

MINUTES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT
COMPLIANCE ADVISORY BOARD MEETING
May 20, 2020

The seventy-first meeting of the Tobacco Master Settlement Agreement Compliance Advisory Board was convened by conference call on May 20, 2020, at 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 Krill– Kentucky Retail Federation

Amy Barkley-Campaign for Tobacco Free Kids

I Meeting called to Order by Michael Plumley.

II Minutes adopted from previous meeting.

III. Old Business

Synar

Steve Cambron advised on Synar activity and AVC activity.

Violations – 3% of those inspected (lowest ever). 364 inspections, 11 violations.

Unclear how this year inspections will occur and be evaluated.

Inspections usually done in summer, June-August. Covid has restricted how these can be done but they must be for federal funding. Dave Wilkerson reported FDA gave a stop order in March for inspections. ABC requested to provide a plan for how inspections can be implemented. Masks are difficult to obtain and must be provided. 16-20 year olds are now being used for FDA checks.

Assurance of voluntary compliance (Kentucky Tobacco Retail Survey Project).

71 retail visits were completed before they had to stop due to Covid restrictions. Most in Jefferson and Franklin County.

Violation reports are being compiled for review and contact with corporate chains.

Look alike products and tobacco products near candy were most prevalent.

Trust training being revised as 21 laws enacted.

E-Cigarettes

More states have brought action against JUUL, now ten, including California and New York. Schools in Kentucky have sued. Claims include false claims of safety, consumer fraud, nuisance, etc.

FTC complaint against Altria due to purchase of JUUL.

E-cigarette tax in Kentucky has been passed. \$1.50 per pod is different than other states. This may be revisited.

Discussion of flavor caps for e-cigarettes. Also, the loophole allowing sales of disposable flavored e-cigarettes such as Puffbar which is being looked at by some states.

NPM Adjustment Settlement

Data Clearinghouse determined no adjustment for Kentucky for 2018.

2019 NPM Adjustment proceeding begins in August with provision of documents.

Discussions on settling additional years through 2022.

Payment in April was \$112 million. Expected to continue falling over time due to lower sales of traditional cigarettes.

FDA Action

New challenges to final rules on graphic warnings in federal courts.

E-cigarettes and new products will need FDA pre-market review, delayed to September, 2020.

IV New Business

Study of tobacco products in the media published April 1.

V. Meeting adjourned.