

# MINUTES OF THE TOBACCO MASTER SETTLEMENT AGREEMENT COMPLIANCE ADVISORY BOARD MEETING

March 16, 2022

The seventy-ninth meeting of the Tobacco Master Settlement Agreement Compliance Advisory Board was convened on March 16, 2022, by conference call.

The meeting was attended by the following:

Michael Plumley–Attorney General’s Office  
Ellen Cartmell, Jackie Hodges-Kentucky Tobacco Control Program  
Todd Griffin–Kentucky Retail Federation  
Steve Cambron-Department of Behavioral Health  
Dave Wilkerson-Alcohol Beverage Control

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

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

**III. Old Business**

**A. E-Cigarettes/JUUL**

- JUUL negotiations continue on numerous lawsuits and investigations.
- An FTC administrative law judge has issued a decision dismissing FTC staff's antitrust challenge to Altria's purchase of a 35% interest in JUUL. The decision is subject to review by the Commission and then in court. Commission staff has filed a notice of appeal to the Commission.

**B. FDA Action**

- Graphic warning challenges continue in TX, DC. Effective date extended to April 9, 2023 in TX case more than one year after briefing has concluded.
- Legislation was approved in Congress to include synthetic nicotine within the definition of “tobacco product.” FDA given the authority to conduct pre-market review of synthetic nicotine products within 120 days.
- ABC will seize illegal products that they see when clear violations.

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

##### **A. Annual Reports from Nonprofit Groups Monitoring Tobacco Products**

--Truth: <https://truthinitiative.org/research-resources/smoking-region/tobacco-use-kentucky-2021>

--American Lung Assn.: <https://www.lung.org/research/sotc/state-grades/kentucky>

--CTFK: <https://www.tobaccofreekids.org/problem/toll-us/kentucky>

--Kentucky consumption rates remain very high. It was given credit for giving access to cessation products. \$1.9 billion in total cost of usage of tobacco products each year to Kentucky.

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

*Next meeting tentatively scheduled for June 22, 2022.*