



### Episode Details:

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Title: Episode 20: On Your Radar – August Part 2

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 2 to learn what has happened in point-of-sale tobacco control in the second half of August 2020.

### Transcription:

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

Welcome to Part 2 of 'On Your Radar' - a new format that puts this month's most recent and relevant news stories and research on countering tobacco product sales, promotions, and marketing in the retail environment *on your radar*.

If you want to hear about what happened in the beginning of August, check out Part 1; otherwise, let's dive right into what else has happened in point-of-sale tobacco control this month.

So in the news, we've had two more states pass their own Tobacco 21 laws. New Hampshire's Governor signed into law [House Bill 1245](#), which brings the state's minimum legal sales age law, which was previously 19 years of age, into alignment with the federal tobacco sales age requirement, which is now 21. Beyond raising the minimum legal sales age, the bill also includes language related to the purchase, use, and possession of tobacco products by minors, stating underage youth '*may be guilty of a violation*', resulting in a fine, community service, and/or an education program. These PUP provisions, as they're called, are generally ineffective in reducing youth use and inequitably enforced so a more ideal bill would eliminate PUP penalties entirely. The legislation was pushed through with the help of the Dover Youth 2 Youth group, and I want to mention that in particular to highlight the impact youth engagement and perseverance can have on legislative victories.

The other state that passed Tobacco 21 legislation this month is [Nebraska](#). This bill likewise raises the minimum legal sales age in accordance with the federal law. It also raises the age to enter a tobacco specialty store from 19 to 21, and allows underage youth to participate in undercover decoy operations as part of compliance checks. The bill does have some significant drawbacks though; possession, use or purchase of any tobacco or e-cigarette product by someone under the age of 21 will now be considered a Class 5 misdemeanor. PUP laws like this are not best practice, and we hate to see addicted youth penalized and taken down a legal and criminal path, rather than being provided with resources to quit. Additionally, this bill prevents those under age 21 from working in tobacco specialty shops, though this part of the bill will not go into effect until January 2022. Lastly, I want to note that neither state has preemptive language in its Tobacco 21 law so local jurisdictions in both these states do have the authority to pass their own more comprehensive and stringent Tobacco 21 and tobacco control laws. For more information on Tobacco 21 best practices, as well as a model Tobacco 21 policy, you can head to the Tobacco 21 page on our website, [CounterTobacco.org](#), or the show notes which can be found on the website as well.



Tobacco 21 laws are so important, but the need for them and other tobacco control laws is even more pronounced after the CDC released the newest data on youth use of tobacco products from the 2019 Youth Risk Behavior Survey. I'm only going to highlight some of the findings, but I certainly will link the [full report](#) for you to take a further look at. So in 2019, 50.1% of US high school students reported ever using an e-cigarette or vape, and 24.1% reported ever smoking cigarettes. Rates of current use, which they defined as using the product more than one day in the 30 days leading up to the individual taking the survey, were also alarmingly high. 36.5% of high school students reported current use any tobacco product, and 8.2% reported current use of two or more tobacco products. In total, 32.7% of high schoolers reported current use of e-cigarettes or vaping devices, 6% reported current cigarette use, 5.7% reported current cigar use, and 3.8% reported current smokeless tobacco use. From 2017 to 2019, frequent use, which is defined as use 20 plus days in the 30 days leading up to the survey, increased for e-cigarette and vape products, decreased for cigarettes, and remained roughly the same for all other tobacco products. Among the 32.7% of high schoolers who reported current e-cigarette use, nearly a third categorized their use as frequent. Shifting to how they obtained their e-cigarette and vaping devices - the majority of high schoolers over the age of 18 obtained their cigarettes by buying them in a store; at the time this survey was conducted, this was a legal activity. The second most reported source for obtaining an e-cigarette in this over 18 age group was by borrowing one. For those under age 18, 42.8% reported getting an e-cigarette by borrowing one from someone else and 21.3% reported giving someone else money to buy an e-cigarette for them. While overall rates of cigarette, cigar, and smokeless tobacco use has significantly decreased over the decades and even just since 2017, the large jump in e-cigarette use and the use of any tobacco product is raising alarm bells across the nation.

Our final news story centers on [SB 793](#), a California bill that would ban the sale of most flavored tobacco products in the state, including menthol cigarettes. It's slowly but surely been making its way through the state legislature, and despite significant industry pushback, including a targeted media campaign against the bill, SB 793 just passed in the state Assembly. The bill has one final vote in the Senate, before being sent to Governor Newsom, who has expressed his support for the bill in the past. Once passed, the bill will remove from the market tobacco products with characterizing flavors, so, for example, dessert-flavored e-cigarettes, candy flavored cigars, fruit-flavored cigarillos, and menthol cigarettes. There are a few exemptions included in the bill. Flavored hookah tobacco, "premium" cigars, loose leaf tobacco, and marijuana would all be allowed to stay on the market. The majority of Black individuals who smoke use menthol cigarettes and the majority of kids who vape use flavored e-cigarettes so this is a huge public health victory and a definite step in helping to achieve health equity.

Alright, now it's time to shift gears and talk about some research. The first study is more of a series of [reports](#) developed by the National Cancer Institute-funded ASPiRE Center in partnership with tobacco control leaders in 30 major cities and researchers from the Stanford University School of Medicine, the University of North Carolina at Chapel Hill and Washington University in St. Louis. The reports provide a snapshot of the tobacco retail environment in each of the 30 major cities. These reports can be accessed via the links in the show notes, but I want to highlight some of their consolidated findings. Approximately 63% of public schools in these 30 major cities are within 1,000 feet, or roughly 2 city blocks, of a tobacco retailer; in New York City, 94% of public schools are in this close proximity to a tobacco retailer. More than half of tobacco retailers across these cities are within 500 feet, or about a 2 minute walk, of another tobacco retailer. As well, in total, the 30 cities in this study had a combined 40,856 tobacco retailers. To put that in perspective, that's 31 times more tobacco retailers than McDonalds and 16 times more tobacco retailers than Starbucks. There's plenty more data than this and you can find specific statistics for each of those 30 cities, so I highly encourage you to check those out.

The second study I want to highlight is from JAMA Network Open and is titled, [Assessment of menthol and nonmenthol cigarette consumption in the US, 2000 to 2018](#). The researchers found that during this time period, from 2000 to 2018, cigarette consumption declined by 46%. However, this decline was significantly greater for nonmenthol cigarettes than menthol cigarettes, with 85% of the total decline being attributed to nonmenthol cigarettes. This rate was even more drastic since the passing of the 2009 Family Smoking Prevention and Tobacco Control Act, which exempted menthol from a



ban on flavored cigarettes. Between 2009 and 2018, 91% of the decline in cigarette consumption could be attributed to nonmenthol cigarettes. These findings suggest that allowing menthol cigarettes to remain on the market may be hindering public health gains in reducing cigarette smoking, and supports menthol being included in any flavor ban moving forward.

The last study I want to mention is titled, [Evaluating how licensing-law strategies will impact disparities in tobacco retailer density: A simulation in Ohio](#), and was published in *Tobacco Control*. So this study simulated the potential impact four licensing-law strategies could have if implemented by over 11,000 retailers in Ohio. And what the researchers found was that the most impactful licensing strategy actually varied and depended heavily on the type of community the retailers were located in. For instance, school-based strategies, like restrictions on sales within a certain amount of feet of schools, were most equitable for urban, lower-income, and predominately Black and African-American neighborhoods; strategies based on capping, like capping the number of retailers based on population size, were most equitable for rural neighborhoods. The researchers concluded that tobacco control policies have the power to significantly reduce inequities or inadvertently heighten disparities, so policymakers should really take into consideration a community's unique characteristics and context when determining licensing strategies. Conducting analyses of the community, store assessments, and mapping can help build a foundation of data and evidence that can best inform policies that will be equitable and effective for each community. Counter Tools provides these kinds of services so, if this is something you or your organization is looking for, I would suggest heading to the Counter Tools website for more details and contact information.

That wraps up Part 2 of August's On Your Radar. We hope you enjoyed this format and that we successfully put some new information on point-of-sale tobacco control *on your radar*. Any feedback on this format or our podcast in general is highly welcomed. You can email us at [info@countertobacco.org](mailto:info@countertobacco.org) or reach out to us on our social media channels - @CounterTobacco on both Facebook and Twitter. Per usual, all sources will be linked in the show notes that you can find 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!