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LEGAL TECHNICAL ASSISTANCE

- Legal Research
- Policy Development, Implementation, Defense
- Publications
- Trainings
- Direct Representation
- Lobby
ROADMAP

1) **Context:** Tobacco control before 2009 and the goal
1) **Context:** Tobacco control before 2009 and the goal
ROADMAP

1) Context

2) Federal political climate

Bill Lee
Campaign for Tobacco-Free Kids
ROADMAP

1) Context
2) Federal political climate
3) Regulatory and litigation updates

Desmond Jenson
Tobacco Control Legal Consortium
ROADMAP

1) Context
2) Federal political climate
3) Regulatory and litigation updates
4) HUD smoke-free public housing update

Erika Sward
American Lung Association
ROADMAP

1) Context
2) Federal political climate
3) Regulatory and litigation updates
4) HUD smoke-free public housing update
5) Questions

Darlene Huang
Tobacco Control Legal Consortium
http://glennster.deviantart.com/art/Keep-Calm-Now-Panic-182506967
CONSTITUTION

Legislative Branch → Executive Branch → Judicial Branch

https://www.thinglink.com/scene/633668777459843074
Congressional Review Act (CRA)

https://www.thinglink.com/scene/633668777459843074

Regulatory Freeze Memo
Congressional Review Act (CRA)

https://www.thinglink.com/scene/633668777459843074

Regulatory Freeze Memo

Litigation
Congressional Review Act (CRA)

Regulatory Freeze Memo

Litigation

The Federal Government and Tobacco Control

Federal Agencies

https://www.thinglink.com/scene/633668777459843074
CRA AND REGULATORY FREEZE MEMO IMPACT

One FDA rule delayed: Clarification of When Products Made or Derived from Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding “Intended Uses”

- Original effective date: February 8, 2017
- Delay 1 in accordance with Regulatory Freeze Memo: March 21, 2017
- Delay 2: March 19, 2018
- Comment period extended to July 18, 2017
FEDERAL TOBACCO CONTROL ISSUES

Bill Lee
EVP, US Programs
Campaign for Tobacco-Free Kids
June 6, 2017
Appropriations FY18

- **FY17 Appropriations:**
  - no FDA riders; $5M cut to CDC / OSH budget

- **FY18 Appropriations:**
  - Likely facing similar riders as in FY17
    - Grandfather date
    - Cigar exemption
  - Facing dramatic cuts to OSH budget
    - President’s budget zeroes out OSH; creates block grant.
  - Timing: won’t get done by Sept. 30th; likely a CR or Omnibus in December.
Federal Legislation

- **CRA** – time has passed for action on HUD rule
- **Repeal of ACA/ Passage of AHCA:**
  - Prevention Fund eliminated (after FY18)
  - Mandated coverage of tobacco cessation treatment
- **Cole-Bishop bill:** grandfather date
- **Cigar bill:** exempts certain cigars
- **Hunter bill:** essentially abolishes FDA jurisdiction over e-cigarettes. E-cigarette trade association would set standards for e-liquids
New Key Federal Actors

• FDA Commissioner Scott Gottlieb, M.D.
  • Background: FDA Deputy Commissioner for Medical and Scientific Affairs and, before that, Senior Advisor to the FDA Commissioner
  • Former Director and ownership stake: Kure (vaping retail franchiser)

• Solicitor General nominee, Noel Francisco
  • Background: Partner at Jones, Day
  • Represented R.J. Reynolds for years, including in the ongoing RICO lawsuit brought against major cigarette companies by DOJ
Vice President Mike Pence

**House of Representatives (2001-2013)**

- Voted against legislation to give FDA Oversight of Tobacco Products
- Voted against 61-cent increase in tobacco tax to pay for Children’s Health Insurance
- Voted for a House floor amendment to cut FDA’s funding for tobacco regulation by $392 million

**Governor of Indiana (2013-2017)**

- Cut funding for the Tobacco Prevention and Cessation agency in first week as Governor
- Signed bill amending Clean Indoor Air Act to allow new cigar bars

**Op-ed “Smoking doesn’t kill” (1997)**

“Time for a quick reality check. Despite the hysteria from the political class and the media, smoking doesn't kill.”
HHS Secretary, Tom Price

- **House of Representatives** (2005-2017)
  - Voted against legislation to give FDA Oversight of Tobacco Products
  - Voted against 61-cent increase in tobacco tax to pay for Children’s Health Insurance
  - Voted for a House floor amendment to cut FDA’s funding for tobacco regulation by $392 million
  - Cosponsor of legislation to completely exempt certain types of cigars from any FDA regulation
AGENDA

• Deeming Regulation
• Graphic Warning Rule Part 2
• 1-In-2-Out Executive Order
• U.S. v. Philip Morris
AGENDA

• Deeming Regulation
  – Vape Shops
  – Free Samples
  – Litigation/Enforcement Delays

• Graphic Warning Rule Part 2
• 1-In-2-Out Executive Order
• U.S. v. Philip Morris
DEEMING REGULATION
VAPE SHOPS

The term ‘tobacco product manufacturer’ means any person, including any repacker or relabeler, who manufactures, fabricates, assembles, processes, or labels a tobacco product
DEEMING REGULATION
VAPE SHOPS

“If an establishment mixes or prepares e-liquids or creates or modifies aerosolizing apparatus for direct sale to consumers for use in ENDS, the establishment fits within the definition of ‘tobacco product manufacturer’”
DEEMING REGULATION
VAPE SHOPS

• Premarket Review of all product combinations
• Registration
• Product Listing
• Ingredient Disclosure
• Health Document Disclosure
• Harmful and Potentially Harmful Constituent Disclosure
“Retailers who currently meet the definition of manufacturer may continue to operate but cease to engage in manufacturing activities and convert to a pure retail model.”

“. . . we expect that most vape shops will continue to operate but those that have not already switched pure retailing will likely do so.”
DEEMING REGULATION
FREE SAMPLES

21 C.F.R. § 1140.16(d)(1): . . . no manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of cigarettes, smokeless tobacco, or other tobacco products (as such term is defined in section 201 of the Federal Food Drug and Cosmetic Act).
“...allowing prospective adult buyers to smell or handle one of the newly deemed products is not considered distribution of a "free sample" as long as the free product is not actually consumed, in whole or in part, in the retail facility and the prospective buyer does not leave the facility with a free tobacco product.”
DEEMING REGULATION
FREE SAMPLES

“. . .allowing prospective adult buyers to smell or handle one of the newly deemed products is not considered distribution of a "free sample" as long as the free product is not actually consumed, in whole or in part, in the retail facility and the prospective buyer does not leave the facility with a free tobacco product.”
What is free?

Which products cannot be distributed for free?
DEEMING REGULATION
FREE SAMPLES

“The free sample ban does not prohibit manufacturers, distributors, and retailers from selling tobacco products at a discount or accepting coupons that allow consumers to purchase tobacco products at a discount.”
“Promotions that offer consumers a free tobacco product in a separate transaction that is not a tobacco product sales transaction are prohibited where they would allow a consumer to obtain a free tobacco product sample and also evade the minimum age and ID requirements.”
DEEMING REGULATION
FREE SAMPLES

No Purchase Necessary = Violation

Monetary Transaction = No Violation
DEEMING REGULATION
FREE SAMPLES

“Unlike other restrictions that the Deeming Rule expanded to include only ‘covered tobacco products’ . . . , the free sample ban applies to all tobacco products that are subject to FDA’s tobacco product authority, even if they are not made or derived from tobacco”
DEEMING REGULATION
LITIGATION/ENFORCEMENT DELAYS

5/10/16 - NicoPure Labs v. FDA (D.D.C.)
5/19/16 – Lost Art Liquids v. FDA (C.D.Cal.)
6/1/16 – Sanchez Icaza v. FDA (S.D.Fla.)
6/10/16 – Faircloth v. FDA (S.D.W.V.)
6/20/16 – Right to Be Smoke-Free Coalition v. FDA (D.D.C.)
7/8/16 – Cyclops Vapor 2 v. FDA (M.D.Ala.)
7/15/16 – Cigar Association of America v. FDA (D.D.C.)
DEEMING REGULATION
LITIGATION/ENFORCEMENT DELAYS

5/10/16 - NicoPure Labs v. FDA (D.D.C.)
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7/15/16 – Cigar Association of America v. FDA (D.D.C.)
## DEEMING REGULATION
LITIGATION/ENFORCEMENT DELAYS

<table>
<thead>
<tr>
<th>Plaintiff</th>
<th>Last Substantive Government Filing</th>
<th>Next Substantive Government Filing</th>
<th>Number of Filing Extensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lost Art Liquids</td>
<td>November 14, 2016</td>
<td>September 15, 2017</td>
<td>1</td>
</tr>
<tr>
<td>Sanchez Icaza</td>
<td>October 3, 2016</td>
<td>October 30, 2017</td>
<td>3</td>
</tr>
<tr>
<td>Cyclops Vapor 2</td>
<td>November 28, 2016</td>
<td>August 2, 2017</td>
<td>2</td>
</tr>
<tr>
<td>Cigar Association</td>
<td>October 26, 2016</td>
<td>August 1, 2017</td>
<td>2</td>
</tr>
</tbody>
</table>
3. Due to the recent change in administrations, new leadership personnel at the Department of Health and Human Services seek additional time to more fully consider the issues raised in this case, and Defendants therefore respectfully request a 3-month extension of all pending deadlines.

4. The FDA has represented that it will defer enforcement of all future compliance deadlines under the deeming rule for e-cigarette products for 3 months, and that it plans to issue guidance to that effect. Accordingly, Plaintiffs join in this motion.
DEEMING REGULATION
LITIGATION/ENFORCEMENT DELAYS

SPECIAL ANNOUNCEMENT

Upcoming Cigar Compliance Date Among Those Extended for Three Months

Per a recent legal filing, the FDA is extending certain compliance dates related to the final deeming rule for three months.

Among the dates extended is the requirement to submit cigar rotational warning plans by May 10, 2017. The new deadline for this requirement is Aug. 10, 2017.

The FDA intends to issue a guidance on these date extensions in the near future.
## DEEMING REGULATION
### LITIGATION/ENFORCEMENT DELAYS

<table>
<thead>
<tr>
<th>FDA Policy</th>
<th>Enforcement Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum sales age of 18 and age verification under 27</td>
<td>August 8, 2016</td>
</tr>
<tr>
<td>Prohibition on vending machine sales except adults-only facilities</td>
<td>August 8, 2016</td>
</tr>
<tr>
<td>Prohibition on free samples</td>
<td>August 8, 2016</td>
</tr>
<tr>
<td>Regulation of adulterated products</td>
<td>August 8, 2016</td>
</tr>
<tr>
<td>Prohibition on false or misleading advertising</td>
<td>August 8, 2016</td>
</tr>
<tr>
<td>Required premarket review of modified risk tobacco products</td>
<td>August 8, 2016</td>
</tr>
<tr>
<td>Required disclosure of health-related documents</td>
<td>February 8, 2017</td>
</tr>
</tbody>
</table>
## DEEMING REGULATION
### LITIGATION/ENFORCEMENT DELAYS

<table>
<thead>
<tr>
<th>FDA Policy</th>
<th>Enforcement Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required registration of manufacturers and disclosure of product lists</td>
<td>September 30, 2017</td>
</tr>
<tr>
<td>Required disclosure of ingredients, substances, compounds and additives</td>
<td>November 8, 2017</td>
</tr>
<tr>
<td>Applications for premarket review of tobacco products seeking a substantial equivalence exemption marketing order</td>
<td>November 8, 2017</td>
</tr>
<tr>
<td>Prohibition of the use of “light,” “mild,” “low,” or similar descriptors</td>
<td>November 8, 2017 + 30 day sell-off period</td>
</tr>
<tr>
<td>Required premarket review of tobacco products seeking a substantial equivalence marketing order</td>
<td>May 8, 2018</td>
</tr>
<tr>
<td>Required warning labels</td>
<td>August 10, 2018</td>
</tr>
<tr>
<td>Required premarket review of tobacco products seeking a PMTA marketing order</td>
<td>November 8, 2018</td>
</tr>
<tr>
<td>Required disclosure of harmful and potentially harmful constituents</td>
<td>November 8, 2019</td>
</tr>
</tbody>
</table>
AGENDA

- Deeming Regulation
- Graphic Warning Rule Part 2
- 1-In-2-Out Executive Order
- U.S. v. Philip Morris
# Graphic Warning Rule Part 2

## Background

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tobacco Control Act signed into law</td>
<td>June 22, 2009</td>
</tr>
<tr>
<td>Tobacco industry challenges law</td>
<td>August 31, 2009</td>
</tr>
<tr>
<td>TCA graphic warning requirement upheld by district court</td>
<td>January 5, 2010</td>
</tr>
<tr>
<td>FDA issues proposed graphic warning rule</td>
<td>November 12, 2010</td>
</tr>
<tr>
<td>FDA issues final graphic warning rule</td>
<td>June 22, 2011</td>
</tr>
<tr>
<td>Tobacco industry challenges graphic warning rule</td>
<td>August 16, 2011</td>
</tr>
<tr>
<td>Graphic warning rule struck down by district court</td>
<td>February 29, 2012</td>
</tr>
<tr>
<td>TCA graphic warning requirement upheld by appeals court</td>
<td>March 19, 2012</td>
</tr>
<tr>
<td>Graphic warning rule struck down by appeals court</td>
<td>August 24, 2012</td>
</tr>
<tr>
<td>Appeals court denies en banc rehearing of graphic warning case</td>
<td>December 5, 2012</td>
</tr>
<tr>
<td>No appeal to U.S. Supreme Court and FDA will issue a new rule</td>
<td>March 15, 2013</td>
</tr>
<tr>
<td>U.S. Supreme Court declines review of TCA graphic warning requirement</td>
<td>April 22, 2013</td>
</tr>
</tbody>
</table>
GRAPHIC WARNING RULE PART 2

LAWSUIT

Plaintiffs: American Academy of Pediatrics (AAP)
Massachusetts Chapter of AAP
American Cancer Society
American Cancer Society Cancer Action Network
American Heart Association
American Lung Association
Campaign for Tobacco-Free Kids
Truth Initiative
3 physicians living in Massachusetts (members of AAP)

Defendant: U.S. Food and Drug Administration

Argument: The Tobacco Control Act requires graphic warning labels on cigarettes. There are currently no such warning labels.
# Graphic Warning Rule Part 2 Lawsuit

<table>
<thead>
<tr>
<th>Dates</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013-2015</td>
<td>Working group (science, policy, communications, subject matter experts, regulatory counsel)</td>
</tr>
<tr>
<td>May 2015 – June 2016</td>
<td>Qualitative testing of text and images</td>
</tr>
<tr>
<td>October 2017</td>
<td>Develop revised images for testing</td>
</tr>
<tr>
<td>May 2018</td>
<td>Final qualitative testing</td>
</tr>
<tr>
<td>May 2019</td>
<td>Quantitative testing of text and images</td>
</tr>
<tr>
<td>July 2021</td>
<td>Proposed rule, comment period, and final rule</td>
</tr>
</tbody>
</table>

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The Federal Government and Tobacco Control 6/6/2017
AGENDA

• Deeming Regulation
• Graphic Warning Rule Part 2
• 1-In-2-Out Executive Order
• U.S. v. Philip Morris
ONE-IN-TWO-OUT EXECUTIVE ORDER

Trump wants to scrap two regulations for each new one adopted
Lawsuit challenges Trump’s two-for-one rule

Plaintiffs:
• Public Citizen
• Natural Resources Defense Council
• Communications Workers of America, AFL-CIO

Arguments:
• Violation of Separation of Powers
• Violation of Take-Care Clause
• Ultra Vires Action (action taken without authority)
• Implementation is arbitrary and capricious
ONE-IN-TWO-OUT EXECUTIVE ORDER
LITIGATION

Amici supporting the Plaintiffs:
• Public Health Law Center
• American Academy of Pediatrics
• Big Cities Health Coalition
• Campaign for Tobacco-Free Kids
• Center for Science in the Public Interest
• ChangeLab Solutions
• Collaboration for Research Integrity and Transparency
• National Association of County and City Health Officials
• National Women’s Health Network
• Public Good Law Center
• Public Health Advocacy Institute
• Public Health and Tobacco Policy Center
• Truth Initiative

Amici supporting the Government:
• Alabama
• Arizona
• Arkansas
• Georgia
• Kansas
• Louisiana
• Michigan
• Nevada
• Oklahoma
• South Carolina
• Texas
• West Virginia
• Wisconsin
• Wyoming
AGENDA

• Deeming Regulation
• Graphic Warning Rule Part 2
• 1-In-2-Out Executive Order
• U.S. v. Philip Morris
U.S. V. PHILIP MORRIS
BACKGROUND

Department of Justice files the lawsuit 9/22/1999

Oral arguments begin 9/21/2004

Closing arguments begin 6/7/2005

Public health groups intervene 7/7/2005

Judge Kessler issues her opinion 8/17/2006

Court of appeals upholds the decision 5/22/2009

Defendants file motion to vacate 4/4/2011

Court of appeals upholds denial of motion to vacate 7/27/2012

Motion to vacate denied 6/1/2011

Present day, litigation is ongoing 6/6/2017

Family Smoking Prevention and Tobacco Control Act signed into law 6/22/2009

U.S. Supreme Court declines to hear appeal 6/28/2010

The Federal Government and Tobacco Control
U.S. V. PHILIP MORRIS
REMEDIES

Rejected
• National Smoking Cessation Program
• Youth Smoking Reduction Targets
• Corporate Structural Changes
• Public Education and Counter Marketing Campaign
• Disgorgement of Profits

Enforced:
• Prohibition on Brand Descriptors (“Light,” “Low Tar,” “Ultra Light,” and “Mild”)
• Corrective Communications
• Disclosure of Documents and Disaggregated Marketing Data
• General Injunctions
• Litigation Costs
Appeals court: Tobacco manufacturers must include corrective warning statements

Federal Appeals Court: After 11 Years, There’s No More Reason For Big Tobacco To Delay Warning Ads
A Unique Opportunity: Department of Housing & Urban Development Smokefree Multi-Unit Housing Rule
Smokefree is the main goal

Cessation is the key secondary objective
Background on HUD Residents and Rule
Secondhand Smoke A Significant Problem for Low Income Housing

• Conclusions of 2006 Surgeon General’s report on secondhand smoke applies to all indoor environments – i.e. there is no safe level of exposure

• SHS-exposed children twice as likely to miss 6 or more school days per year

• Even low levels of SHS exposure associated with decreased reading and math scores

• Smoking materials are the most common source of fatal residential fires

• 2009 study of 49 low income units in multi-family buildings – 94% of units had detectable levels of nicotine, including 89% of non-smoking units
**Historic Opportunity to Help our Nation’s Most Vulnerable**

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Public Housing Residents (2014/15)</th>
<th>Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Population</td>
<td>~ 2 Million</td>
<td>N/A</td>
</tr>
<tr>
<td>African American</td>
<td>45% (head of household)</td>
<td>13.2% of U.S. Population</td>
</tr>
<tr>
<td>Hispanic</td>
<td>25% (head of household)</td>
<td>17.4% of U.S. population</td>
</tr>
<tr>
<td>&lt; 18 yrs old</td>
<td>37%</td>
<td>23.1%</td>
</tr>
<tr>
<td>Income</td>
<td>95% of households are low to extremely low income</td>
<td>N/A (relative to local area median income)</td>
</tr>
</tbody>
</table>
Smokefree Multi-Unit Housing History

Dear Reader:

The U.S. Department of Housing and Urban Development, the Department of Health and Human Services, the American Academy of Pediatrics, and the American Lung Association are joining together to protect everyone living in federally assisted multifamily housing from the dangers of secondhand smoke. Since 2009, HUD has strongly encouraged Public Housing Agencies to adopt smoke-free buildings to protect the health of residents, and now urges federally assisted multifamily property owners to go smoke-free. To assist you in this process, HUD has developed smoke-free housing toolkits to provide user-friendly information on making all buildings smoke-free. There are materials for landlords, including Public Housing Agencies, and for resident organizations.
HUD Smokefree Multi-Unit Housing Proposal

**Key Provisions**
- Issued in Fall 2015
- Smokefree proposal would apply to all public housing, other than dwelling units in mixed-finance buildings
- All public housing authorities (PHAs) would go smokefree in 18 months from date of final rule
- Interior of buildings plus 25 foot zone within buildings included

- PHAs would also be required to:
  - Document their smoke-free policies in their PHA plans, a process that requires resident engagement and public meetings.
  - Smokefree policy would be included in a tenant's lease

**Other Provisions**
- All lit tobacco products included
Response to HUD’s Request for Comment
HUD Smokefree Multi-Unit Housing Rule

Proposal Did Not Include:
• Public health & medical groups urged HUD to add hookah & e-cigarettes*
• Groups also urged that all housing subsidized by the federal government be made smokefree

Final Rule:
• Released November 30, 2016
• HUD added hookah, but not e-cigarettes.
• Mandatory provision applies to public housing but subsidized units can go smokefree.
Current Status in Trump Administration & 115th Congress

SMOKE-FREE PUBLIC HOUSING AND MULTIFAMILY PROPERTIES

This website has resources to help you plan for, implement, and build support for smoke-free policies for Public Housing Agencies (PHAs) and Multifamily federally assisted properties. HUD strongly encourages Public Housing Agencies (PHAs) and all multifamily housing owners/agents to implement smoke-free policies in all their properties. Furthermore, December 5, 2016, HUD published a final rule for each Public Housing Agency administering low-income, conventional public housing to initiate a smoke-free policy. The effective date of the Rule is February 3, 2017, and it provides an 18-month implementation period.

If you have questions that are not addressed by the information below, you can send an email to smokefreehousing@hud.gov.

Hot Topics

- **HUD Announces Final Rule to Institute Smoke-Free Public Housing Nationwide**
- **Public Housing Agencies with Smoke-Free Policies as of 9/30/2016**
Current Status in Trump Administration & 115th Congress

- February 3, 2017 Implementation date came & went – rule took effect
- Congress did not file or pursue Congressional Review Act (CRA)
- There were no riders in the Fiscal Year 2017 Funding Bill
- Implementing policy documents and resources on HUD.gov
- Executive Order 13777: Reducing the Regulatory Burden – Enforcing the Regulatory Reform Agenda
Current Status in Trump Administration & 115th Congress

**Executive Order 13777: Reducing the Regulatory Burden – Enforcing the Regulatory Reform Agenda**

Sign on Opportunity: Group Comments about Why Rule is So Important and Should be Allowed to Move Forward

**Sign On Deadline: Monday, June 12**

Please email Erika Sward (Erika.Sward@Lung.org) if you’d like to receive a copy of the comments to review*

*State and local departments of health cannot sign on.
Helping PHAs Implement Smokefree Policies
Implementation

Lots on the Plates of Housing Authorities
• Help needed

Don’t Reinvent the Wheel
• Resources Exist
• Lung.org/Smokefreehousing

Working in Coalition Will Help
• Organizations that serve disparate populations in the community
• Local public housing authorities
• Firefighters groups/organizations
• Asthma coalitions/groups

Involve and Empower Residents
• Will be more effective and successful
Implementation: Lung.org/Smokefreehousing

- Free Smokefree Multi-Unit Housing Online Course – Helpful training for people new to the issue
- Smokefree Multi-Unit Housing Issue Brief – versions in both English and Spanish
- Both resources available at www.lung.org/Smokefreehousing
Helping HUD Residents
Get the Help They Need to Quit Smoking
Cessation Coverage

Comprehensive Benefit

- 7 Medications
  - 5 NRTs (Gum, Patch, Lozenge, Nasal Spray, Inhaler)
  - Bupropion
  - Varenicline
- 3 Types of Counseling
  - Individual (face-to-face)
  - Group
  - Phone
Cessation Coverage

Common Barriers to Access Care

- Cost Sharing (Co-Pays)
- Prior Authorization
- Stepped Care Therapy
- Required Counseling
- Duration Limits
- Annual (or Lifetime) Limits
- Dollar Limits
Major Points to Remember

Smokefree air policies are about smoking, not smokers.
- Residents may be afraid they’ll be forced to quit or move out.
- Property managers may be afraid they’ll have to evict residents who smoke.

Many tobacco users may decide to make a quit attempt when a property goes smokefree.
- Cessation services should be available to residents.
- Cessation resources (including medication) should be easily accessible with as few barriers as possible.

Not every tobacco user will decide to make a quit attempt when a property goes smokefree.
- Some may be angry about the new policy and some just aren’t ready to make a quit attempt.
- Everyone needs to comply with the smokefree air policy, even if they don’t stop using tobacco.
Opportunities for a Win-Win

Expanding Consistent & Comprehensive Coverage of Medicaid Programs

1. Helps smokers living in PHAs with cessation treatments
2. Helps rest of Medicaid population with coverage
CONSISTENCY MATTERS

CONSISTENCY IS
Traditional Medicaid Coverage for Tobacco Cessation Medications and Counseling Overlaid with Number of PHA Units by State

Last updated: June 1, 2017
Expanding Medicaid Coverage for Cessation Programs

• The American Lung Association & MD Anderson with national and state partners to create a more consistent and comprehensive tobacco cessation benefit with minimal barriers in seven states

American Lung Association and MD Anderson Announce Effort to Improve Tobacco Cessation Treatment for Medicaid Enrollees

Seven states selected for increased access to quit smoking tools, education and outreach
Expanding Medicaid Coverage for Cessation Programs

June 1, 2017
Upcoming Webinars:

• Expanding Cessation Coverage for Medicaid Populations

• Working with PHA Providers on Helping Residents Get the Help they Need to Quit

Please email Erika Sward (Erika.Sward@Lung.org) if you’d like more information about any future webinar.
CONTACT US

651.290.7506
publichealthlawcenter@mitchellhamline.edu
www.publichealthlawcenter.org
@phealthlawctr
facebook.com/publichealthlawcenter