 pouches) = weight unknown

- **Regular-sized Camel Snus**
  - 1 tin (15 pouches) = 0.32 oz.

- **Traditional Moist Snuff Smokeless**
  - 1 tin = 1.2 to 1.5 oz.

- **Marlboro Snus**
  - 1 “foil pack” (6 pouches) = 0.1 oz.
  - 1 tin (15 pouches) = weight unknown

- **Stonewall Hard Snuff**
  - 1 box of 20 Pieces = 0.335 oz.

- **Marlboro & Skoal Sticks (test market)**
  - 1 pack of 10 Sticks = weights unknown

- **Camel Dissolvables (test market)**
  - 1 package of 12 Pieces = weights unknown
Single-Unit/Single-Dose Products

= = = = =
Ann Boonn
aboonn@tobaccofreekids.org
(202) 296-5469

Factsheets:
http://www.tobaccofreekids.org/facts_issues/fact_sheets/policies/tax/other_products/
Focus of Presentation

• Free Samples
• Coupon Restrictions
• Minimum Pack Size
• Health Warnings at the Point of Sale
• Characterizing Flavors
• Restrictions on Use, e.g., Smoke-Free Laws
• Bold Options: Menthol, Marketing, and Categories
Price Restrictions: Free Samples
Price Restrictions: Coupons

$1.00 OFF ONE TIN

BUY ONE GET ONE FREE

SUPERAMERICA
0004419-St. Paul, MN
925 Grand Ave
St. Paul, MN 55105-3015

Register: 3  Transaction: 1442903
12/14/2010 10:09:30 AM  Melissa N.

1 CAMEL SNUS ROBUST SINGLE 4.04
1 CAMEL SNUS WINTERCHILL SI 4.04
1 Manufacturer Tax  -4.04
1 Manufacturer Tax  -1.00

Sub. Total: $3.04
Tax: $0.62
Total: $3.66

Cash $20.00
Change $16.34

Thank You
Visit us at
www.speedway.com
Price Restrictions: Coupons
Price Restrictions: Coupons

SUPERAMERICA
0004419-St. Paul, MN
925 Grand Ave
St. Paul, MN 55105-3015

Register: 1  Transaction#: 1696339
4/14/2011  2:28:11 PM  Douglas

1 MRL SNUS MNT TIN SINGLE  $3.35
1 CO9-MRL SNUS TINS SGL (NT)  $1.00
1 Manufacturer Tax  $1.00

Sub. Total:  $5.35
Tax:  $0.26
Total:  $5.61

Cash  $5.00
Change  $3.39

Thank you.
Visit us at www.superamerica.com
Price Restrictions: Coupons
Price Restrictions: Coupons

SMALL POUCHES

WARNING: This product is not a safe alternative to cigarettes.

SUPERAMERICA
0004419-St. Paul, MN
925 Grand Ave
St. Paul, MN 55105-3015

Register:1  Transaction#1696339
4/14/2011  2:28:11 PM  Douglas

1 MRL SNUS MNT TIN SINGLE  3.35
1 OC9-MRL SNUS TINS SGL (NT)  1.00
1 Manufacturer Tax  -1.00

Sub. Total:  $1.35
Tax:  $0.26
Total:  $1.61

Cash:  $5.00
Change:  $3.39

Thank You
Visit us at
www.superamerica.com
Price Restrictions: Coupons

Policy Option: Prohibit the redemption of coupons in retail stores
Price Restrictions: Minimum Pack Size
Characterizing Flavors
Point-of-Sale Health Warnings

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www.nysmokefree.com
Use Restrictions (e.g., Smoke-Free Laws)
Bold Options: Menthol
Bold Options: Marketing Restrictions
Bold Options: Category Prohibition
Questions?

Contact us:
michael.freiberg@wmitchell.edu
(651) 290-7517
Q&A Session

• Type Questions in Webex
• Moderator Will Direct Questions to Speakers

Questions after today’s presentation? Email us at: publichealthlawcenter@wmitchell.edu
Next Webinar in the Series

Public Health Policy Change: Using School Wellness Policies to Advance Policy Change

Wednesday, November 16th 12:00 p.m – 1:30 p.m. Central Time

Visit www.publichealthlawcenter.org for more information