

**MSA COMPLIANCE ADVISORY BOARD MEETING AGENDA**

Wednesday, December 14, 2022

10:00 a.m.

Via Zoom

Join Zoom Meeting

<https://us02web.zoom.us/j/89064330238?pwd=cWlJb2lNUUlmZ2xzY0RNRC9xTzNGZz09>

Meeting ID: 890 6433 0238

Passcode: 168261

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

**II. Minutes approval-----** Michael Plumley

**III. Old business -----** Michael Plumley

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

--JUUL agreement in principle signed by 34 states after more than a two year investigation.(Four states settled separately). States will file consent judgments which can be enforced if JUUL violates agreed upon terms. (such as youth targeting, no large ad signs, proper age-restriction on websites). Kentucky will receive \$14 million over several years. JUUL reportedly considered bankruptcy but now indicates it will go ahead with this agreement and has funding for the initial payment by December 31.

**B. FDA action-----**Michael Plumley

--Graphic warning challenges continue in TX, DC. Effective date extended to November 6, 2023 in TX case, more than two years after briefing has concluded. Decision expected this month.

--On October 26, 2022, the FDA announced that it had issued MDOs "for several e-cigarette products currently marketed by Logic Technology Development LLC (Logic). The currently marketed products include the Logic Pro-Menthol e-Liquid Package and Logic Power Method e-Liquid Package.... These are the first menthol e-cigarette products to receive a marketing decision based on a full scientific review from the FDA."

--FDA has received nearly a million PMTAs for non-nicotine tobacco products submitted by May 14 by 200 companies; had completed initial review of 95% of those applications, of which only 1,600 (mostly for e-cigarette and e-liquid products) got past that review; and has issued over 60 warning letters to manufacturers for unauthorized marketing of non-tobacco nicotine products.

--DOJ, on behalf of the FDA, had filed complaints in federal district court seeking permanent injunctions against six manufacturers for illegally marketing e-cigarettes without having applied for marketing authorization.

**C. KY Update-----Steve Cambron, Others**

--Synar, Retail outreach.

**IV. New Business -----All**

1. CDC and FDA released results on youth tobacco product use from the 2022 National Youth Tobacco Survey (NYTS). Findings show that in 2022, more than 1 in 10 middle and high school students (3.08 million) had used a tobacco product during the past 30 days - including 16.5% of high school and 4.5% of middle school students.

14.1% (2.14 million) of high school students and 3.3% (380,000) of middle school students reported current e-cigarette use. Overwhelmingly, current users (nearly 85%) used flavored e-cigarettes, with fruit flavors being the most popular, followed by candy desserts, or other sweets.

[https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s\\_cid=mm7145a1\\_w&utm\\_medium=email&utm\\_source=govdelivery](https://www.cdc.gov/mmwr/volumes/71/wr/mm7145a1.htm?s_cid=mm7145a1_w&utm_medium=email&utm_source=govdelivery)

2. California banned all flavored tobacco products by referendum last month. The law was challenged by Reynolds the next day arguing preemption and Commerce Clause violation.
3. Agency Reports

**V. Adjournment- *\*Next meeting (tentative date): March 15, 2023\****