Tobacco Control and Social Justice: What’s Menthol Got To Do With It?

Kendall Stagg, JD
Chicago Department of Public Health

April 29, 2014

#HealthyChicago
I am not your lawyer.

No attorney-client relationship exists.

No legal advice is intended.

Consult with your own lawyer.
Tobacco control is one of the top priorities of Healthy Chicago — and for good reason.

“Ensuring that our children don’t start smoking is a key priority for the City of Chicago.”

—Mayor Rahm Emanuel

In just six short months, Chicago...

- Passed a life-saving tax measure: **Highest priced cigarettes in the country**
- Adopted the nation’s only law — at any level of government — that **regulates menthol cigarettes as a flavored tobacco product**
- Was the first of the 20 largest U.S. city to propose legislation **to include e-cigarettes in their clean indoor air law**
- Passed **comprehensive regulations on sales and distribution of eCigs, too**, including flavored eCigs

Click on links above for additional information
HAPPENING TODAY!!!

**NO SMOKING**
**WITHIN 15 FT OF ENTRYWAY**

INCLUDING E-CIGARETTES

If you see someone smoking, please notify the manager.
If the problem persists, please call 311 and report it.

Children aged 12 – 17 smoke menthol more than any other age group.

Less than 48 hours after the FDA’s report was released, Mayor took swift action.

Mayor Emanuel Recognized for Visionary Leadership...
HEALTHY CHICAGO
CHICAGO DEPARTMENT OF PUBLIC HEALTH

A Special Town Hall Meeting:
Reducing Menthol Use Among Chicago’s Youth
Thursday, September 19th 6:30 – 8:00PM
Austin Town Hall Park Field House
5610 W. Lake Street

In Collaboration with Representative LaShawn Ford

Refreshments generously provided by American Lung Association of Illinois

Last week, Chicago Mayor Rahm Emanuel took an unprecedented step to protect thousands of Chicago residents from the dangers of tobacco. Mayor Emanuel requested the Chicago Board of Health and the Chicago Department of Public Health (CDPH) to undertake a series of initiatives aimed at curtailing the use of menthol cigarettes by youth in Chicago.

The National African American Tobacco Prevention Network (NAATPN) commends Mayor Emanuel's leadership on this issue, and we will provide full support to the Mayor as he works to loosen the death grip menthol flavored cigarettes has on thousands in Chicago. Nowhere is menthol's grip felt more than in African American communities.

Date July 25, 2013

Y2Kwanzaa.Org Supports Chicago's Efforts to Limit Menthol Use Among Youth

Today, Y2Kwanzaa.Org is announcing its support for the City of Chicago's new efforts to reduce menthol use among young people. Chicago Mayor Rahm Emanuel announced his city's Board of Health will engage residents in a series of town hall meetings in order to identify innovative, community driven solutions to limit menthol cigarette use among Chicago's youth.

The Network for LGBT Health Equity and Public Health

Bohara Choucar, M.D.
Commissioner
Chicago Department of Public Health
City Hall
121 N. LaSalle Street
Chicago, Illinois 60602

Date July 26, 2013

The Honorable Rahm Emanuel
Mayor of Chicago
121 N. LaSalle Street
Chicago City Hall, 4th Floor
Chicago, IL 60602

Dear Mayor Emanuel:

On behalf of the American Heart Association, I would like to congratulate you for putting health first by calling for policy solutions to curb consumption of menthol-flavored cigarettes among Chicago's youth.
We all know it takes a long time to get things done in Washington, D.C.

When action is delayed at the state and Federal levels, citizens expect their local government to act.

Local governments have always led the way on tobacco control.
Flavored tobacco products simply do not belong near schools...

Tobacco retail outlets near schools have been found to contain more cigarette advertising than outlets farther from schools.

This is especially true of schools located in minority communities.
FLAVORED TOBACCO PRODUCTS SIMPLY DO NOT BELONG NEAR SCHOOLS...

Licensed Tobacco Retailers Within 500 Feet of Public and Private Schools in Chicago, 2013

Total Number of Tobacco Retailers Within 500 Feet of a School: 351 of 2986

Prepared by Melissa Buenger
December 5, 2013
Source: City of Chicago Data Portal
FLAVORED TOBACCO PRODUCTS SIMPLY DO NOT BELONG NEAR SCHOOLS...

Licensed Tobacco Retailers Within 1000 Feet of a School, Childcare, or Playground in Chicago, 2013

Total Number of Tobacco Retailers Within 1000 Feet of a School, Childcare, or Playground: 2527 of 3114

Before and After: 100 Foot Versus 500 Foot Buffers Around Schools and Children's Services Locations in Chicago

100 Foot Buffer, Approximately 1192 Acres*
500 Foot Buffer, Approximately 27,076 Acres*

* Acreages are overestimated due to overlap between school and children's services buffers

Prepared by Melissa Buenger: June 10, 2013
Source: City of Chicago Data Portal
Current Tobacco Business Licenses as of June 9, 2013
Projection: NAD 1983 State Plane Illinois East FIPS 1201 Feet

Prepared by Melissa Buenger, June 24, 2013
Source: City of Chicago Data Portal
Projection: NAD 1983 State Plane Illinois East FIPS 1201 Feet

Disclaimer: Not legal advice!

Review Lorillard v Riley and other case law with your attorney.
We win on social justice arguments!

“It is socially unjust to allow the flavored cigarettes that are targeted aggressively to minority communities to remain unregulated years after all other flavored cigarettes were removed from the market.”

— Commissioner Bechara Choucair

PUBLIC EDUCATION CAMPAIGNS SHOULD REINFORCE NEED FOR CHANGE...

BURNED by Menthol campaign generated
More than 22 million media impressions

“Take Pride” generated more than 12.5 million impressions
Record Number of Smokers Seeking Cessation Support...

- 24,496 calls in 2013
- 10,000 more calls than 2012
- More than two thirds of calls from minority communities
- More than half were uninsured

Chicago Tobacco Quitline Calls

2012
July-Dec

2013
Jan-June

2013
July-Dec

=1,000 calls

Provided by the Illinois Department of Public Health, Illinois Tobacco Quitline.
YOUTH SMOKING IS DOWN… WAY DOWN!

Percent of Students Who Smoke, Chicago

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<th>Year</th>
<th>Percent</th>
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<tr>
<td>2003</td>
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