

BEAUTIFUL LIE UGLY TRUTH

ABOUT MENTHOL TOBACCO

AT A GLANCE: FEDERAL MENTHOL BAN

On April 28, 2022, the U.S. Food and Drug Administration (FDA) proposed banning menthol in cigarettes and all flavored cigars.

ABOUT MENTHOL

Easier to start, harder to quit.

Tobacco companies add menthol to tobacco products to cool the throat and make the product taste better. The commercial tobacco industry targets African Americans, LGBTQ people, and youth with menthol tobacco.

Quick Facts on the Federal Menthol Ban

-  **THE GOAL** of the federal menthol ban is to address public health disparities in commercial tobacco use created by the aggressive marketing tactics of menthol products to African Americans, Indigenous, LGBTQ people, and youth.
-  **THE BAN INCLUDES** menthol cigarettes and all flavored cigars (including little cigars and cigarillos). Flavored cigarettes (except menthol) are already banned by the 2009 Family Smoking Prevention and Tobacco Control Act..
-  **THE BAN TAKES EFFECT** after the FDA completes a lengthy rule-making process which could take months or years. The FDA may face litigation from the tobacco industry which could further delay the ban.
-  **TO SUPPORT PEOPLE WHO WANT TO QUIT MENTHOL** the FDA will collaborate with other federal agencies as well as tribal, state, and local groups. Minnesotans who want to quit smoking can get free support from Quit Partner at 1-800-QUIT-NOW.

Current stage as
of May 2022



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THE RULE- MAKING PROCESS

FDA released a proposed rule, and a public comment period is open until July 5, 2022.

FDA reviews and responds to comments and decides whether to issue a final rule.

FDA consults with other federal agencies and gets clearance from the Office of Management and Budget.

Final rule is issued and takes effect at least one year later.

MYTHS & FACTS ABOUT THE MENTHOL BAN

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MYTH: Menthol cigarettes and flavored cigars will be illegal which will lead to more negative interactions between law enforcement and communities targeted by the tobacco industry including African American, Indigenous, LGBTQ people, and youth.

FACT: The FDA is clearing the market of menthol cigarettes and flavored cigars which begins at stopping the manufacture of these products at the industry level. The FDA cannot and will not enforce against individual consumer possession or use of menthol cigarettes or any tobacco product. FDA's enforcement will only address manufacturers, distributors, wholesalers, importers, and retailers.



MYTH: The federal menthol ban will create an illicit market of menthol cigarettes and flavored cigars.

FACT: This policy is about improving health, and the vast majority of people will follow these laws. The 2009 Family Smoking Prevention and Tobacco Control Act that cleared the market of candy-flavored cigarettes was successful. There is no illicit market of cherry- and grape-flavored cigarettes in the U.S.

MINNESOTA CAN'T WAIT FOR THE FDA WHAT CAN WE DO NOW?

It could take years for the federal menthol ban to take effect. Minnesota cannot wait and must take steps now to prevent the tobacco industry from continuing to harm our communities with menthol tobacco. Minnesota can:

- Pass local and statewide policies that end the sale of all flavored tobacco products, including menthol;
- [Submit public comments](#) to the FDA through July 5, 2022;
- Promote FREE tobacco treatment options, such as [Quit Partner](#), to help Minnesotans quit menthol tobacco.



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For more info visit:

<https://www.publichealthlawcenter.org/resources/fda-proposes-menthol-standard-cigarettes>

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