

MINUTES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT COMPLIANCE ADVISORY BOARD MEETING

December 14, 2022

The eighty-second meeting of the Tobacco Master Settlement Agreement Compliance Advisory Board was convened on December 14, 2022 by video call.

The meeting was attended by the following:

Michael Plumley–Attorney General’s Office
Jackie Hodges-Kentucky Tobacco Control Program
Todd Griffin–Kentucky Retail Federation
Steve Cambron-Department of Behavioral Health
Clint Quarles-Agriculture

I. Meeting was called to Order by Michael Plumley.

II. Minutes were adopted from previous meeting.

III. Old Business

A. E-Cigarettes/JUUL

- JUUL agreement consent judgment signed 12/12 in Kentucky with injunctive relief such as no youth targeting, limited signs, proper age-restrictions on websites. Kentucky to receive first payment of \$1.3 million in December.

B. FDA Action

- 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.
- 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). 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. Kentucky/Synar

- Synar report awaiting signature. Violation rate 9.35 overall (smokeless-11%, cigarettes 8%, e-cigarettes 7.8%)
- Toolkit surveys sent out to retailers.

IV. New Business

- 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
- Agency Reports given by Board members.

V. Meeting adjourned.

Next meeting tentatively scheduled for March 14, 2023.