

THE ANSR

Association for Nonsmokers - Minnesota

JANUARY 2019 Vol 35 Number 1



ANSR staff photo

Advocates celebrate after the City of Lauderdale votes to raise tobacco sales age to 21 and restrict sale of all flavored tobacco products.

Lauderdale restricts flavors, goes T21

Like many of its neighboring cities, Lauderdale placed a priority on the health of its youth and residents on Oct. 23, 2018, when the City Council unanimously voted to restrict the sale of all flavored tobacco products and to raise the tobacco sales age to 21.

Lauderdale is the 14th Minnesota city to raise the tobacco sales age to 21. Edina, Saint Louis Park, Bloomington, Plymouth, North Mankato, Falcon Heights, Shoreview, Minneapolis, Saint Peter, Richfield, Roseville, Minnetonka and Excelsior have also raised the tobacco sales age to 21.

Community members and high school students spoke up in favor of the two measures during the public hearing two weeks ago. Hearing from the students about the prevalence of tobacco use, particularly e-cigarettes, in local schools cemented things for council member Jeffrey Dains.

“It was very impressive to have the young people come in and talk about the significant tobacco usage,” Dains said. “I was persuaded before they came, but even more so after they came. It was heartening to hear them.”

Said resident Melissa Walker, “I’m

proud to live in a city that puts the lives of their community members over tobacco industry profits. I lost my father to cancer, and my husband and brother smoke. I don’t want to see my children or other youth become addicted to tobacco. These life-saving measures will reduce the appeal and access to tobacco products.”

Lauderdale is the ninth city in the state to restrict the sale of flavored tobacco following Minneapolis, Saint Paul, Shoreview, Saint Louis Park, Robbinsdale, Duluth, Falcon Heights and Mendota Heights.



ANSR staff photo

Advocates celebrate after Brooklyn Center raises the tobacco sales age to 21 and restricts the sale of electronic cigarettes to adult-only tobacco stores.

Brooklyn Center raises tobacco sales age

Brooklyn Center had a unique take on protecting youth when it voted unanimously to restrict the sale of all electronic cigarettes to adult-only tobacco stores, as well as raise the tobacco sales age to 21 on Nov. 12, 2018.

The city did this as a way to impact the growing trend of e-cigarette use among youth by making the products less accessible and less appealing to young people. Brooklyn Center made a similar cutting-edge move when it became the first city in Minnesota to set a minimum price for cigars in 2014. Additionally, the city capped the number of tobacco licenses, increased the number of annual compliance checks and increased the administrative penalties for stores

that violate the provisions of the ordinances.

Three council members talked of losing family members to tobacco-related illnesses, and all who spoke during the meeting expressed strong support for the measures.

Brooklyn Center is the 16th city in Minnesota to raise the tobacco sales age to 21.

Edina, Saint Louis Park, Bloomington, Plymouth, North Mankato, Falcon Heights, Shoreview, Minneapolis, Saint Peter, Richfield, Roseville, Minnetonka, Excelsior, Lauderdale and Hermantown have also raised the tobacco sales age to 21. Otter Tail County has also raised the sales age.

Several community members and

students shared stories of personal loss from tobacco use and nicotine addiction.

Jess Nolan, who lives in Brooklyn Center and works for the American Heart Association, urged the council to prevent this generation from having stories of loss because of tobacco use.

“I was only in elementary school when I lost two uncles to tobacco-related illnesses,” Nolan said. “An ordinance like Tobacco 21 might have prevented them from getting hooked on cigarettes and saved their lives.

“While we can’t go back in time to protect my uncles, we can do something to give the next generation the support they need to lead tobacco-free lives.”



The ANSR Bulletin is published quarterly.

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Eden Prairie joins T21 movement

The Eden Prairie City Council voted 3-1 to raise the tobacco sales age to 21 on Dec. 4, 2018, making it the 19th community to do this.

“When we talk about tobacco-related costs, we can’t just talk about the small profit loss to several businesses,” said council member Ron Case.

“The real cost is the tremendous toll to families of kids who started to smoke.”

Edina, Saint Louis Park, Bloomington, Plymouth, North Mankato, Falcon Heights, Shoreview, Minneapolis, Saint Peter, Richfield, Roseville, Minnetonka, Excelsior, Lauderdale, Hermantown, Brooklyn Center, Mendota Heights and Otter Tail County have taken this step.



ANSR staff photo

Advocates celebrate after Eden Prairie raises the tobacco sales age to 21.

“I’m proud that you, our community leaders, are doing what it takes to protect our children from dangerous products right now,” said Eden Prairie resident Donna Shakked,

in commending the city council.

“I strongly believe one of the most effective ways to do it is by raising the legal tobacco sales age from 18 to 21. Our kids’ future depends on it.”

TFA aids Mendota Heights policy



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ANSR’s sister organization, Tobacco-Free Alliance, aided the city of Mendota Heights in becoming the 18th city to pass a Tobacco 21 policy. Mendota Heights also added menthol to its flavored tobacco restrictions.

When it comes to protecting youth from the harms of tobacco, the Mendota Heights City Council has been on top of its game in 2018.

The council unanimously voted on Nov. 20 to raise the tobacco sales age from 18 to 21 and to add menthol to the flavored tobacco restrictions it had already passed in May. Flavored tobacco, including menthol, can’t be sold by any retailer in Mendota Heights.

“This is the right thing to do right now,” council member Jay Miller said. “Tobacco products are far more discreet now.”

Said council member Liz Petschel, “This is a rampant problem, and we’ve heard it from all our high schools. It doesn’t matter which one. By going to 21, this is what we are trying to affect.”

FDA looks at crackdown on menthol, e-cigarettes

By Betsy Brock
Research Director

In November, FDA Commissioner Scott Gottlieb, M.D., announced that the agency is planning to remove menthol cigarettes from the marketplace.

Public health advocates and tobacco control organizations across the country celebrated the announcement because menthol makes tobacco easier to start and harder to quit.

However, this FDA action is likely to take years and will face a fierce challenge by the tobacco industry as menthol makes up 35 percent of the cigarette market share. As a first step, the FDA will need to publicly announce the proposed new rule.

This will be followed by a public comment period. Analysts speculate that any policy could take at least two years to be adopted and implemented.

Litigation from the tobacco industry could slow down that timeline or halt the process entirely.

In the same announcement, commissioner Gottlieb also stated that the FDA plans to crack down on electronic cigarettes.

Specifically, online vendors will be required to age verify and in-person sale of flavored e-cigarettes will be limited to adult-only locations.

Like the proposed menthol rule, these changes will require a public comment period.

Altria buys stake in JUUL

Altria, the maker of Marlboro cigarettes, recently purchased a stake in JUUL, the company that manufactures the wildly popular e-cigarette with the same name. JUUL controls approximately 70 percent of the e-cigarette market. The company started in 2015 and is valued at \$38 billion.

JUUL's stated mission is to "improve the lives of the world's one billion smokers by eliminating cigarettes." The company's merger with Altria, the country's largest cigarette company, calls this mission into question. It is hard to understand how a company can strive to eliminate cigarettes from the marketplace while partnering with a company that controls the largest cigarette market share in the U.S.

Altria paid \$12.8 billion for a 35 percent ownership stake in JUUL. As a part of this agreement, Altria agreed to adopt and support the JUUL mission, provide JUUL with premier tobacco product retail shelf space, allow JUUL to communicate with consumers via cigarette pack inserts and marketing databases, allow JUUL to remain in control, apply logistics and distribution experience to help JUUL, and provide funds that benefit JUUL employees and investors.

This agreement means JUUL will have access to Altria's vast and substantial marketing networks. Altria typically controls the most valuable and noticeable shelf space behind convenience store cash registers on the so-called tobacco

"power wall." Further, Altria has a consumer marketing database with an estimated 25 million names.

JUUL is taking other steps to expand their reach. They recently hired a full-time lobbyist who is based in Minnesota. The lobbyist who has extensive experience lobbying for the medical device industry will lead lobbying efforts in Minnesota, Iowa, North Dakota, and South Dakota.

Despite JUUL's success, the company does face uncertainty. In 2018, the FDA opened an investigation into JUUL.

The FDA ordered JUUL to turn over company marketing and scientific reports in order to determine if JUUL targets youth with marketing.

In mid-September, the FDA took it one step further. The FDA put JUUL and four other e-cigarette companies on notice with 60 days to prove they have the systems in place to ensure that young people can't access these products. Failure to do so could result in the removal of these products from the market.

JUUL's partnership with Altria likely means JUUL will have access to Altria's vast legal expertise and resources. Altria is known for vigorously pursuing legal battles. The company is not afraid to challenge the federal government. It is hard to know what this could mean for the FDA's planned JUUL crackdown or for the future of JUUL itself.

- Betsy Brock

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www.ansrmn.org/donate



ROUNDUP

Minnesota reaches smoke-free housing milestone

A smoke-free policy in multi-unit housing improves the health of residents, guests and staff, reduces the risk of fire and saves management money on turnover costs. Live Smoke Free (LSF), a program of the Association for Nonsmokers MN, has been tracking smoke-free properties in Minnesota since 2007. At that time LSF knew of approximately 50 smoke-free properties in the state.

This year LSF announced that Minnesota reached an important milestone in smoke-free housing advocacy: 4,000+ multi-unit housing properties throughout Minnesota have gone smoke free! That's an 80 fold increase over the past 11 years.

"This milestone marks a tremendous achievement for Minnesota's public health professionals and a great win for multi-unit housing residents and staff statewide. Tens of thousands of Minnesotans are now protected from the dangerous effects of secondhand smoke in their homes and work,"

said Kara Skahen, Program Director of Live Smoke Free. Kudos to all partners who have helped make this success a reality.

CONFERENCE: The Minnesota Prevention Resource Center (MPRC) put on the 44th annual Minnesota Prevention Program Sharing Conference in St. Cloud. Designed to help people and organizations in Minnesota engage in addressing the root causes of substance abuse, including tobacco, vaping, alcohol, marijuana and other drugs, the event was well-attended, impactful and fun. More than 200 prevention champions participated in a jam-packed two days of educational sessions, keynote sessions, exhibits, and networking. MPRC is a project funded by the Minnesota Department of Human Services, Behavioral Health Division, and hosted by the Association for Nonsmokers-MN. Visit mnprc.org/ conference to learn more.

CONDO INFO: LSF and Public

Health Law Center presented to Regency Condominium homeowners in December about the benefits of adopting a smoke-free policy and addressed legal concerns homeowners are usually concerned about.

After the presentation, the board continued to educate homeowners and renters. They finally brought the issue to a vote to adopt a policy by way of declaration, which requires a 67 percent majority to pass.

Of 175 units, 68 percent voted in favor of adopting a smoke-free policy, but that's all it takes to make a change that will withstand any challenges either in court or from members of the board.

The implementation date will be determined as soon as legal documents are finalized. In the past, condo associations have gone smoke-free with grandfathering, but this is the first property with more than 45 units that has gone smoke-free with nobody permitted to smoke in any unit.

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'18 compliance falters slightly

The North Suburban Tobacco Compliance Project (NSTCP) finished 2018 with results slightly down from 2017.

In 2018, cities finished with a 92.5 percent compliance rate on checks, compared to 96 percent in 2017 and 95.5 percent in 2016.

Arden Hills, Falcon Heights, North St. Paul, Saint Anthony Village, Vadnais Heights and White Bear Township had 100 percent compliance on both checks. There are 13 participating cities. Lauderdale and Saint Anthony Village are new cities this year. There were 12 new students in the program, bringing the total to 18. Several of the students are able to conduct Tobacco 21 checks.

Vendors in participating cities are notified about the free online vendor training, Stop Sales to Minors, which is online at www.stopsalestominors.org. This format allows them to complete the training at their convenience.

NSTCP also conducted one in-person vendor training in 2018. NSTCP offers law enforcement, decision makers, vendors and communities a proven and comprehensive method to ensure youth don't have access to tobacco.

Team deals with BZA

No one knew the Saint Paul Board of Zoning Appeals (BZA) would play a key role in enforcing the city's new menthol policy, but that is what happened. The Saint Paul ordinance, passed in November 2017, went into effect one year later. As the implementation date edged closer, it became clear tobacco retailers had a few moves to make.

Saint Paul allows menthol tobacco to be sold only in adult-only tobacco and liquor stores and requires a distance of at least one-half mile between tobacco stores. That is where the BZA comes in. The BZA is a citizen group whose job is to consider requests to allow buildings or services that do not meet the city's zoning requirements. Typically they review requests for people to build fences or garages a bit larger or closer to the property line than an ordinance allows.

Seven stores sought variances to convert from convenience stores to tobacco stores, so they could continue to sell menthol and other

flavored tobacco. Because they would have been closer to another tobacco shop than a half mile, they needed a variance.

The first application was granted before ANSR learned about it. From that point, ANSR tracked all BZA requests and testified against them being granted. One more was approved, but the city council then shut the retailers down at a council meeting, saying, "We are not going to undermine our menthol ordinance one variance at a time."

With that message from the city council, the vendors heard loud and clear: No more variances. ANSR staff, volunteers and advocates from Twin Cities Medical Society, ClearWay, Blue Cross and Blue Shield of MN, Aurora St. Anthony Development Corporation, American Cancer Society, Stair Step Foundation, and African American Leadership Forum all participated in public hearings and writing to council members supporting a strong menthol ordinance.