



Episode Details:

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Title: Episode 19: On Your Radar – August Part 1

Description: "On Your Radar" is a new episode format, where we release two mini-episodes - one halfway through the month, one at the end of the month - that provide you with the most recent and relevant news stories and research on countering tobacco product sales, promotions, and marketing in the retail environment. Listen to Part 1 to learn what has happened in point-of-sale tobacco control in the beginning of August 2020.

Transcription:

I'm Allie Rothschild and you're listening to the Counter Tobacco Podcast.

This month, we're trying something new that we're calling "On Your Radar", where we release two mini-episodes - one halfway through the month, one at the end of the month. Each episode provides you with the most recent and relevant news stories and research on countering tobacco product sales, promotions, and marketing in the retail environment.

So let's jump right in and see what's been happening so far in August!

First up in the news, this month (well technically July 31st, but we'll just call it August) , the Governor of Georgia, Brian Kemp, signed into law [Senate Bill #375](#), which raises the minimum legal sales age of tobacco products in the state to 21 and makes Georgia the [31st state](#) to pass its own Tobacco 21 law. Even though Tobacco 21 was passed nationally back in December of 2019, states and local jurisdictions have been encouraged to pass or strengthen their own age of sale laws; doing so allows for amplified enforcement efforts, implementation of licensing, heightening of tobacco control measures and a chance to reassess and ensure tobacco control policies are equitable for all constituents. While Georgia's bill does bring the state law into alignment with the federal law, SB375 does have some drawbacks. For one, beyond incorporating e-cigarettes and other vaping products into their existing licensing system, the bill does not improve, change, or update the current licensing or enforcement system; as written, the bill does not mention licensing fees, enforcement activities like compliance checks, or penalties for retailer violations. Secondly, the bill includes PUP (or purchase, use and possession) provisions, which criminalizes underage youth for purchasing, using, or possessing tobacco products. These PUP provisions are generally ineffective in reducing youth rates of smoking and vaping and are also notorious for being inequitably enforced, with youth of color being disproportionately affected. Also of note, Georgia's [bill](#) prohibits smoking or vaping on school properties, enacts a new excise tax on e-cigarettes, and does not include preemptive language, meaning local jurisdictions in Georgia still have the authority to pass their own, more comprehensive tobacco control laws.

Alright, now we're going to shift and take a look at the FDA, who, this month, seem to be getting quite a few *letters* about e-cigarettes. One [letter](#) was sent to FDA Commissioner Dr. Stephen Hahn by Democratic Representative from Illinois, Raja Krishnamoorthi, on behalf of the House Committee on Oversight and Reform's Subcommittee on Economic and Consumer Policy, of which he is the Chairman. Citing the dangers e-cigarette use poses for youth and young adults during the COVID-19 pandemic, this [letter](#) calls on the FDA to (quote) "clear the market of all e-cigarettes for the duration of the Coronavirus



crisis". Representative Krishnamoorthi, in the letter, requests by August 18 a written response by the FDA on whether or not they will temporarily clear the market of e-cigarettes. In addition to this letter from lawmakers, multiple public health and medical organizations, including the Campaign for Tobacco-Free Kids, Truth Initiative, American Lung Association, American Heart Association, American Cancer Society Cancer Action Network, and American Academy of Pediatrics also sent their own [letter](#) to the FDA ahead of the September 9th deadline for premarket applications. As a little background, in order to receive FDA authorization to sell and market their products, manufacturers of e-cigarettes and certain other tobacco products, like cigars, are required to submit an application by this date evidencing that their products are (quote) "appropriate for the protection of public health". In the letter, the [organizations](#) urge the FDA to not authorize the sale and marketing of any flavored products, citing a wealth of evidence demonstrating how these flavors appeal to youth and a lack of evidence demonstrating how flavored products help current cigarette smokers quit. The letter also lays out guiding criteria and principles for the FDA to use as a framework during their review of the applications and evidence submitted by the manufacturers.

Our last news story that I want to touch on is also about flavored tobacco products. Just a few days ago, a California federal judge threw out a [lawsuit](#) brought by R.J. Reynolds, American Snuff and Santa Fe Natural Tobacco in June challenging Los Angeles County's ban on flavored tobacco products, which was passed in September 2019 but went into effect May 1, 2020. In his order, US District Judge Dale Fischer maintained that federal law grants states and local jurisdictions the power to ban the sale of tobacco products and rejected the tobacco companies' argument that the Family Smoking Prevention and Tobacco Control Act preempts the county ordinance. This means that LA County's comprehensive ban on the sale of all flavored tobacco products can go into effect as planned.

Now onto the research. The first study I want to highlight was published in Preventive Medicine Reports and is titled, [E-cigarette availability, price promotions and marketing at the point-of-sale in the contiguous United States \(2014-2015\): National estimates and multilevel correlates](#). Using a national sample of roughly 2,000 tobacco retailers each year, researchers analyzed changes in e-cigarettes at the point-of-sale between 2014 and 2015. In 2014, 72.0% of the retailers in the sample sold e-cigarettes, with this number increasing to 79.2% by the following year; the largest increase in e-cigarette availability during this timeframe was at dollar stores and supermarkets. Price promotions at these retailers also increased from 11.9% of retailers offering price promotions in 2014 to 20.2% of retailers offering e-cigarette price promotions in 2015. A greater proportion of new e-cigarette retailers was found in neighborhoods with predominately Black residents. Additionally, e-cigarette price promotions were most prevalent in predominantly Hispanic neighborhoods and exterior e-cigarette advertisements were most prevalent in predominately Black neighborhoods. Plus, in states that had higher smoking rates, more stores sold, promoted, and advertised e-cigarettes. While the data is slightly outdated from 2014 and 2015 given the rapidly changing e-cigarette product and regulatory landscape, this study offers really great insight into various point-of-sale strategies being used, and ramped up, in the retail environment. The article offers a bunch more data on e-cigarettes in the retail environment, so I'll link it in the show notes so you can take a look on your own at all the other statistics provided.

The second study to highlight was published in the Journal of Adolescent Health and is titled, [Association between youth smoking, electronic cigarette use, and Coronavirus disease 2019](#). While this article isn't point-of-sale focused, I want to include it given the current state of the pandemic and the high rates of youth use of e-cigarettes and other tobacco products. In this study, researchers conducted a national online survey of 4,351 youth and young adults, ages 13 to 24, in May of 2020 to assess associations between youth cigarette and e-cigarette use and COVID-19. In this sample, COVID-19 diagnosis was 5 times more likely among ever users of e-cigarettes only, 7 times more likely among those who had ever-used both e-cigarettes and cigarettes (called "dual users"), and 6.8 times more likely among past 30-day dual users of e-cigarettes and cigarettes, compared to individuals who had never used an inhalable tobacco products. Symptoms were also 4.7 times more likely among past 30-day dual users of these products, than never-users.



We hope you enjoyed this new format and that we successfully provided you some new information on point-of-sale tobacco control *on your radar*. You can expect a similar episode towards the end of the month, detailing more news and research from the month of August. We would appreciate any feedback you have on this new format, so let us know what you think on our social channels (@CounterTobacco on Facebook and Twitter) or through email at info@countertobacco.org. As usual, all sources will be included in the show notes on the CounterTobacco.org website. I appreciate you listening to the Counter Tobacco Podcast and I look forward to you joining me again next time!