

Commercial Tobacco Prevention Program

Strategic Plan GOAL 2.1 - 2.3

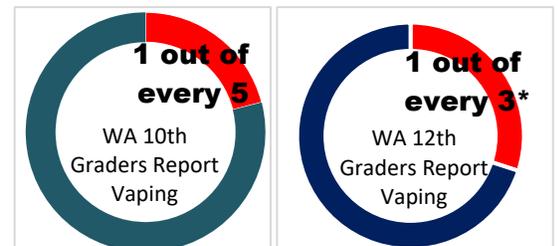
Flavors in Tobacco and Vapor Products: The federal 2009 Family Smoking Prevention and Tobacco Control Act only banned characterizing flavors in cigarettes. The act exempted menthol from all flavor restrictions, and it did not regulate flavors in other tobacco or vapor products. As a result, the health of Washington's youth, LGBT, and people-of-color communities is severely threatened by flavored/menthol vapor products, little cigars, nicotine pouches, and hookah products that flood the market.

Flavors Attract Youth & Young Adults

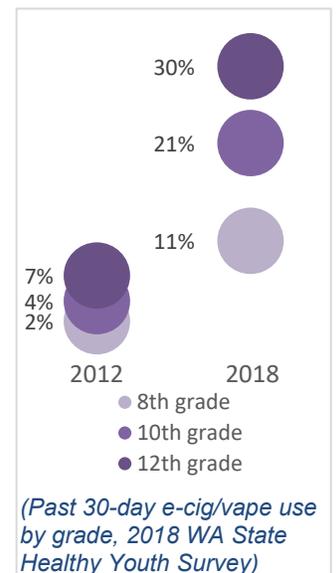
- Most youth start and continue smoking using menthol or other flavored products.¹ Each year, 2,100 Washington youth begin smoking daily.²
- Youth are disproportionately impacted by flavored and mentholated products. 4 out of 5 youth who vape or smoke report using flavors, and appealing flavors are reported as the primary reason for initiating.³ In fact, nearly 7 in 10 of all youth who vape use flavored e-cigarettes.⁷
- Although smoking rates have decreased overall in recent years, use of menthol cigarettes has actually increased among young adults.¹ Youth are the single largest users of menthol cigarettes compared to all other age groups.¹
- People who initiate smoking at younger ages become more addicted faster and experience much more difficulty in quitting. In fact, nearly 3 out of 4 teens who smoke continue to smoke into adulthood.⁴

Flavors and Vapor Products Accelerate Nicotine Use

- The emergence and fast growth of flavored vapor products (also known as e-cigarettes, ENDS, and JUUL) further increases the risk of lifelong nicotine addiction and dangerous vaping-related health effects among youth and youth adults.
- Youth who vape are much more likely to use tobacco or marijuana.⁵
- While youth use of conventional cigarettes has been declining for most groups, the overall nicotine use rate has increased due to the popularity of vapor products, the majority of which are flavored.⁶
- Among Washington State 10th graders who reported using vapor products in the past 30 days, 56% reported vaping nicotine and 20.5% reported vaping THC (marijuana).⁶ This means a majority of vaping youth are at risk for long-term nicotine dependence.
- High school use of vapor products flavored with menthol and mint has increased dramatically – from 16% in 2016 to 57% in 2019.⁷ This shows that if only some vape flavors are banned, youth and young adults will migrate to other flavors.
- Vaping exposes users to numerous harmful chemical additives, for which acute and chronic health effects are still being investigated. The FDA is proposing to declare a host of constituents found in tobacco and vapor products as harmful or potentially harmful.⁸
- 68% of 10th graders reported borrowing their vapor products, asking someone to purchase them, or getting them from family.⁶ This means that there is both the presence of illegal underage sales of such products and that a 21+ minimum legal sales age is not sufficient by itself in protecting youth from flavored nicotine and tobacco products.



(2018 WA State Healthy Youth Survey) (*21% (left); 30% (right))



(Past 30-day e-cig/vape use by grade, 2018 WA State Healthy Youth Survey)

Flavors Worsen Inequities & Disparities:

- Disparities in tobacco use remain across certain groups defined by race, ethnicity, educational level, and socioeconomic status across the state. Flavored vapor products, menthol cigarettes, and other flavored tobacco products exacerbate disparities by attracting vulnerable populations to nicotine use early in life.
- Menthol cigarettes are used at higher rates by racial and ethnic minority individuals who smoke, including African Americans, Hispanics, and Asian Americans. Use of menthol products is also prevalent among LGBT-identifying youth and among populations with lesser resources.
- Menthol continues to disproportionately impact Washington's African American communities. Among all Black Americans who smoke, nearly 90 percent smoke menthol cigarettes. Broken down by age group, this figure is 93 percent among all African American young adults (18-25 years) who smoke and 70 percent among all Black youth (12-17 years) who smoke.^{1,9}
- The tobacco industry advertises and markets its products at a rate of about \$1 million an hour nationally – around \$90 million each year in WA – to the most marginalized populations.^{10,11}

Menthol: Given its numbing properties, menthol reduces the harshness of tobacco and makes it easier and smoother to smoke. Because it is inhaled deeper, menthol increases nicotine dependence and makes smoking harder to quit.¹

States and Communities are Taking Action:

Given the significant threat to public health posed by flavored tobacco and vapor products, many local and state governments are using their authority to pass legislation to regulate the sale and promotion of these products:

- Massachusetts, New Jersey, New York State, Rhode Island and over 290 of localities including San Francisco, Chicago, Boston, Minneapolis and New York City have already passed restrictions on the sale of flavored tobacco and/or vapor products, which disproportionately impact the health of their most vulnerable communities.¹² [Over 100 of these communities restrict the sale of menthol cigarettes, in addition to other flavored tobacco products.](#)¹³

However, Washington State preempts most local government action to prevent and control use of tobacco and vapor products. This has prevented communities from addressing acute and chronic health issues arising from youth vaping, menthol cigarettes, and flavored tobacco. The tobacco industry's support for preemptive policies, at the expense of local control, is well documented.⁴

Policy Topics & Resources

More information can be found at the [Centers for Disease Control & Prevention](#), [Public Health Law Center](#), and [ChangeLab Solutions](#) regarding:

- [Impacts of Preemption & Local Control](#)
- [Barrier-free access to FDA-Approved Cessation Services and Medications](#)
- [Regulating Nicotine Concentration in Vapor Products & Accessories](#)
- [Tobacco and Vapor Product Retailer Density Restrictions](#)



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¹ (Menthol: Factsheet; The Truth Initiative, 2018)

² (Campaign for Tobacco Free Kids. Toll of Tobacco in the United States: The Toll of Tobacco in Washington, 2019)

³ (Truth Initiative. Flavored Tobacco Use Among Youth and Young Adults. January 2018)

⁴ (U.S. Department of Health and Human Services, Preventing tobacco use among youth and young adults: a report of the Surgeon General., 2012)

⁵ (US Department of Health and Human Services. E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General, 2016)

⁶ (2018 Washington State Healthy Youth Survey, 2019)

⁷ (National Youth Tobacco Survey (NYTS) 2019, Centers for Disease Control and Prevention (CDC), February 2019)

⁸ (Harmful and Potentially Harmful Constituents (HPHCs), Food & Drug Administration, 2019)

⁹ (Menthol and Cigarettes, Centers for Disease Control and Prevention, August 2019.)

¹⁰ (Centers for Disease Control and Prevention: Tobacco Industry Marketing, 2018)

¹¹ (Campaign for Tobacco Free Kids, State-Specific Estimates of Tobacco Company Marketing Expenditures, 1998-2017, March 2019)

¹² (Public Health Law Center at Mitchell Hamline School of Law, U.S. Sales Restrictions on Flavored Tobacco Products, 2019)

¹³ (Campaign for Tobacco Free Kids, States and Localities that have Restricted the Sale of Flavored Tobacco Products, October 2019)