

MINUTES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT  
COMPLIANCE ADVISORY BOARD MEETING  
September 29, 2021

The seventy-seventh meeting of the Tobacco Master Settlement Agreement Compliance Advisory Board was convened by conference call on September 29, 2021, 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-Kentucky Tobacco Control Program  
Dave Wilkerson – Department of Alcoholic Beverage Control  
Clint Quarles – Department of Agriculture  
Corey Krill– Kentucky Retail Federation  
Steve Cambron-Department of Behavioral Health

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

**II. Minutes** adopted from previous meeting.

**III. Old Business**

**A. E-Cigarettes/JUUL**

- VUSE has opened its first VUSE INSPIRATION STORE in Houston. It appears to resemble the approach taken in IQOS stores, with "friendly VUSE ambassadors," and other similar tactics. Vuse is 2d in market share for e-cigs.
- Settlement negotiations with JUUL continuing.

**B. NPM Adjustment Settlement**

- 2020 proceeding began with document production to the data clearing house on August 1, 2021. Preliminary report found Kentucky should have no reduction to its payment.

**C. FDA Action**

- Challenge to final rules on graphic warnings still pending decisions in federal courts. Warnings delayed to October, 2022.
- On September 9, 2021, FDA announced that it had completed review of more than 90% of the PMTAs submitted by the September 9, 2020 deadline. No marketing orders were issued; marketing denial orders were issued for almost a

million flavored ENDS products because FDA concluded "that they failed to provide sufficient evidence that those products will benefit adult smokers to an extent sufficient to justify their documented risks to youth." No action yet taken on the market-leading ENDS products, including JUUL, VUSE and NJOY.

- --[https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/tobacco-product-applications-metrics-reporting?utm\\_campaign=ctp-pmtadefadline&utm\\_content=landingpage&utm\\_medium=email&utm\\_source=govdelivery&utm\\_term=stratcomms](https://www.fda.gov/tobacco-products/market-and-distribute-tobacco-product/tobacco-product-applications-metrics-reporting?utm_campaign=ctp-pmtadefadline&utm_content=landingpage&utm_medium=email&utm_source=govdelivery&utm_term=stratcomms)
- Vast majority of applications are e-cigarettes.

#### **IV. New Business**

- A. Synar Site Visit with KY 9/13-15 with federal funder. Report will be issued along with recommendations for the program. T21 toolkits being distributed.
- B. Synthetic Nicotine article: <https://time.com/6098897/vaping-companies-synthetic-nicotine/>
- C. Reports from Board members on any issues of interest.

#### **V. Meeting adjourned.**

*Next meeting tentatively scheduled for December 15, 2021.*