



Regulating Menthol Flavored Tobacco Products: Lessons Learned

Understand the political and legal landscape

- Research the issue thoroughly, including such items as:
 - The prevalence and use of menthol tobacco products in the particular locality or state
 - The health impact, health care costs, and demographics of menthol tobacco product use
- Consult with legal professionals and local policymakers during initial planning:
 - Confirm that the governing body has the authority to implement the policy
 - Discuss potential legal challenges
 - Clarify channels for appropriate policy approval
- Ensure that the initiative has strong support from committed public health leaders and legislative champions.
- Plan for a fierce campaign and anticipate heavy opposition, particularly from the e-cigarette community.

Engage stakeholders from diverse sectors of the community

- Reach out to groups most affected by the health risks of flavored tobacco products – especially youth, racial and ethnic populations, and the LGBT community – to raise awareness about how the tobacco industry targets them and the resulting high nicotine addiction and health impact on their populations.
- Consider edgy campaigns on health risks and impact of menthol tobacco products to excite interest among young and disaffected communities.
- Target and engage non-English speaking communities via (for example) multi-lingual public health campaigners and translators.
- Use menthol use and targeted marketing demographics to focus on the social justice aspect of this issue.

Build supportive network of traditional and nontraditional partners

- Engage, educate and train community members affected by this issue who may not be informed about or experienced in tobacco control. Cultivate and encourage them to get involved. Build capacity at the local level for diverse and nontraditional partners.
- Make sure that traditional partners at the local, state and national levels are supportive and involved (e.g., American Cancer Society/Cancer Action Network, American Lung Association, American Heart Association, National African American Tobacco

Prevention Network and African American Tobacco Control Leadership Council, and members of the medical and public health communities).

- Get buy-in from local coalition partners most associated with this issue, many of whom may be new to tobacco control.
 - For example, in Chicago, these nontraditional partners included the Coalition for Asian Substance Abuse Prevention, the Chicago Hispanic Health Coalition, the LGBT Advisory Council, and the Chicago Southside Cancer Disparities Initiative. In Hawaii, a youth advocacy group (REAL) played a key role in mobilizing support for the bill and promoting it at the State Legislature.

Ensure the legislation is clear, complete and well drafted

- Clearly describe the regulatory restrictions and responsibilities of all relevant parties and ensure that all necessary terms are well defined.
- Identify the governing bodies responsible for enforcement, the terms and circumstances of a violation, and the penalties or fines imposed for first, second and subsequent violations, as appropriate. Clarify the appeals process.
- Contact local legal counsel and attorneys from the Tobacco Control Legal Consortium for legal technical assistance regarding policy strategies, draft language and legal review, and help in identifying possible loopholes that might make the legislation susceptible to challenges by the tobacco industry or third parties.

Set up a well-planned implementation process

- Recognize that passing the policy is only a first step and that successful implementation is critical to the success of any tobacco control initiative.
 - Include in the implementation plan a well thought-out process for publicizing the policy and educating the community about why it is needed and how it will be implemented, as well as procedures for receiving, tracking and following up on complaints.
- Allow sufficient time to establish the necessary procedures for implementation and enforcement, to identify affected businesses and notify them of their obligations under the policy, and for businesses to take all steps necessary to comply.
 - For example: Chicago learned that identifying what is a “flavored tobacco product” was a time-consuming process. After combing through nearly 12,000 products on the market, Chicago public health staff compiled a list, which they then developed into a search engine to help consumers and retailers identify which flavored tobacco products were restricted in the city: www.flavoredtobaccosearchengine.com.
- Use public education and comprehensive evidence-based and culturally relevant cessation resources, particularly in underserved communities, to maximize public health gain and minimize migration to the contraband market.

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