

MINUTES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT
COMPLIANCE ADVISORY BOARD MEETING
August 26, 2020

The seventy-second meeting of the Tobacco Master Settlement Agreement Compliance Advisory Board was convened by conference call on August 26, 2020, by conference call with 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

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.

Inspections for Synar began in August and should be completed on time as the sample size is low this year (160). Covid has restricted how these can be done but masks were located and provided so inspections could be safely conducted.

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

Violation reports were compiled and look alike products were the most common violation found. Communication with some corporate chains has taken place.

E-Cigarettes

Thirteen states have brought action against JUUL, including California and New York. A Q&A on JUUL activity was circulated. Stanford study found vapers were 5-7 times more likely to get Covid 19 than non-vapers.

NPM Adjustment Settlement

Data Clearinghouse provided with documents for the NPM adjustment proceeding for Kentucky NPM sales in 2019.

Discussions on settling additional years through 2022 completed. No arbitrations will occur for the years up to 2022.

FDA Action

New challenges to final rules on graphic warnings continue in federal courts in Texas and DC.

E-cigarettes and new products will need FDA pre-market review, delayed to September, 2020. Some enforcement taken by FDA on unauthorized products. Health groups ask FDA to deny flavored products when they review due to youth appeal.

IV New Business

Tobacco Retail Advisory Council to be recreated to get retail feedback on state training and enforcement programs.

OAGs wrote Premier Brands regarding health claims related to Manitou cigarettes.

V. Meeting adjourned.

Tentative date for next meeting October 22, 2020.