

MSA COMPLIANCE ADVISORY BOARD MEETING AGENDA

Wednesday, December 15, 2021

10:00 a.m.

Dial-in number (US): (701) 802-5352

Access code: 8503559#

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

II. Minutes approval----- Michael Plumley

III. Old business ----- Michael Plumley

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

--JUUL negotiations ongoing with non-litigating states.

--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>)

--Puff Bar website states: "All Puff Bar products listed on this website contain nicotine but do not contain tobacco or anything derived from tobacco. Puff Bar products are not intended for use with any tobacco product or any component or part of a tobacco product."

B. FDA action-----Michael Plumley

--Graphic warning challenges continue in TX, DC. Effective date extended to January 9, 2023 in TX case more than one year after briefing has concluded.

--In its review of applications, the 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.

IV. New Business -----Michael Plumley/Others

A. IQOS website: "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."

B. Reports from Board members on any issues of interest.

V. Adjournment-Happy Holiday Season!

Next meeting (tentative date): March 16, 2022