

## **Board Resolution – The Dangers of New and Emerging Tobacco Products**

August 26, 2021

**WHEREAS**, the Oklahoma Tobacco Settlement Endowment Trust (TSET) was created by voters in 2000 and has a constitutional mandate to support strategies and programs designed to maintain or improve the health of Oklahomans; and

**WHEREAS**, TSET also has a constitutional mandate to support cost-effective tobacco prevention and cessation programs; and

**WHEREAS**, in 2006, a U.S. federal court found Altria, Philip Morris USA, R.J. Reynolds, and other tobacco companies in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), citing 145 distinct acts of racketeering in a 1,682 page ruling (United States v. Philip Morris) and finding the companies' fraudulent conduct permeated all aspects of their operations, that they would likely continue committing fraud indefinitely into the future, and that their conspiracy sought not only to misinform the public, but also lawmakers; and

**WHEREAS**, the tobacco industry has developed new and emerging products that addict people, especially youth, to nicotine; and

**WHEREAS**, these new and emerging tobacco products have not been approved by the FDA and the only nicotine replacement therapy products that are proven safe for use as cessation aids have been approved by the FDA; and

**WHEREAS**, almost all products containing nicotine are derived from the tobacco plant and any products that contain synthetic-derived nicotine can still lead to a lifetime of dependence<sup>1</sup>.

**WHEREAS**, high exposure to nicotine can harm the developing brain of an adolescent and disrupt attention, mood, learning and impulse control<sup>2</sup>; and

**WHEREAS**, addiction to nicotine makes individuals more likely to use conventional tobacco products including combustible cigarettes, the leading cause of preventable death in Oklahoma<sup>3</sup>; and

**WHEREAS**, the recently amended definition of tobacco products in Oklahoma statute—promoted by tobacco industry lobbyists—exempts new and emerging tobacco products like nicotine pouches, nicotine toothpicks, dissolvables and others, meaning those products are not subject to state tobacco excise taxes; and

**WHEREAS**, state tobacco excise taxes on products other than cigarettes are used for cancer treatment funding, trauma care and more (68 O.S. § 402-3); and

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<sup>1</sup> <https://truthinitiative.org/research-resources/harmful-effects-tobacco/what-you-need-know-about-new-synthetic-nicotine-products>

<sup>2</sup> [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html)

<sup>3</sup> <https://truthinitiative.org/research-resources/emerging-tobacco-products/young-people-who-vape-are-much-more-likely-become>

**WHEREAS**, tobacco excise taxes encourage tobacco users to quit and are an effective tool to prevent tobacco use; and

**WHEREAS**, new and emerging tobacco products such as nicotine pouches, nicotine toothpicks, dissolvables and others are considered tobacco products by the FDA<sup>4</sup>; and

**WHEREAS**, the definition of tobacco products in Oklahoma law is now inconsistent with the definition of tobacco products in federal law; and

**WHEREAS**, new and emerging tobacco products will remain affordable for adolescents, the state will lose out on revenue that currently goes to cancer research and other health programs and will not be able to license retailers or track the sale of these products.

**FURTHERMORE, BE IT THEREFORE RESOLVED**, the TSET Board of Directors supports efforts to:

- Reduce nicotine addition, especially among youth.
- Support cessation programs and research that assists users of any tobacco product to quit, including those who use more than one form of tobacco products (dual use).
- Decrease the dual use of combustible and non-combustible tobacco products because dual users have lower levels of quitting over time<sup>5</sup>.
- Enhance education about the dangers and addicting nature of new and emerging tobacco products to protect from initiation of use, re-initiation by former smokers and to encourage tobacco users who need assistance in quitting use FDA approved nicotine replacement therapy products and/or other proven tobacco cessation methods.

**FURTHERMORE, BE IT THEREFORE RESOLVED**, the TSET Board of Directors calls on the Oklahoma Legislature to enact legislation in support of these aims by:

- Include all new and emerging tobacco products in Oklahoma’s statutory definition of tobacco products in order to:
  - apply the state tobacco excise tax to such products;
  - track the number of such products being sold;
  - improve enforcement against underage sales;
  - provide for appropriate retailer licensure;
  - ensure that definition of tobacco products in Oklahoma law is consistent with federal law;
  - reject and remedy tobacco industry efforts to influence Oklahoma laws; and
  - enhance tax revenues to help improve health outcomes in our state.
- Limit advertising of all tobacco products, particularly on social media and at retail locations.

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<sup>4</sup> <https://www.fda.gov/tobacco-products/retail-sales-tobacco-products/tobacco-21>

<sup>5</sup> <https://www.ahajournals.org/doi/10.1161/CIR.0000000000000669>

- Ban the use of flavors in all tobacco products because they often entice adolescents and young adults to begin tobacco use.

**FURTHERMORE, BE IT THEREFORE RESOLVED**, the TSET Board of Directors respectively recommends the adoption of the aforementioned policies and strategies to help prevent the tobacco industry from addicting a new generation of Oklahomans on nicotine.

**THE TSET BOARD OF DIRECTORS** hereby calls upon other interested groups and governing bodies to adopt similar resolutions.