

Administration's E-cigarette Policy Leaves Thousands of Flavored E-cigarettes on the Market

The Trump Administration's policy only restricts flavors in some types of e-cigarettes. It only restricts flavors (except for tobacco and menthol flavors) in some prefilled products, leaving countless flavored e-cigarette products widely available.

1. Disposable flavored e-cigarettes will remain widely available



The e-cigarette industry has already introduced the next new fad – cheap, disposable e-cigarettes in flavors such as strawberry, grape and mango.¹ These devices are appealing to youth due to their high nicotine levels, wide range of flavors, ease of use, and concealability.

2. 15,000+ flavored e-liquids will remain widely available



There are well over 15,000 flavored e-liquids available on the market today. These flavors often mimic candy, sweets and fruits and come in varying nicotine strengths, sometimes even higher than in Juul (a 5% Juul pod delivers the equivalent nicotine of a pack of cigarettes). Also, purchasing e-liquid by the bottle is often cheaper than purchasing Juul pods, making them even more appealing to price-sensitive youth.

3. Popular open systems will remain widely available, including refillable Juul-compatible pods



After Juul, Smok and Suorin are the most popular e-cigarette devices among high school students. More than one out of ten high school e-cigarette users report that their preferred brand is Smok or Suorin (7.8% for Smok and 3.1% reported for Suorin).² These devices are sold empty and can be filled with any of the thousands of flavored e-liquids, and various nicotine strengths, that will remain on the market. In addition, empty Juul-compatible pods are already being sold and can be filled with any of the thousands of e-liquids that will remain on the market.

4. Juul and other menthol-flavored pods will remain widely available



The tobacco industry has known for decades that menthol appeals to youth, since half of youth who have ever tried smoking started with menthol flavored cigarettes. There is no reason to believe that menthol e-cigarettes will not be equally appealing to kids – especially if they are the only available flavor for pod products. The Wall Street Journal even reported in September that JUUL was considering rebranding their best-selling mint flavor as menthol to keep it on the market,³ and other brands are sure to follow suit given the loopholes in the guidance.

5. Flavored e-cigarettes will remain widely accessible

Between gas stations, convenience stores and vape shops, there are well over a hundred thousand access points where youth can get these products and devices. Kids will be enticed by a wide range of options: flavored disposable e-cigarettes; sleek, open systems with unlimited flavor options; or menthol pods.

¹ Williams, R, "The Rise of Disposable E-cigarettes," Tobacco Control, doi:10.1136/tobaccocontrol-2019-055379, October 31, 2019

² Cullen, KA, et al, "e-Cigarette Use Among Youth in the United States, 2019" JAMA, November 5, 2019

³ Maloney, J, "Juul Debates Pushing Back on E-Cigarette Ban," Wall Street Journal, September 12, 2019, <https://www.wsj.com/articles/juul-debates-pushing-back-on-e-cigarette-ban-11568327978>

2019 Minnesota Student Survey: E-cigarette and Cigarette Findings

E-cigarette use continues to escalate among youth

Data from the 2019 Minnesota Student Survey shows a steep rise in e-cigarette use among students.

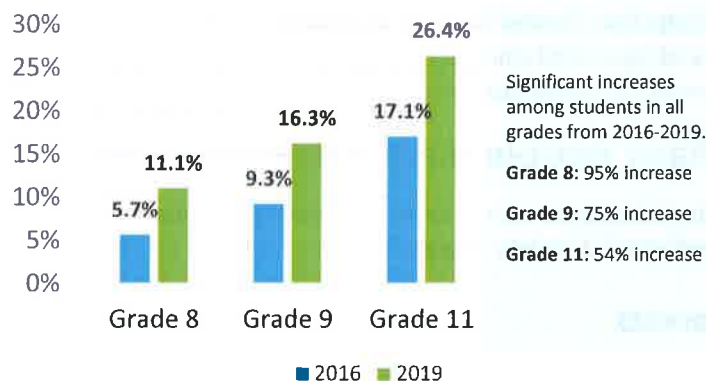
Among 8th grade students, e-cigarette use nearly doubled from 2016 to 2019, and one in four 11th graders now use e-cigarettes.

Students in all grades surveyed use e-cigarettes and vapes at five times the rate of conventional cigarettes.

Products like e-cigarettes, vapes, and e-hookahs typically contain nicotine, which is highly addictive and can

harm brain development as teens grow. No amount of nicotine is safe for youth as there may be long-term, damaging effects on learning, memory, attention, behavior problems, and future addiction.

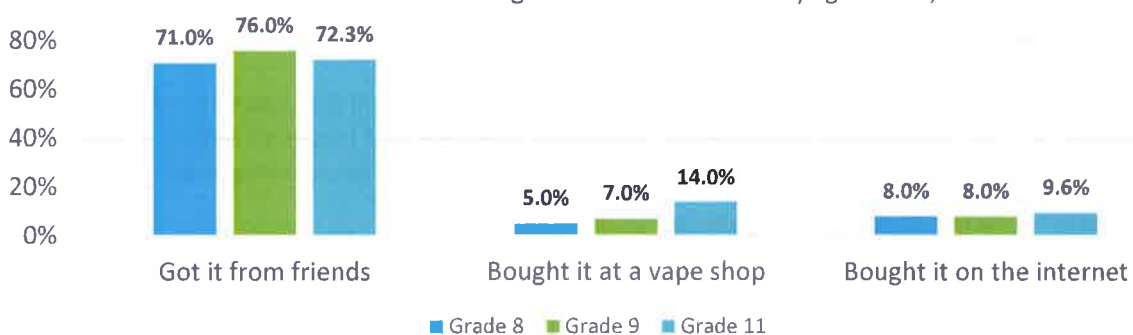
Percent of students who vaped in the past 30 days



Most students who use e-cigarettes get them from friends

11th grade students responding to the student survey said that the top ways they got e-cigarettes included getting products from friends (72.3%), getting products at a vape shop (14.0%), and on the Internet (9.6%).

How students who used e-cigarettes in the last 30 days got them, 2019



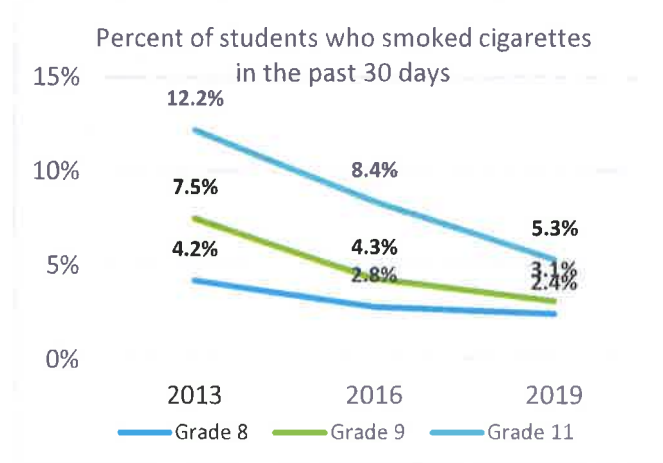
Many students aren't aware of the dangers of e-cigarette use

The survey also found that Minnesota youth are ill-informed about the health risks of e-cigarettes with 76% of 11th graders saying there is either no, slight, or a moderate risk to using e-cigarettes.

Conventional cigarette use continues to decline

Results from the 2019 Minnesota Student Survey showed that conventional cigarette smoking continued to fall among 8th, 9th, and 11th grade students. These are the lowest rates ever recorded by the survey, with only 5.3% of 11th graders, and 3.1% of 9th graders, and 2.4% of 8th graders reporting they had smoked cigarettes in the past 30 days.

Results also showed declines in student use of cigars and smokeless tobacco among 11th grade students.



Many people have a role in protecting youth

Minnesotans across the state are working to reduce the use of commercial nicotine and tobacco products in a variety of ways.

Parents

Know the risks of tobacco use and the different types of products kids are using. E-cigarettes are the most commonly used tobacco product among U.S. youth since 2014. Most e-cigarettes contain nicotine, which is highly addictive. Talk to your kids about these risks and set firm expectations that they do not use any type of commercial tobacco product, including e-cigarettes and vapes. Understand that e-cigarette use is commonly called vaping, and it is not harmless.

Health care providers

Talk to young patients about the risks of commercial tobacco use and provide education about the harms to their health. Screen all patients, including parents, for use of tobacco products, including e-cigarettes and vapes. Encourage them to quit, and refer patients to services for help quitting.

School staff

School administrators, health services staff, teachers, and coaches can all play a part in reducing youth e-cigarette use. The Minnesota Department of Health has free tools and resources online, including a toolkit outlining opportunities for action within schools along with free resources to help.

Learn more: www.health.mn.gov/ecigarettes

About the survey

The Minnesota Student Survey is conducted every three years among Minnesota public schools. The survey asks questions about wide variety of youth behaviors. In 2019, more than 170,000 public school students participated in the survey.

10/9/2019

To obtain this information in a different format, call: 651-201-3535. Printed on recycled paper.



January 30, 2020

RE: Minnesota Needs a Strong State Tobacco 21 Law

Dear Senators and Representatives:

We write on behalf of Minnesotans for a Smoke-Free Generation, a coalition of more than 60 Minnesota organizations that share a common goal of saving Minnesota youth from a lifetime of tobacco and nicotine addiction. We support policies that will reduce youth smoking and end tobacco's harm for good, including raising the tobacco sale age from 18 to 21 – commonly known as Tobacco 21.

As you may know, in late December, President Trump signed Tobacco 21 into federal law as part of a budget bill. The FDA directed retailers nationwide to immediately implement the tobacco age of 21.

It's critical for every level of government to update their regulations because enforcement of tobacco age laws happens at the federal, state and local levels.



In Minnesota and in other states, the immediate federal Tobacco 21 implementation confused retailers, with some saying they will not comply until the age is updated at the state level. In a recent news interview, one Minnesota police spokesperson reiterated this point, saying police can only enforce local and state laws.

This confusion is just one reason why Minnesota should adopt Tobacco 21. A strong state policy would provide clarity to retailers and law enforcement, while ensuring Minnesota maximizes the health benefits of Tobacco 21.

The Minnesota Tobacco 21 bill (HF331/SF463) will align the state tobacco age with federal law and ensure strong implementation, compliance and enforcement.

Specifically, this bill will help Minnesota make the most of Tobacco 21 by:

- **Updating state tobacco definitions** to include the latest products on the market;
- **Updating state compliance check requirements** to include 18-, 19- and 20-year-olds;
- **Increasing transparency and compliance** with state law by making results of retailer compliance checks publicly available;
- **Updating state penalties** to follow current best-practices and align with federal law – including:
 - **Removing tobacco purchase, use and possession penalties for all persons under 21;**
 - **Strengthening fines for tobacco licensees** who violate the law; and
- **Requiring clear signage and ID checks** for those under 30.

Tobacco 21 is an important part of a comprehensive approach to reverse the youth nicotine epidemic. Raising the tobacco sale age to 21 will help keep tobacco products out of schools, prevent youth tobacco use and save lives.

Minnesota youth are facing what the U.S. Surgeon calls an epidemic of e-cigarette use. Youth cigarette smoking is at historic lows, but **rising e-cigarette rates have erased nearly two decades of progress to reduce youth tobacco**

use. The 2019 Minnesota Student Survey found that 26 percent of Minnesota 11th-graders reported using an e-cigarette in the past month. Eleven percent of 8th-graders said they use e-cigarettes, which is nearly double the 2016 rate.

Tobacco 21 makes a difference because nearly 95 percent of addicted adult smokers start before age 21. The policy also keeps products out of schools since there are few 21-year-olds in our high schools.

Local action has paved the way for Minnesota to adopt Tobacco 21. To date, 60 Minnesota communities have passed Tobacco 21, covering nearly 40 percent of the population. Let's make sure no Minnesota kids are left behind in this lifesaving movement.

In the 2019 Legislative Session, the Tobacco 21 bill (HF331/SF463) gained significant momentum – let's get it done this session.

Minnesota is a stronger and healthier state when our kids grow up free from tobacco addiction, which is why Minnesotans for a Smoke-Free Generation urges lawmakers to adopt a strong Tobacco 21 bill in 2020.

Passing a strong Tobacco 21 bill early in the session would send the message that Minnesota is serious about combating rising youth tobacco use that threatens our future. Thank you for your attention to this critical health issue.

Sincerely,



Molly Moilanen
Co-Chair, Minnesotans for a
Smoke-Free Generation
Vice President, ClearWay MinnesotaSM



Janelle Waldock
Co-Chair, Minnesotans for a
Smoke-Free Generation
Senior Director of Policy, Blue Cross and Blue Shield of
Minnesota

About Minnesotans for a Smoke-Free Generation

Minnesotans for a Smoke-Free Generation is a coalition of more than 60 organizations that share a common goal of saving Minnesota youth from a lifetime of addiction to tobacco. The coalition supports policies that reduce youth smoking and nicotine addiction, including increasing tobacco prices, raising the tobacco sale age to 21, limiting access to candy-, fruit- and menthol-flavored tobacco, and funding tobacco prevention and cessation programs.

Partners include: The African American Leadership Forum, Allina Health, American Cancer Society Cancer Action Network, American Heart Association, American Lung Association in Minnesota, Apple Tree Dental, Association for Nonsmokers – Minnesota, Aurora/St. Anthony Neighborhood Development Corporation, Becker County Energized, Blue Cross and Blue Shield of Minnesota, A Breath of Hope Lung Foundation, Cancer Legal Care, CentraCare, Children's Defense Fund-MN, Children's Minnesota, ClearWay MinnesotaSM, Comunidades Latinas Unidas En Servicio – CLUES, Dodge County Public Health, Education Minnesota, Essentia Health, Gillette Children's Specialty Healthcare, A Healthier Southwest, HealthPartners, Hennepin Healthcare, Hope Dental Clinic, Horizon Public Health, Indigenous Peoples Task Force, ISAIAH, JustUs Health, LAAMPP Alumni, Lake Region Healthcare, Local Public Health Association of Minnesota, LPCFC – Lincoln Park Children and Families Collaborative, March of Dimes, Mayo Clinic, Medica, Meeker McLeod Sibley Community Health Services, Minnesota Academy of Family Physicians, Minnesota Association of Community Health Centers, Minnesota Cancer Alliance, Minnesota Council of Health Plans, MHA – Minnesota Hospital Association, Minnesota Medical Association, Minnesota Nurses Association, Minnesota Oral Health Coalition, Minnesota Public Health Association, MNAAP – Minnesota Chapter of the American Academy of Pediatrics, ModelCities, NAMI Minnesota, North Memorial Health, NorthPoint Health & Wellness, Olmsted Medical Center, Open Cities Health Center, PartnerSHIP 4 Health, Perham Health & Living, Preventing Tobacco Addiction Foundation, SEIU Healthcare Minnesota, ShiftMN, St. Paul Area Chamber of Commerce, Steele County Public Health, Tobacco-Free Alliance, Twin Cities Medical Society, UCare, Vision In Living Life – Change is Possible, WellShare International and Zumbro Valley Medical Society. Find out more at: smokefreegenmn.org.