

MINUTES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT  
COMPLIANCE ADVISORY BOARD MEETING  
October 21, 2020

The seventy-third meeting of the Tobacco Master Settlement Agreement Compliance Advisory Board was convened by conference call on October 21, 2020, by the Office of the Attorney General, 700 Capitol Avenue, Frankfort, Kentucky.

The meeting was attended by the following:

Michael Plumley – Attorney General’s Office

Kerri Verden – Department of Public Health

Steve Cambron – CHFS, Behavioral Health (Synar)

Dave Wilkerson – PPC, Department of Alcoholic Beverage Control

Clint Quarles – Department of Agriculture

Corey Crill -Kentucky Retail Federation

**I Meeting** called to Order by Michael Plumley.

**II Minutes** adopted from previous meeting.

**III. Old Business**

**Synar**

Steve Cambron and Dave Wilkerson advised on Synar activity.

Inspections for Synar began in August and are completed the sample size is lower this year (154). There were 16 occurrences of sales to minors for roughly 11% violation rate. Covid has restricted how the inspections could be done but masks were located and provided so inspections could be safely conducted under safety protocols. 18 year olds were used for inspections this year (29%) and they had a higher sale rate than other age groups. Females also purchased at a higher rate than males. E-cigarettes had the highest violation rate of any category as did convenience stores.

**Assurance of voluntary compliance (Kentucky Tobacco Retail Survey Project).** Communication with some corporate chains has taken place on numerous issues. An attempt to incorporate e-cigarettes into AVCs is being made nationally.

## **E-Cigarettes**

Truth Initiative study (“Straight to Vape”) found high exposure to tobacco/nicotine images of use in streaming content made youth three times more likely to initiate vaping in the first such study finding the connection.

Fourteen states have brought action against JUUL, including AZ, CA, CO, DC, HI, IL, MA, MN, MS, NM, NC, NY, PA and WA.

## **NPM Adjustment Settlement**

Kentucky received preliminary result that it would have no reduction in its payment due to the 2019 NPM adjustment after review of its records for that year.

Settlement resulting in no arbitrations occurring for the years up to 2022.

## **FDA Action**

Graphic warnings challenges continue in federal courts in Texas and DC. Deadline for ads extended to October 21, 2021.

E-cigarettes and new products needing FDA pre-market are under review. Some enforcement taken by FDA on unauthorized products and those aimed at youth.

## **IV. New Business**

2020 National Tobacco Youth Survey found that 1.8 million fewer youth are vaping in 2020 but 3.6 million still vape. Disposable e-cigarettes went up 2-3%.

IQOS study by Truth Initiative was distributed by email. IQOS approved in Kentucky but not being sold yet.

Attempts are being made to try to get input from retailers on training materials.

## **V. Meeting adjourned.**

*Tentative date for next meeting December 22, 2020.*