

**MINUTES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT
COMPLIANCE ADVISORY BOARD MEETING
December 15, 2021**

The seventy-eighth meeting of the Tobacco Master Settlement Agreement Compliance Advisory Board was convened by conference call on December 15, 2021, by conference call.

The meeting was attended by the following:

Michael Plumley–Attorney General’s Office
Kerri Verden-Kentucky Tobacco Control Program
Terry Griffin–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

- On November 23, 2021, AZ announced that it had settled its litigation against JUUL. (<https://www.azag.gov/press-release/attorney-general-mark-brnovich-reaches-145-million-settlement-juul>). It is the second state settlement.
- Puff Bar announced on its website that it would be made of synthetic nicotine and should not be used or considered “tobacco products.”
- Legislation was introduced in Congress to include synthetic nicotine within the definition of “tobacco product.”

B. FDA Action

- FDA has authorized the marketing of three ENDS products (Vuse Solo) and four oral tobacco products (VERVE), all in tobacco flavors. It has rejected PMTAs for many flavored products, but (aside from the authorized Vuse Solo products) PMTAs for the major products are still pending, including some that are menthol-flavored.

C. Synar Report

- Steve Cambron reported on 2021 Synar activity and draft report. Over 400 inspections were completed. Violation rate of 12%, mostly e-cigarettes and smokeless products.
- 250 Tobacco 21 kits distributed to retailers.

IV. New Business

- A. IQOS website on FTC decision: "Unfortunately, IQOS Devices and HeatSticks are currently unavailable for sale in the U.S. due to an order issued in a patent infringement case filed by R.J. Reynolds (RJR). The order imposed an importation ban on all IQOS Products into the U.S. and a cease-and-desist order on the marketing and sale of product already imported into the U.S. We are working hard on a solution to make these products available again as soon as possible."

V. Meeting adjourned.

Next meeting tentatively scheduled for March 16, 2022.