

MSA COMPLIANCE ADVISORY BOARD MEETING AGENDA

Wednesday, June 30, 2021

10:00 a.m.

Kentucky Office of the Attorney General

I. Call to Order/Intro-----Michael Plumley

II. Minutes approval/Old Business ----- Michael Plumley

III. Old business ----- Michael Plumley

A. E-cigs/JUUL-----Michael Plumley

--50 state summary of e-cigarette regulations:

<https://www.publichealthlawcenter.org/sites/default/files/E-Cigarette-Legal-Landscape-March15-2021.pdf>

--JUUL found in violation of discovery rules in NC case. Sanctions ordered.

B. NPM Adjustment Settlement update-----Michael Plumley

--2020 proceeding begins August 1, 2021.

C. FDA action-----Michael Plumley

--Graphic warning challenges continue in TX, DC. Effective date extended to April, 2022.

--Menthol case: FDA will begin the process of prohibiting menthol from tobacco products, which will take at least 1-2 years. On April 29, 2021, [the FDA announced](#) "it is committing to advancing two tobacco product standards to significantly reduce disease and death from using combusted tobacco products, the leading cause of preventable death in the U.S. The FDA is working toward issuing proposed product standards within the next year to ban menthol as a characterizing flavor in cigarettes and ban all characterizing flavors (including menthol) in cigars; the authority to adopt product standards is one of the most powerful tobacco regulatory tools Congress gave the agency. This decision is based on clear science and evidence establishing the addictiveness and harm of these products and builds on important, previous actions that banned other flavored cigarettes in 2009."

D. Kentucky Education funding-----Kerri Verden

--Update.

E. MSA Payment-----Michael Plumley

--Payment of \$126 million received in April, 2021.

IV. New Business -----Michael Plumley/Others

- A. PMTA List Published:** On May 20, 2021, FDA posted the list of deemed new tobacco products for which a premarket application was submitted to FDA via the Premarket Tobacco Product Application (PMTA) pathway by Sept. 9, 2020. The list includes over 6 million products.

- B. IQOS approved for modified risk status:** On July 7, 2020, FDA announced that it had approved the marketing of the iQOS "Tobacco Heating System," which includes the iQOS device (heater and charger), Marlboro Heatsticks, Marlboro Smooth Menthol Heatsticks, and Marlboro Fresh Menthol Heatsticks, as modified risk tobacco products (MRTPs). The action authorizes Philip Morris USA to make reduced exposure (but not reduced risk) claims for the product.

- C. Truth article on oral nicotine products:** Increasingly popular oral nicotine products are frequently marketed as tobacco-free alternatives to smoking, claims that could imply lower-risk and are not authorized by the Food and Drug Administration, according to a recent Truth Initiative analysis of direct mail advertisements. Oral nicotine pouches and lozenges come in many flavors and are quickly gaining popularity and raising public health concerns. <https://truthinitiative.org/research-resources/tobacco-industry-marketing/oral-nicotine-products-entice-customers-tobacco-free>

- D.** Reports from Board members on any issues of interest.

V. Adjournment

Next meeting (tentative date): September 15 or 22, 2021