AGENDA COVER MEMO

Memorandum Date: March 20, 2024

Board Date: April 2, 2024

TO: Board of County Commissioners, Sitting as the Board of Health

DEPARTMENT: Health & Human Services

PRESENTED BY: Brian Johnson, MPH, Healthy Communities Unit Manager

Elisabeth Maxell, PhD, Prevention and Planning Supervisor

Margaret McNamara, Senior Community Health Analyst

Allison Kunerth, Public Health Advisory Committee (PHAC)

AGENDA ITEM TITLE: Report and Discussion – Flavored Tobacco

I. MOTION

None, report and discussion only

II. AGENDA ITEM SUMMARY

Update on the negative health impacts of flavored tobacco adding to the addiction to nicotine/smoking in our community, in anticipation of the nation and statewide discussion of the proposal to ban the use of flavorings in commercial tobacco.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

In 2022, the Public Health (PH) Division of the Department of Health & Human Services (H&HS) submitted comments to the Federal Drug Administration (FDA)

on two proposed rules, related to flavored tobacco products. These comments are included as Exhibits B and C, both dated July 28, 2022, Re: Docket No. FDA-2021-N-1349 Tobacco Product Standard for Menthol in Cigarettes and Docket No. FDA–2021–N–1309 Tobacco Product Standard for Characterizing Flavors in Cigars respectively

The Board of County Commissioners approved Exhibit A, County Testimony in support of HB 3090, relating to characterizing flavors and banning the sale of flavored tobacco products. This testimony was provided to the House Behavioral Health Care Committee, on March 20, 2023, by Alex Cuyler, Lane County Intergovernmental Relations Manager.

The County adopted the 2021-2024 Community Health Improvement Plan (CHP), as approved by the BCC sitting as the BoH via BO 21-01-26-07. Lane County's 2021-2024 Community Health Improvement Plan (CHP) addresses the main drivers of youth tobacco use and disproportional impacts on populations targeted by commercial tobacco in our communities.

B. Policy Issues and Board Goals

This item addresses the negative health impacts of flavored tobacco. Commercial tobacco usage imperils the strategic priority of a safe and healthy County.

C. Financial and/or Resource Considerations

There are no financial implications at this time.

D. Health Implications

The negative health impacts associated with tobacco and nicotine usage are a leading cause of preventable death and disease in Lane County. Use of tobacco products causes disease and disability and is harmful to nearly every organ of the body. Cigarette smoking remains the leading cause of preventable disease, disability, and death in the United States. The tobacco industry spends billions of dollars each year on marketing cigarettes. In addition, the tobacco industry has a long history of predatory marketing tactics aimed at vulnerable populations in our community such as low-income and BIPOC communities.

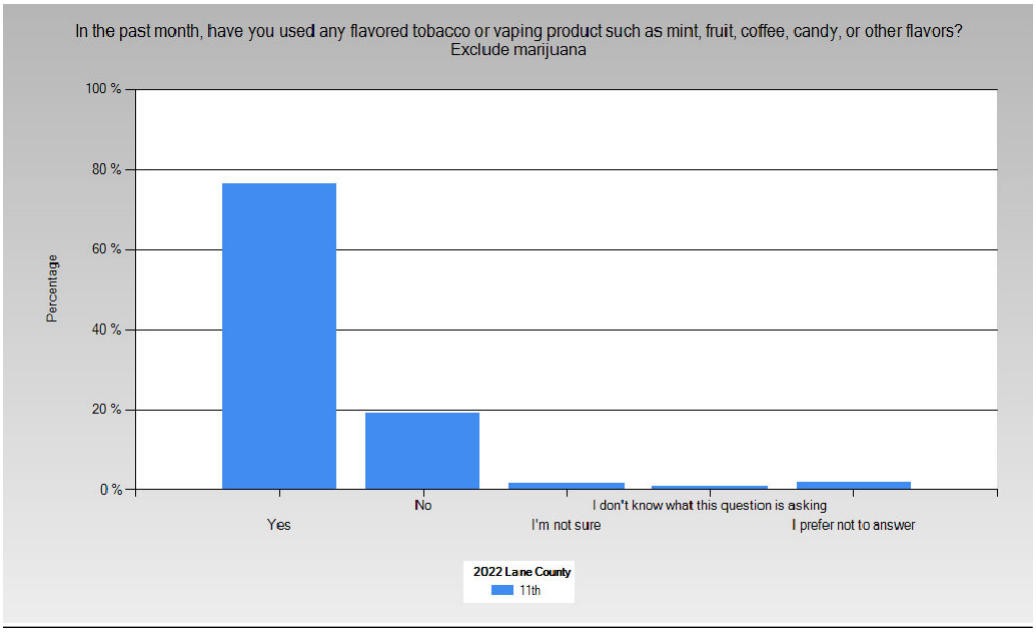
Furthermore, smoking costs the United States hundreds of billions of dollars each year. In 2021, 11.5% of U.S. adults (an estimated 28.3 million people) currently smoked cigarettes: 13.1% of men, 10.1% of women. In 2023, of those youth who ever tried e-cigarettes, approximately half reported currently using them, indicating that many youths who try e-cigarettes remain e-cigarette users. Many adult cigarette smokers want to quit smoking and many have a challenging time doing it (CDC, 2021).

E. Analysis

Ninety-nine percent of tobacco retailers in Lane County sell flavored tobacco products (County Fact Sheet, 2024). In addition, almost 20% of retailers were found to sell tobacco products within 12 inches of toys, candy, gum, or ice cream. (County Fact Sheet, 2024). Two thirds of Oregon youth tobacco users use flavored tobacco compared to about 26% of older adult tobacco users (Oregon Tobacco Facts, 2024). Almost 20 percent of Lane County retailers have been found to sell to minors, one way in which youth obtain tobacco products (Oregon Tobacco Facts, 2024).

The tobacco industry aggressively targets its marketing to certain populations, including young people, women, and racial and ethnic minority groups, particularly Black people. Almost 70% of 11th graders in Lane County report having seen tobacco/vaping advertisements in the last 30 days (Student Health Survey, 2022). Additionally, over 76% of 11th graders in Lane County have used a flavored tobacco product in the last 30 days (Table 1.2).

Table 1.2 Use of flavored tobacco or vaping products in Lane County by 11th graders, 2022 (Student Health Survey, 2022)



Moreover, people in these groups are more likely to smoke menthol cigarettes compared to those from other population groups. For example, 70% of Black adults who smoked cigarettes used menthol cigarettes (compared to only 34% of white adults using menthol), However, 40% of the premature deaths attributed to menthol cigarette smoking (between 1980-2018) were Black or African Americans, who only comprise approximately 12% of the population (CDC 2024).

Advocates for tobacco control are positioning for the 2025 legislative session. Locally, Kaiser Permanente in collaboration with the Smokefree Oregon coalition

partners are advocating for a possible statewide flavor ban in Oregon. Flavor bans that passed in Washington and Multnomah Counties are currently being appealed. A statewide ban is now considered the most effective option to address youth vaping and reversing the damage associated with a new generation addicted to nicotine (what the tobacco industry calls "replacement smokers").

F. ALTERNATIVES/OPTIONS

Not Applicable, discussion only.

IV. RECOMMENDATION

Public Health recommends that the Board of Health direct staff to track the progress in development of a statewide ban of flavored tobacco and report back to the BoH.

V. TIMING/IMPLEMENTATION

Dependent upon Direction Given.

VI. FOLLOW-UP

Dependent upon Direction Given.

VII. ATTACHMENTS

1. PowerPoint presentation for April 2, 2024

   Exhibit A, County Testimony in support of HB 3090

   Exhibit B, Docket No. FDA-2021-N-1349 Tobacco Product Standard for Menthol in Cigarettes

   Exhibit C, Docket No. FDA–2021–N–1309 Tobacco Product Standard for Characterizing Flavors in Cigars respectively

Resources:

CDC. (2021) Fast Facts and Fact Sheets, https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm

CDC. (2024). Menthol Smoking and Related Health Disparities. https://www.cdc.gov/tobacco/basic_information/menthol/related-health-disparities.html

County Fact Sheet, 2024. (2024) https://app.powerbigov.us/view?r=eyJrIjoiN2E4MWZiMTctYzU5Mi00OTUwLWIxMWMtNzFjZjIwMjIxMTE4IiwidCI6IjY1OGU2M2U4LThkMzktNDk5Yy04ZjQ4LTEzYWRjOTQ1MmY0YyJ9&pageName=ReportSection [note: use the drop down box to choose Lane County]

Oregon Tobacco Facts. (2024).

https://www.oregon.gov/oha/ph/preventionwellness/tobaccoprevention/pages/oregon-tobacco-facts.aspx#f54

Student Health Survey. (2022). School Summary Results.

Ending the Sale of Flavored Tobacco Products

Lane County Board of County Commissioners, sitting as the Board of Health

April 2, 2024

Jocelyn Warren, PhD, Public Health Manager
Elisabeth Maxwell, PhD, Prevention and Planning Supervisor
Margaret McNamara, Senior Community Health Analyst

PUBLIC HEALTH
PREVENT. PROMOTE. PROTECT.

Past Board Action

- July 8, 2022 PH Division of HHS submitted comments to FDA on rules related to flavored tobacco products
- March 20, 2023 County testimony on flavor ban by Alex Cuyler
- Adoption of the Community Health Improvement Plan (CHP)

Health Implications

- Cigarette smoking is the leading cause of preventable disease in the US
- Smoking costs billions/year
- Tobacco products are highly addictive and challenging to quit

Analysis

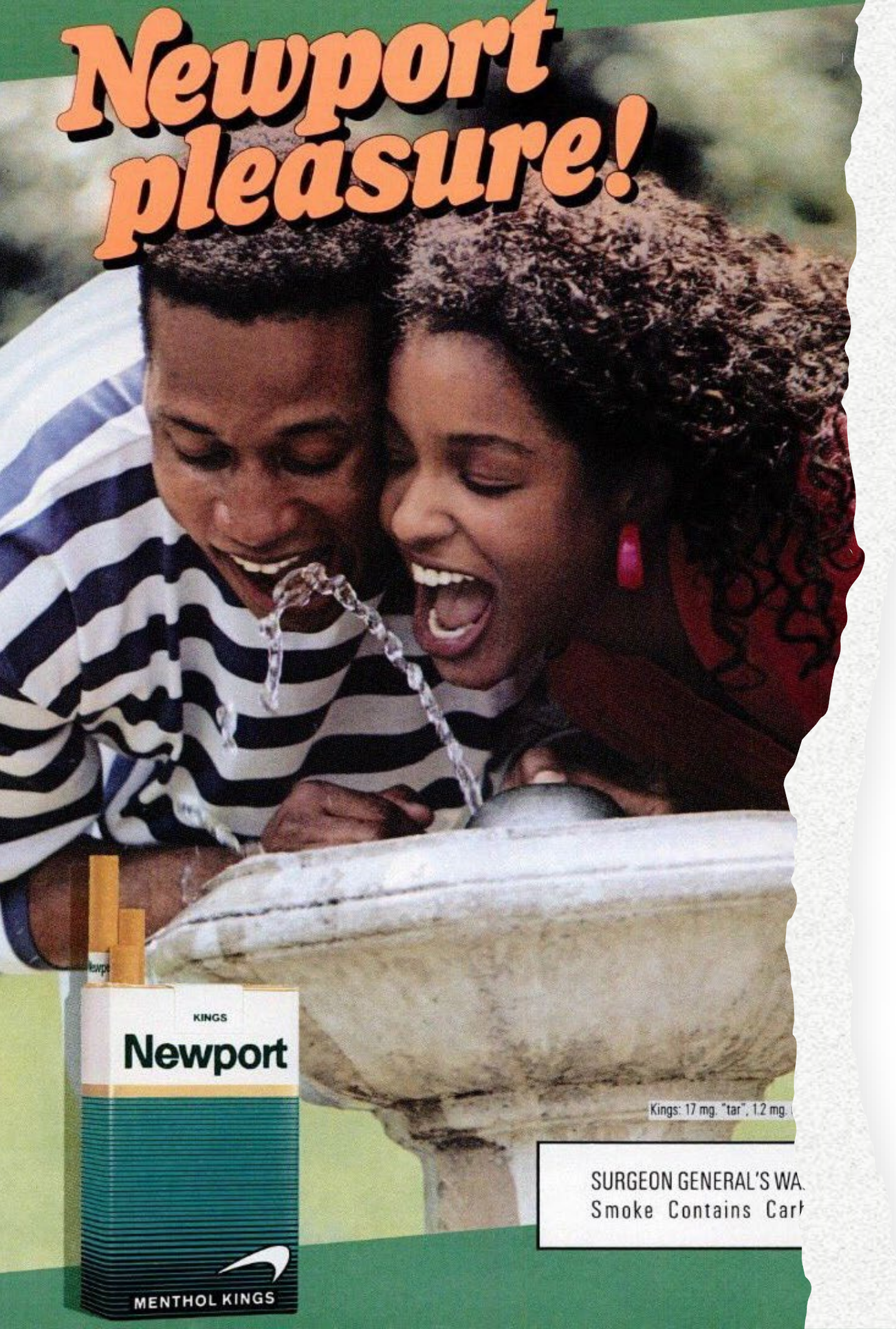
- 99% of tobacco retailers in LC sell flavored tobacco products
- 20% of retailers have been found to sell tobacco products within 12 inches of toys, candy, gum, or ice cream
- 2/3 of youth tobacco users use flavored products; while only ~1/4 of adults use flavored products
- ~20% of LC retailers have been found to sell to minors

Analysis Cont'd

Tobacco industry has aggressively targeted its marketing to BIPOC populations, women, youth and LGBTQIAA+2

~70% of 11th graders in LC have seen tobacco/vaping ads in the last 30 days

Over 76% of 11th graders in LC have used a flavored tobacco product in the last 30days



Health Effects

- 70% of Black smokers smoke menthol products (compared to 34% of White smokers)
- 40% of premature deaths attributed to menthol products were Black/AA, yet this group only comprises 12% of the population

OR Snapshot

- WA & Mult. Counties passed flavor bans—tied up in court
- Possible statewide ban in 2025
- Public Health Advisory Committee (PHAC), Kaiser Permanente, Smokefree OR, CHP Tobacco Workgroup, and others support flavor ban
- Majority of LC residents surveyed support a flavor ban

About Lane County Public Health

- OUR MISSION is to promote and protect the long-term health and well-being of individuals, families and our community.
- OUR VISION is optimal health for all people in Lane County.
- Learn more: lanecounty.org/publichealth

Thank you!

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