

Tobacco Settlement Endowment Trust Board of Directors Praises Recent Tobacco Control Actions from the U.S. Food and Drug Administration.

August, 2022

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, including by supporting tobacco prevention and cessation; and

WHEREAS, tobacco use kills an estimated 7,500 Oklahomans each year and Oklahoma's smoking rate is 19.1%, significantly higher than the national 15.5% national rate. The youth smoking rate is 9.1% in Oklahoma and the national rate is 4.6%¹. There is no safe level of tobacco consumption; and

WHEREAS, in 2009 Congress passed the Tobacco Control Act and gave the U.S. Food and Drug Administration (FDA) more authority to protect Americans from the harms of tobacco. The FDA created a Center for Tobacco Products to regulate, educate and enforce rules on tobacco products to save lives; and

WHEREAS, the FDA recently proposed rules prohibiting the manufacture and sale of menthol cigarettes and flavored cigars to significantly reduce tobacco-related disease and death and prevent youth initiation²; and

WHEREAS, menthol cigarettes' mint-like flavor masks the harsh taste of tobacco, are more addictive, cause users to inhale more deeply and are harder to quit³. Flavored cigars are cheaper than cigarettes and appeal to youth with limited income. The tobacco industry has targeted youth, minorities and other vulnerable populations with flavors to addict users. Banning these products will save lives and help to reduce health inequities⁴; and

WHEREAS, the FDA has announced plans to reduce the amount of nicotine that is allowed in cigarettes and other combustible tobacco products. This is action will lessen addictiveness of cigarettes, encouraging current users to quit or reduce consumption and limiting youth initiation of tobacco use. This will also advance health equity and improve health⁵ and;

WHEREAS, the FDA recently denied a marketing order to Juul Labs to sell products in the U.S marketplace because the agency found their applications lacked acceptable safety evidence for its products. Juul's e-cigarette products are close to 50% of the e-cigarette market share and are popular among youth; and

WHEREAS, the FDA's administratively stayed the marketing denial order for JUUL while it

¹<https://www.cdc.gov/brfss/brfssprevalence/index.html>

²<https://www.fda.gov/news-events/press-announcements/fda-proposes-rules-prohibiting-menthol-cigarettes-and-flavored-cigars-prevent-youth-initiation>

³<https://truthinitiative.org/research-resources/traditional-tobacco-products/menthol-facts-stats-and-regulations>

⁴<https://www.lung.org/media/press-releases/lung-association-2022-menthol-rules-statement>

⁵<https://www.fda.gov/news-events/press-announcements/fda-announces-plans-proposed-rule-reduce-addictiveness-cigarettes-and-other-combusted-tobacco>

conducts additional review. If it becomes effective, the ban will represent one of the most significant enforcement actions against the largely unregulated vaping industry⁶.

BE IT THEREFORE RESOLVED, the TSET Board of Directors supports efforts of the U.S. FDA to:

- Regulate all e-cigarette products.
- Prohibit menthol as a characterizing flavor in cigarettes.
- Prohibit characterizing flavors in all cigars and their components and parts.
- Reduce the amount of nicotine in cigarettes to non-addictive or minimally addictive levels.
- Prioritize policy enforcements against tobacco products that are made to appeal to youth⁷.
- Continue regulation of synthetic nicotine products⁸.
- Conduct regulatory and educational work to reduce tobacco and emerging nicotine product use.

FURTHERMORE, BE IT THEREFORE RESOLVED, the TSET Board of Directors applauds the FDA for its recent actions in reducing tobacco use in the U.S to improve health and save thousands of lives.

⁶ <https://www.fda.gov/news-events/press-announcements/fda-denies-authorization-market-juul-products>

⁷ <https://www.fda.gov/news-events/press-announcements/fda-finalizes-enforcement-policy-unauthorized-flavored-cartridge-based-e-cigarettes-appeal-children>

⁸ <https://www.fda.gov/tobacco-products/ctp-newsroom/fda-continues-implement-law-regulate-non-tobacco-nicotine-products-warns-retailers-and-manufacturers>