



# Menthol and Vaping in Boston

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# Context + Overview

- Mayor Martin J. Walsh is committed to addressing the youth vaping epidemic has tasked BPHC and partner agencies to advance solutions.
- Flavors, including menthol, play a key role in driving epidemic of teen vape use.
- Menthol plays a unique role in sustaining nicotine dependency.
- A long legacy of targeted industry marketing and the density of retail outlets that sell and advertise menthol products have led to disproportionate menthol tobacco use among Black residents.
- Reducing tobacco use would advance Imagine Boston 2030 goal of reducing disparities in premature mortality between neighborhoods.
- The health risks associated with menthol tobacco and nicotine products justify further restrictions on their sale.



# BPHC Tobacco Programming

- Smoke-Free Housing
- Cessation Coverage
  - Promote MassHealth & private Insurance cessation Services and local resources
- Smoking Cessation Support and Capacity
  - Trained over 140 clinicians and community members to provide cessation counseling; additional trainings planned
  - Trained Tobacco Cessation Counselors provide Boston residents with free, community-based smoking cessation support tailored to their needs.
  - Program provides free 2-week starter kit of nicotine replacement therapy patches
  - Promote QuitWorks
- Cessation Groups



# Board Tobacco Control Regulation History

- 2003: Prohibited smoking in enclosed workplaces including bars and restaurants
- 2008: Prohibited the sale of blunt wraps, prohibited tobacco sales in educational and healthcare institutions, prohibited smoking on patios and in other outdoor workspaces
- 2011: Regulated nicotine delivery products sales and use, including e-cigarettes, on equal footing with tobacco, set minimum cigar prices
- 2015: Raised tobacco and nicotine purchase age to 21 and restrict flavored tobacco products to adult-only retail stores.



# Menthol and Youth Nicotine Addiction

- Nationally, 80.8% of 12-17 year-olds who had ever used a tobacco product initiated tobacco use with a flavored product.
- Nationally, 56.7 percent of youth smokers smoked menthol cigarettes.
- Menthol makes it easier for youth to start smoking and harder to quit, because it masks the natural harshness of tobacco, making smoke easier to inhale.
- Because menthol smoke is easier to inhale, users inhale more smoke, and therefore consume more nicotine, strengthening nicotine dependence.
- Flavored tobacco is marketed to youth, and particularly youth of color, through branding and celebrity endorsements and pervasive point-of-sale marketing throughout Boston neighborhoods.

# Flavors and Youth Vaping Epidemic

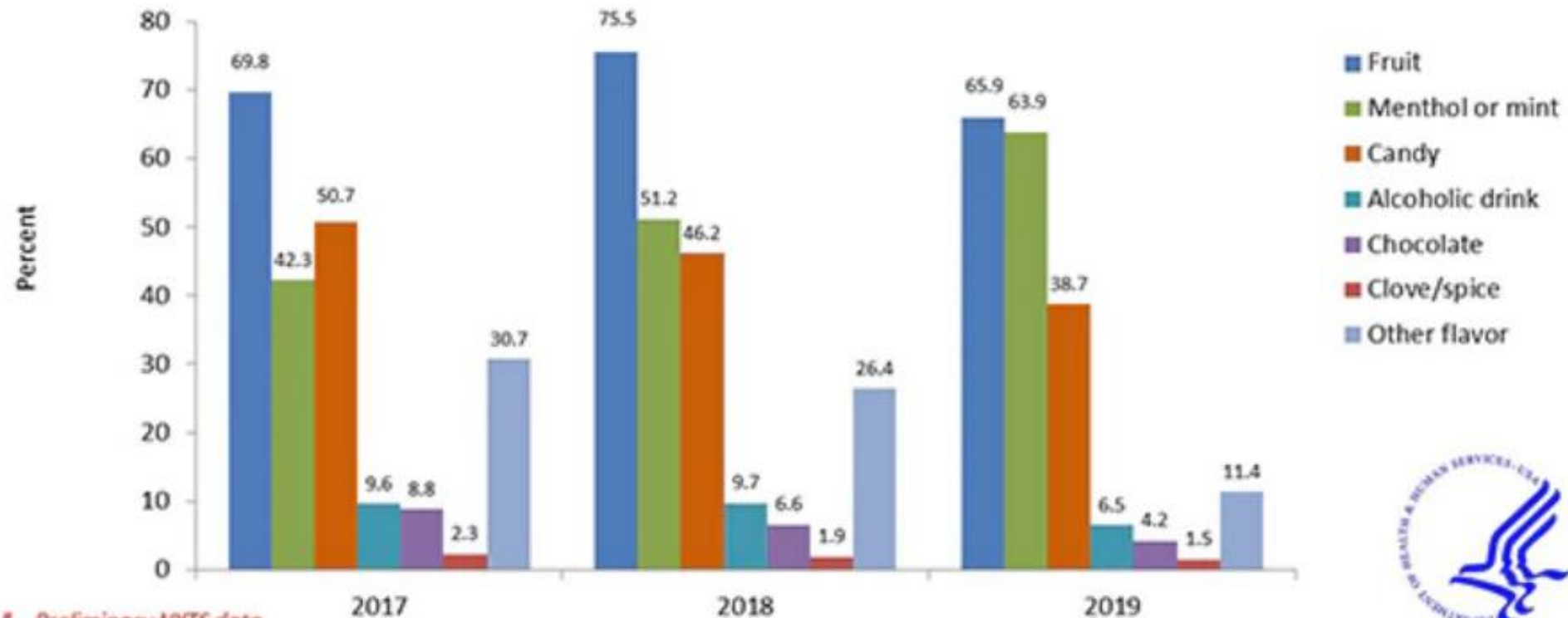
- Nicotine use among youth and young adults is strongly linked to the use of other tobacco products, may prime brain for addiction to other substances
- As with conventional tobacco, flavoring in vaping products is a key driver in youth initiation
- Emerging vaping-related illness focusing attention on preventing youth vaping
- According to the CDC, among high school students who use e-cigarettes, use of any flavored e-cigarettes in 2018 was 67.8%, and the current use of menthol- or mint-flavored e-cigarettes was 51.2%
- Boston already restricts the sale of flavors other than mint or menthol

Sources: CDC, MMWR, US Surgeon General <https://e-cigarettes.surgeongeneral.gov/knowtherisks.html>; Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. *Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students — United States, 2011–2018*. MMWR Morb Mortal Wkly Rep 2018;67:1276–1277. DOI: <http://dx.doi.org/10.15585/mmwr.mm6745a5external icon>



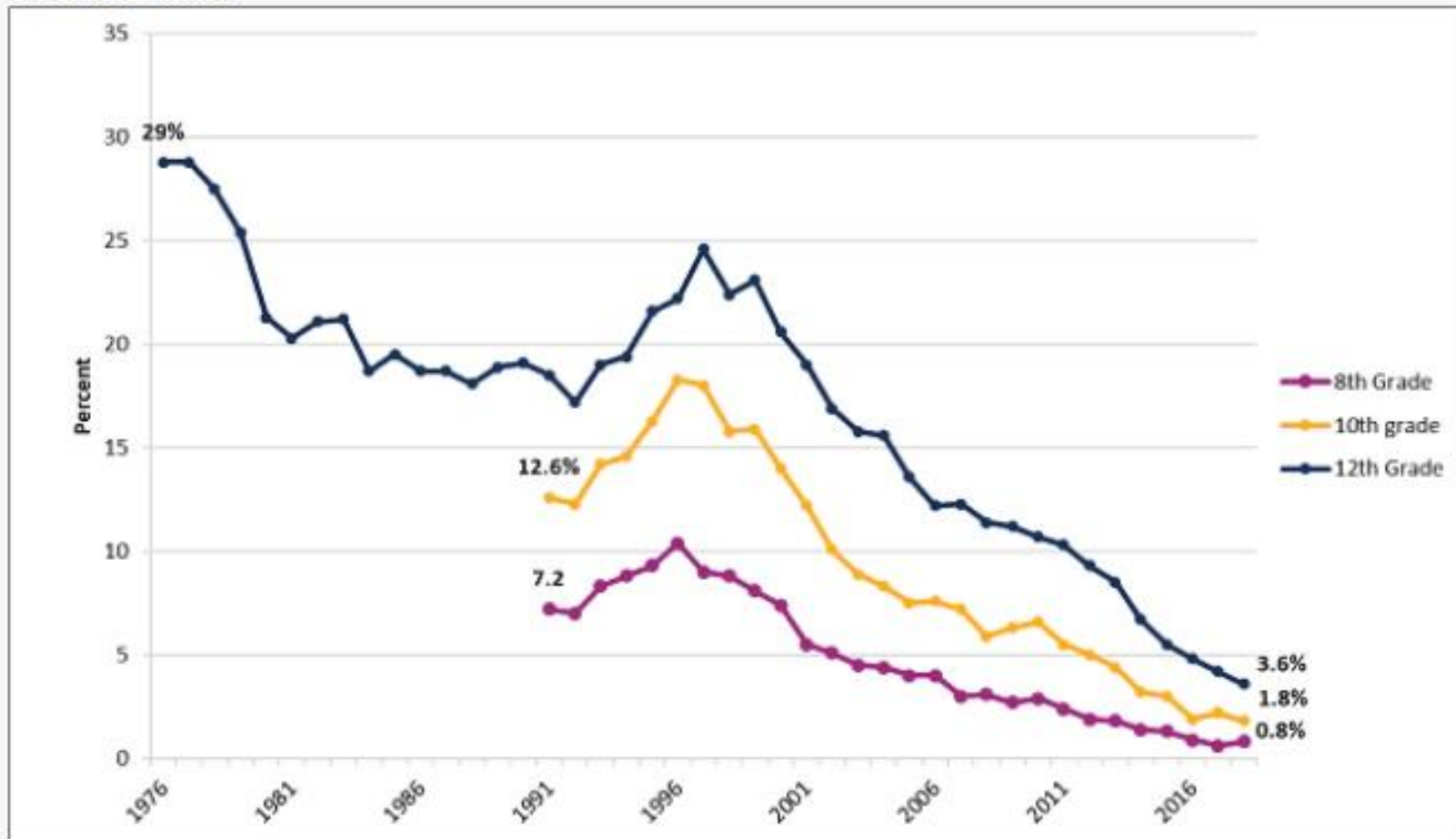
# New Youth Flavor Preference Data

## FLAVORS POPULAR AMONG HIGH SCHOOL USERS OF E-CIGARETTES\*



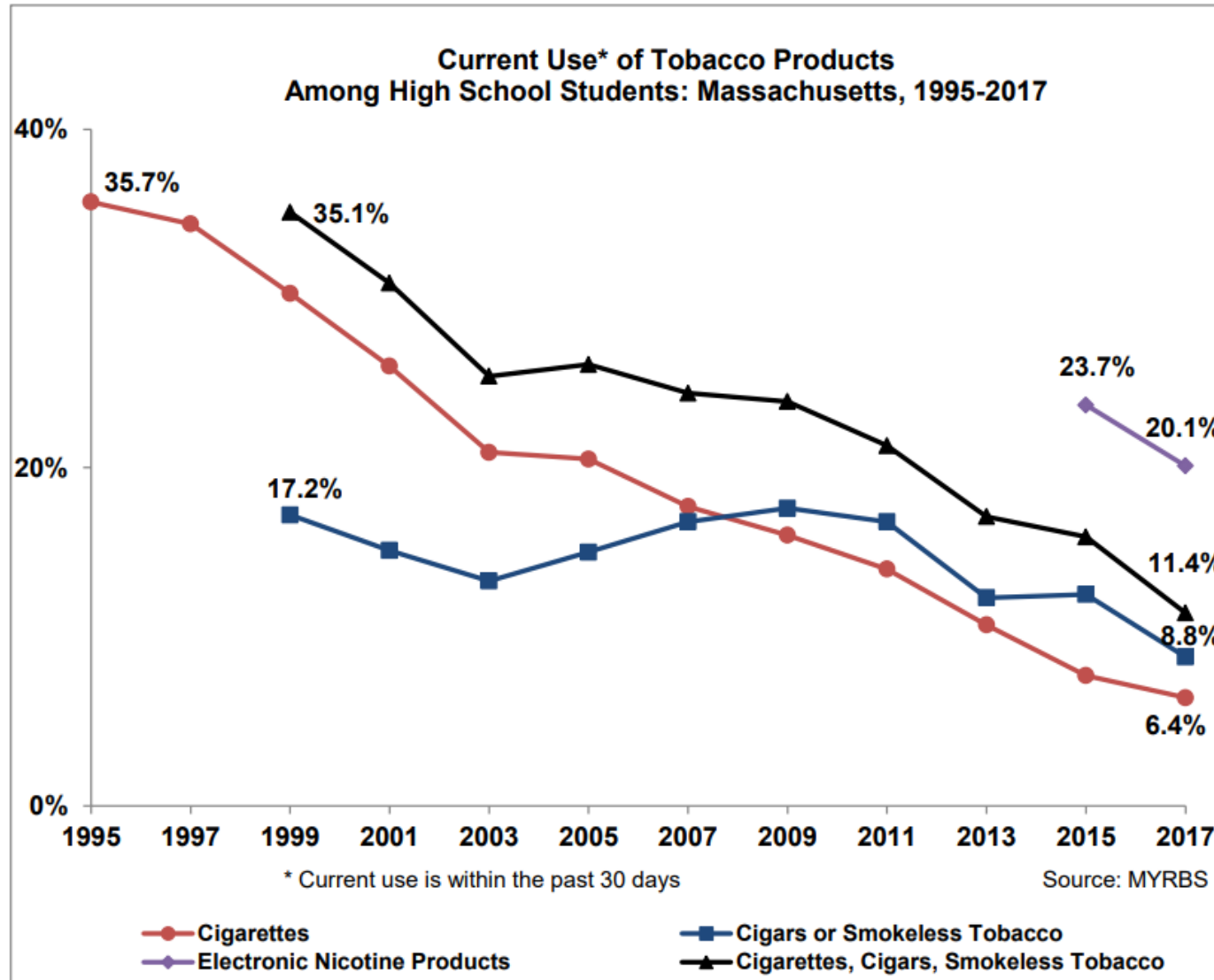
# National Youth Smoking Trend

Figure 1: 30 Day Prevalence of Daily Use of Cigarettes, by Grade, 1976-2018



Source: Johnston, L. D., Miech, R. A., O'Malley, P. M., Bachman, J. G., Schulenberg, J. E., & Patrick, M. E. (2019).

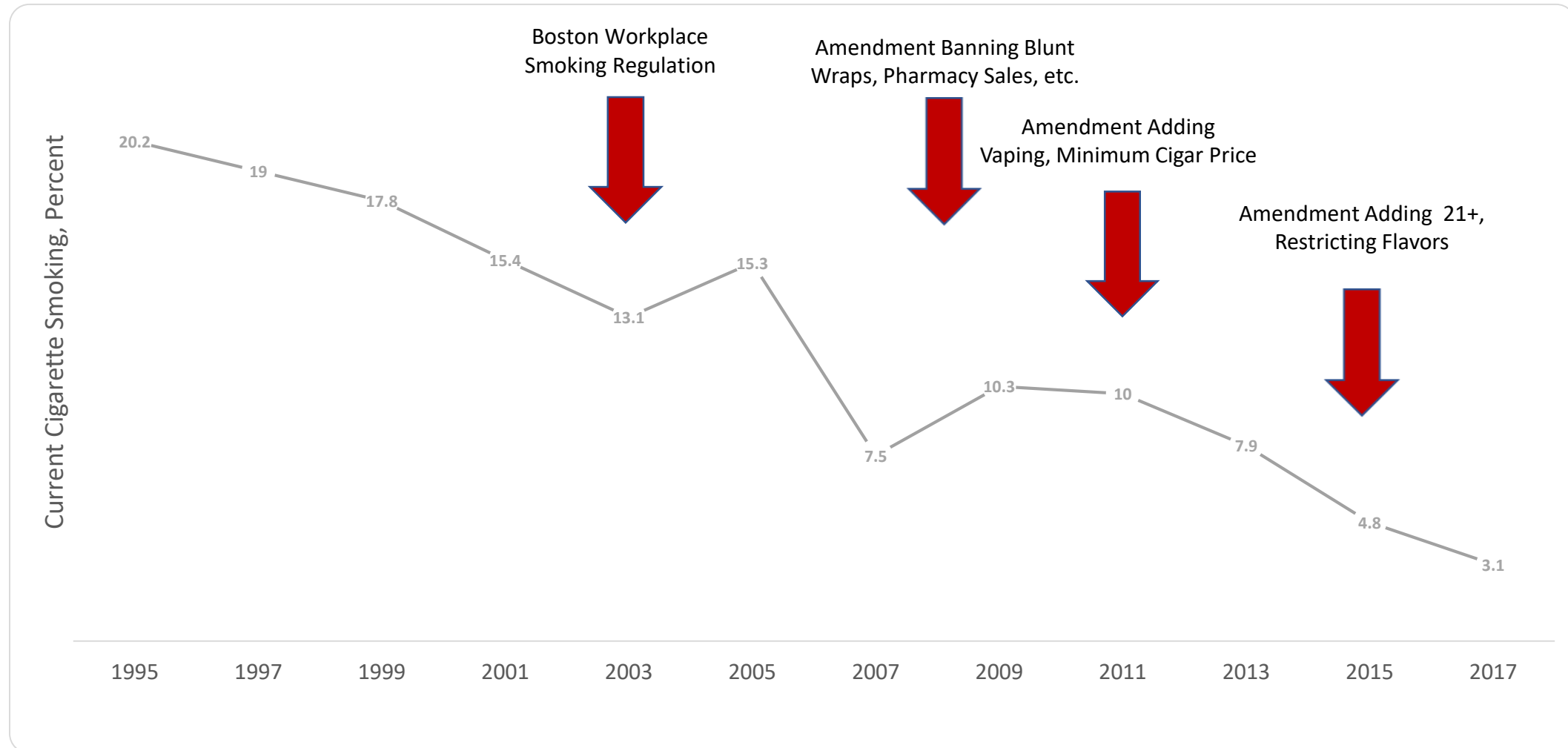
# Massachusetts Youth Tobacco Trend



Source: The Commonwealth of Massachusetts Department of Public Health, Youth Tobacco Use in Massachusetts, Survey Results from 1995 to 2017 March 2019



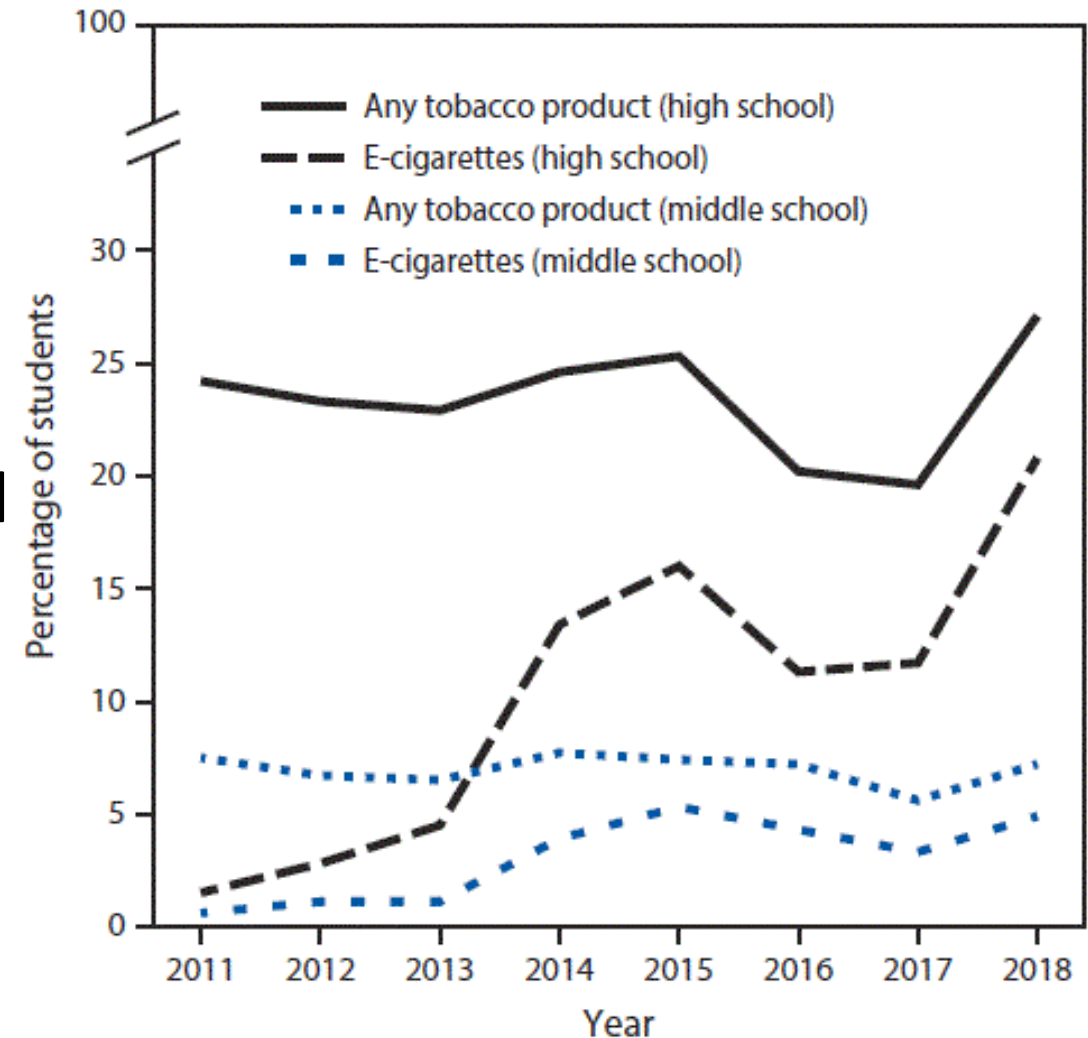
# Boston Youth Tobacco Smoking Trends



Source: BPHC, YRBS, Boston Public Schools High School Students, Smoke cigarettes in last 30 days.

# National Youth Vaping Trend

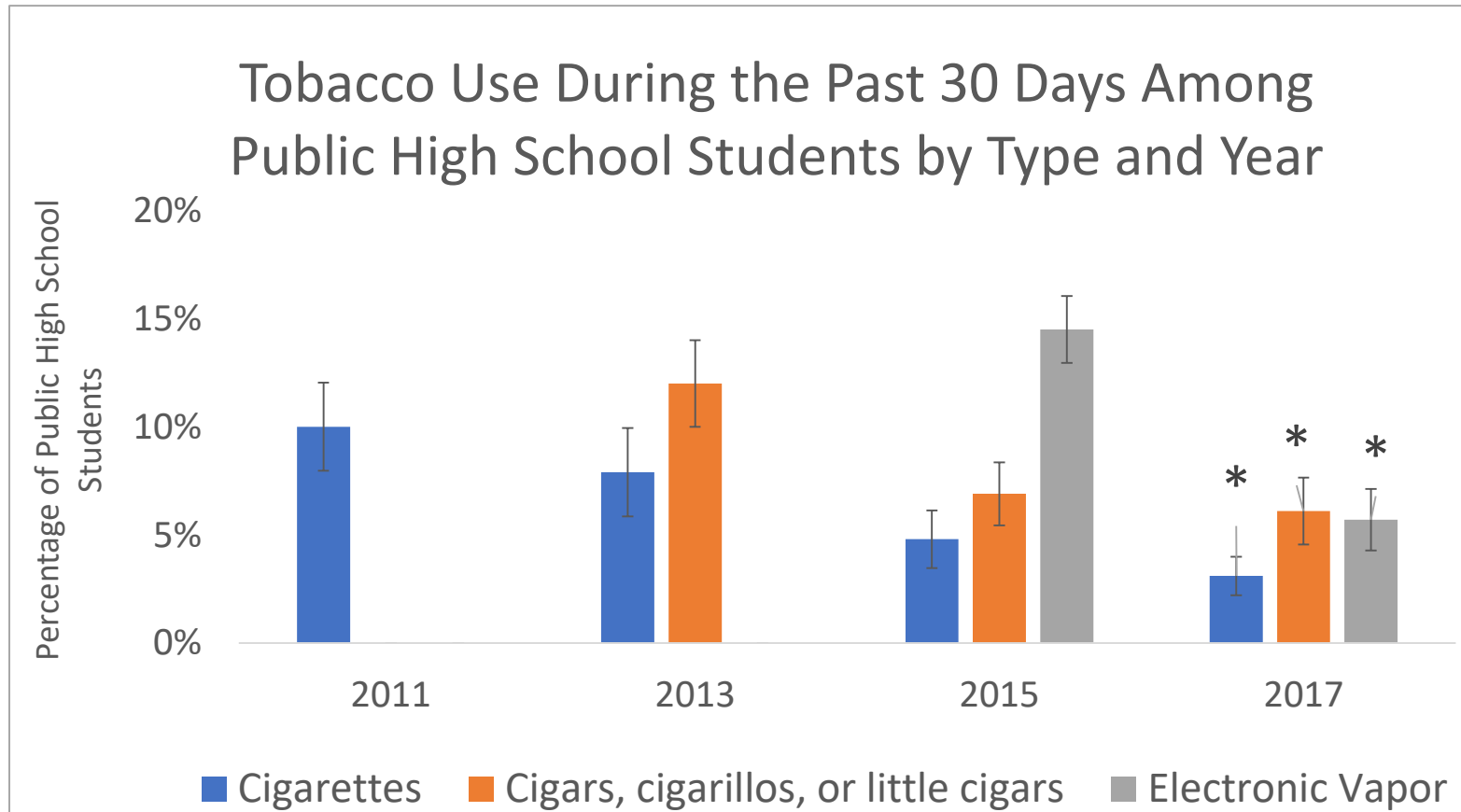
- Among high school students, current e-cigarette use increased from 1.5% in 2011 to 20.8% in 2018
- Reverses a decline observed in recent years and increasing overall tobacco product use



Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. *Notes from the Field: Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students — United States, 2011–2018*. MMWR Morb Mortal Wkly Rep 2018;67:1276–1277. DOI: <http://dx.doi.org/10.15585/mmwr.mm6745a5external icon>.



# Boston Youth Tobacco and Nicotine Trends



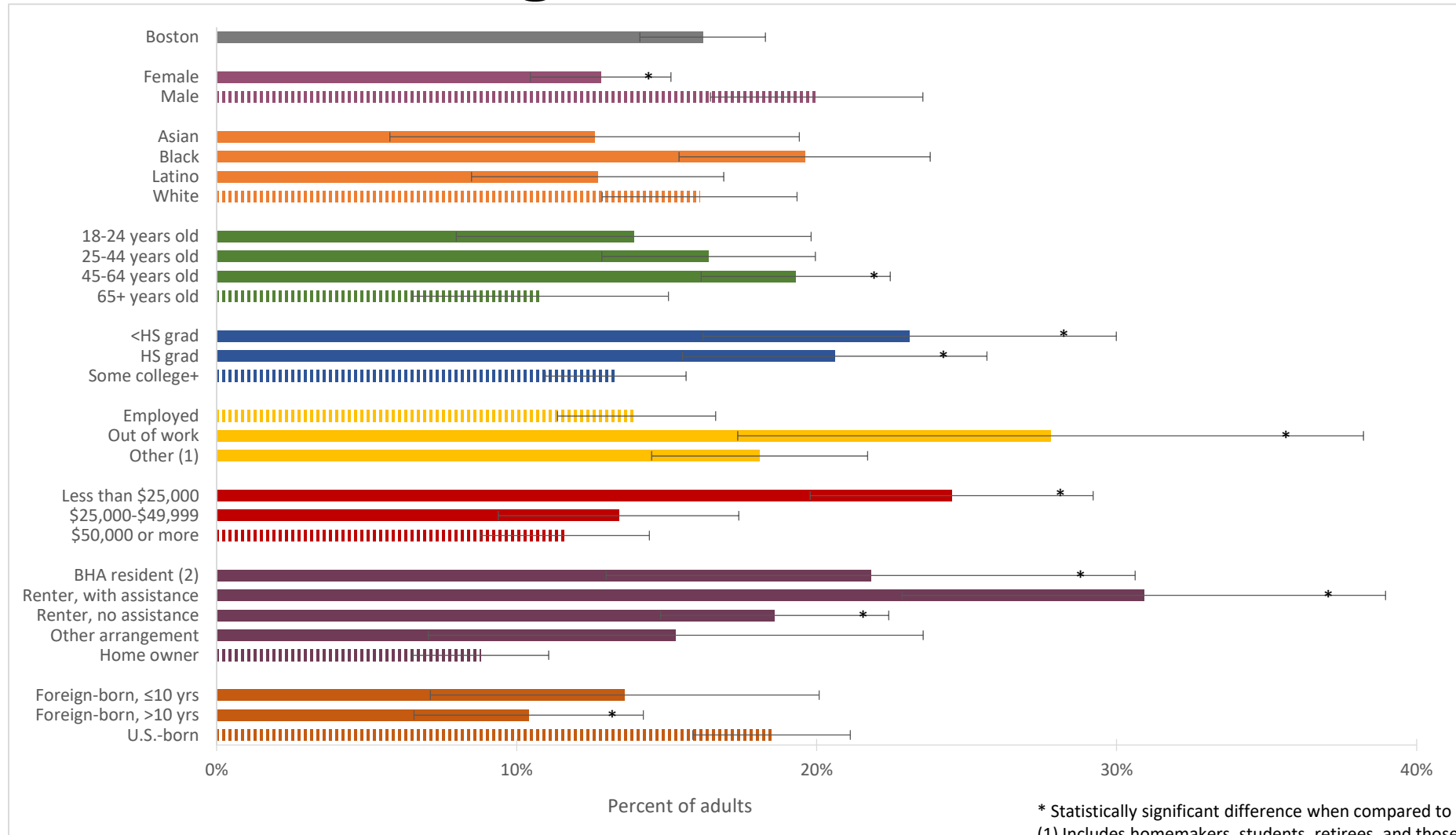
\* Statistically significant change over time

NOTE: Cigar, cigarillos or little cigar smoking in the past 30 days data not available for 2011. Electronic vapor data not available for 2011 and 2013.

DATA SOURCE: Youth Risk Behavior Survey (2011, 2013, 2015, 2017), Centers for Disease Control and Prevention and Boston Public Schools



# Adult Smoking in Boston, Select Indicators



\* Statistically significant difference when compared to reference group

(1) Includes homemakers, students, retirees, and those unable to work

(2) Boston Housing Authority resident

NOTE: Bars with patterns indicate the reference group within each selected indicator.

DATA SOURCE: Boston Behavioral Risk Factor Survey (2015), Boston Public Health Commission



# Smoking Disparities

- Nationally, the tobacco use rate for Black adults remains high at 29.8%.
- Menthol use rate is higher among Black smokers; nationally 9 out of 10 prefer menthol cigarettes.
- Successful quit rates among Blacks lower; in Massachusetts, Black residents have less success in quitting than whites.
- Between 2004 and 2014, nationwide smoking prevalence decreased, but the use of menthol cigarettes increased, suggesting that menthol products may be slowing progress in reducing overall tobacco use.
- Nationally, LGBT adults and youth tobacco use rates are higher than heterosexual and cisgender individuals.



# Imagine Boston 2030 Health Equity Goal

## IMPROVE HEALTH OUTCOMES FOR ALL BOSTONIANS

*Boston Commits to:*

***Reducing disparities in premature mortality (death before age 65) by neighborhood***

### CURRENT METRICS

**~1,000**

*Bostonians die before age 65 each year*

**26%**

*reduction in premature mortality rate since 2000*

**35%**

*reduction in Roxbury premature mortality rate since 2002*

**2x**

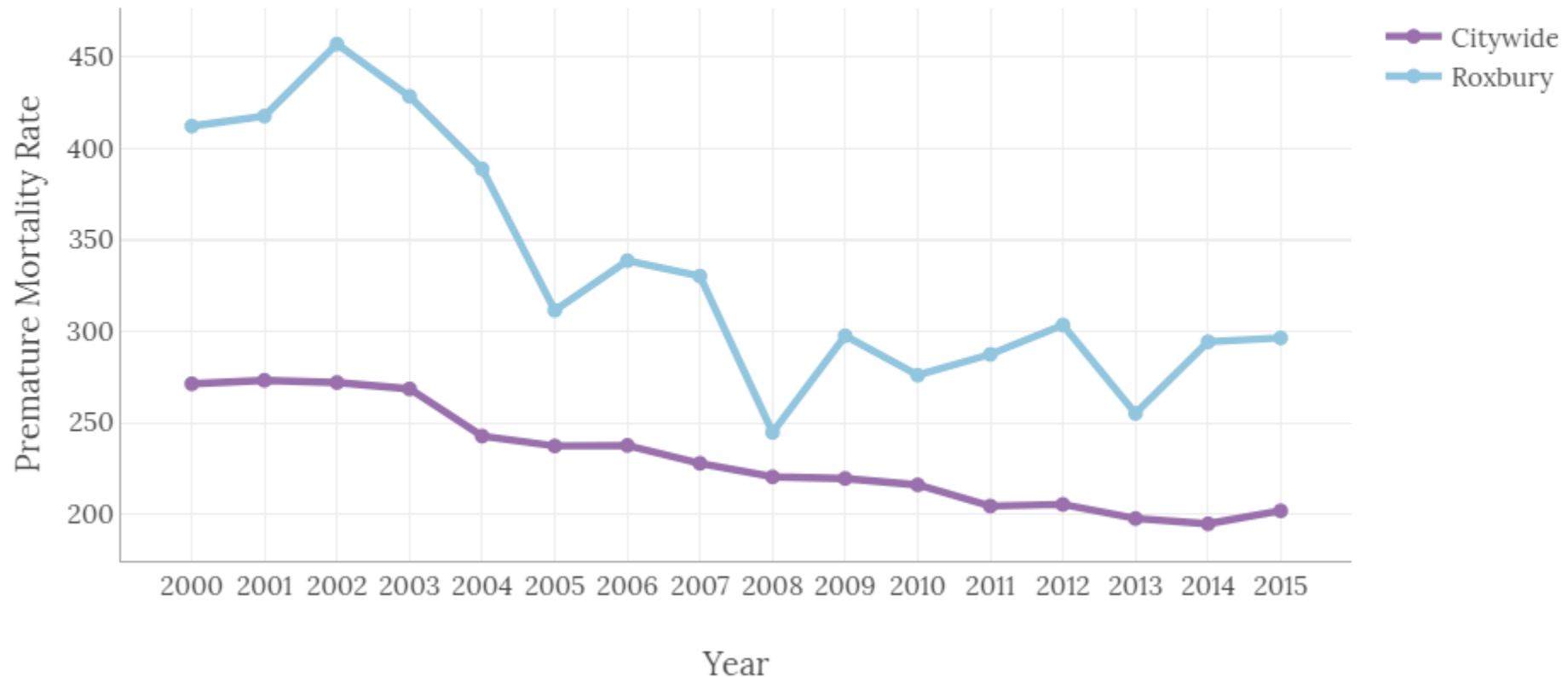
*- male premature mortality rate is higher than female*



# Premature Mortality Disparity Trend

## PREMATURE MORTALITY, 2000–2015

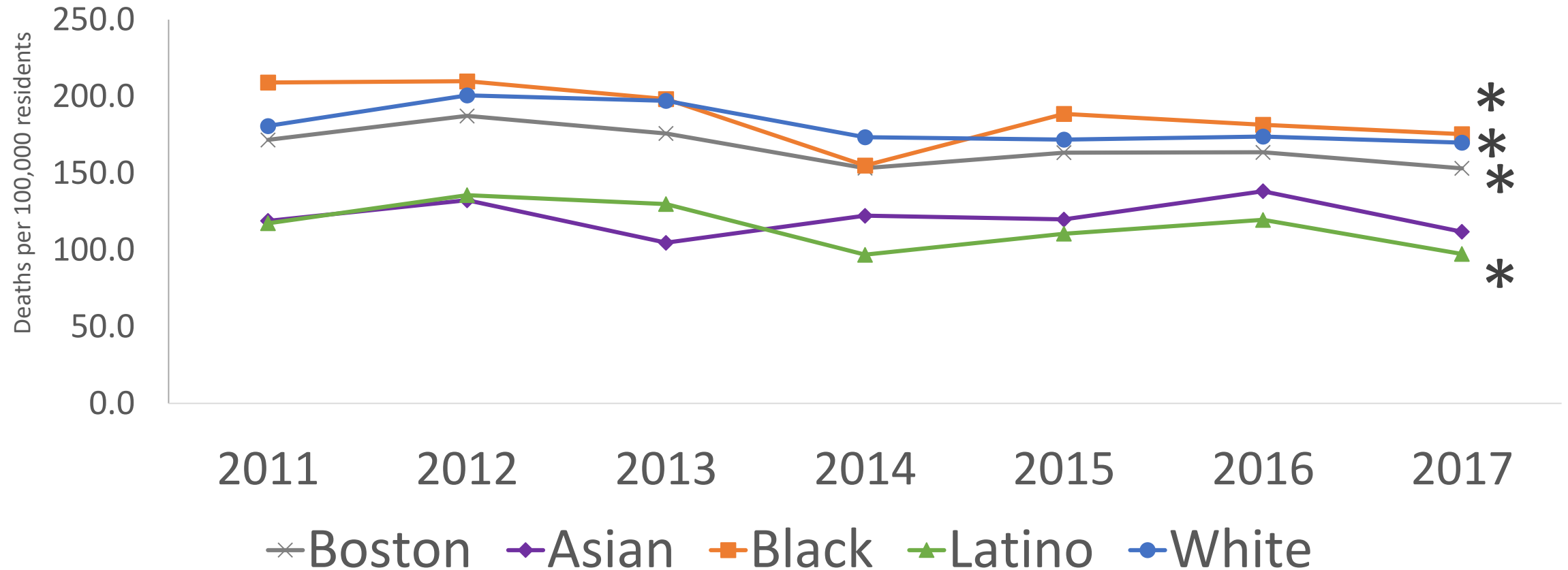
*Premature mortality measures the death rate of residents under age 65 and is age-adjusted to the standard population. Rates are presented per 100,000 residents.*



*Source: Imagine Boston 2030 Plan, Data: Boston Resident Deaths, Massachusetts Department of Public Health; Analysis Boston Public Health Commission Research and Evaluation Office*



# Cancer Mortality† by Race/Ethnicity and Year



\* Statistically significant change over time

† Age-adjusted rates per 10,000 residents

DATA SOURCE: Boston resident deaths, Massachusetts Department of Public Health, Analysis: BPHC Research and Evaluation Office

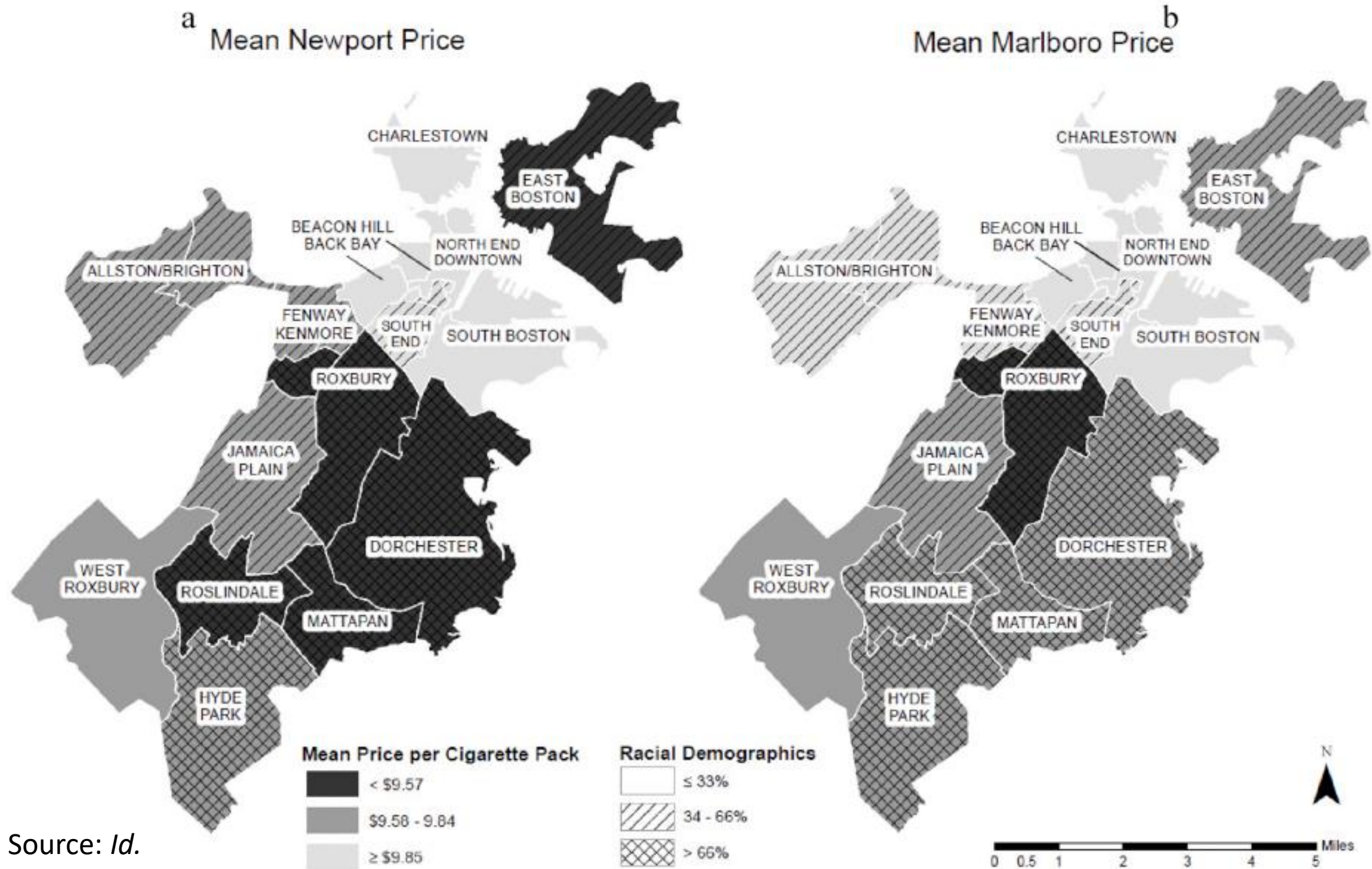


# Targeted Marketing

- Large body of evidence showing disproportionate concentration of menthol advertising in communities of color.
- Local study found that advertisement features that may appeal to youth were more prevalent in Dorchester's 02124 zip code than Brookline.
- Tobacco advertisements in Dorchester were more likely to be larger, promote menthol products, include a price, and feature a lower mean price, compared with Brookline.
- Ads in Dorchester were almost twice as likely to be located within 1,000 feet of a school.
- Menthol advertisements were five times more prevalent in Dorchester.
- Conclusion: "Suggests that tobacco companies, with the implicit cooperation of retailers, may be using advertising features not explicitly banned under the Master Settlement Agreement to promote tobacco use among youth and persons of minority race and low-income background."

# DPH Menthol Availability Study

- Massachusetts Department of Public Health study found that racial make-up of a block group was associated with lower prices of menthol cigarettes
  - While 28% of retailers in all block groups were selling cigarettes 25 cents or more below the established minimum price, compared with 42% of retailers in Roxbury and 4% of retailers in Beacon Hill and Back Bay.
- Racial make-up of a block group was also a significant predictor of the percent of tobacco retailers selling menthol cigarettes 25 cents or more below the established minimum price
  - The average price per pack of Newport was lowest in Roxbury at \$9.34 and highest in Beacon Hill and Back Bay at \$10.23.



Source: *Id.*

Fig. 1. Mean price of mentholated Newport Green cigarettes and non-mentholated Marlboro Red cigarettes in Boston neighborhoods, Fiscal Year 2016<sup>20</sup>

# Youth Exposure to Advertising and E-Cigarette Use

Greater exposure to e-cigarette ads is associated with higher odds of youth e-cigarette use. Most e-cigarettes contain **NICOTINE**, which can cause **ADDICTION**, may harm brain development, and could lead to continued tobacco product use among youth.

*Efforts to reduce youth exposure to tobacco advertising are crucial to prevent all forms of tobacco use among youth.*

SOURCE: Pediatrics, April 2014



## Sources of E-Cigarette Advertising



**14.4 million**

youth are exposed  
at retail stores



**10.5 million**

youth are exposed  
through the internet



**9.6 million**

youth are exposed  
through TV/movies



**8 million**

youth are exposed  
through magazines  
and newspapers

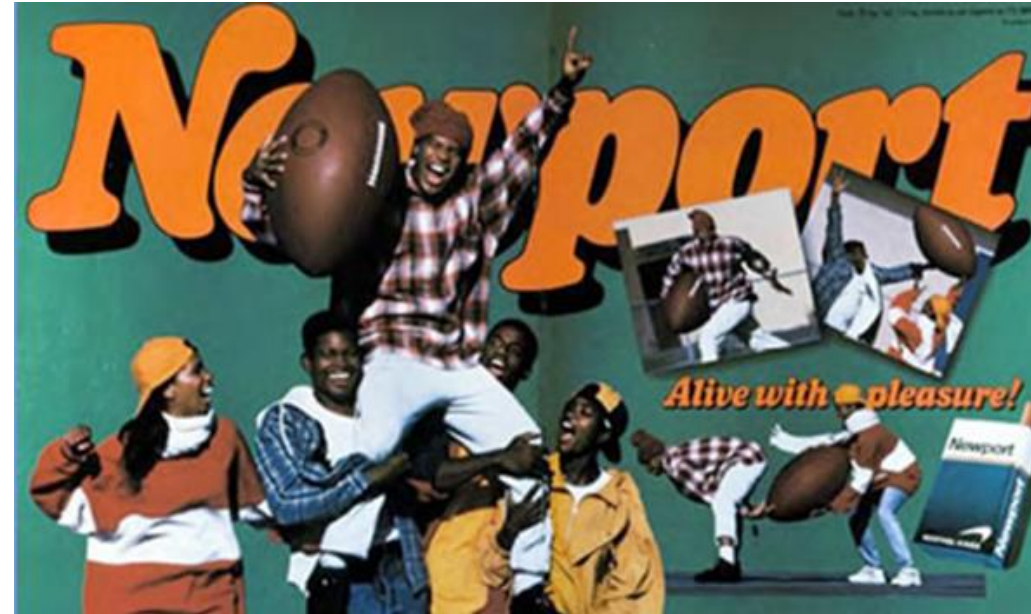
SOURCE: CDC Vital Signs, January 2014

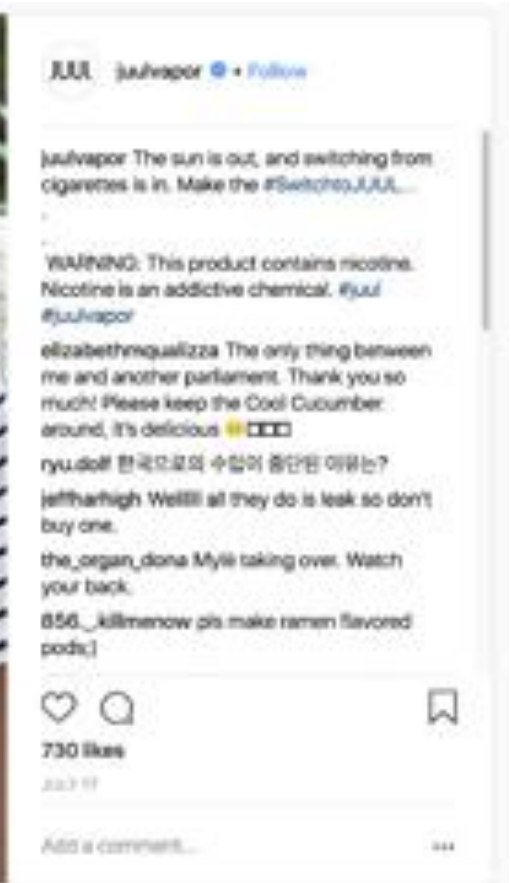
[bit.ly/YouthTobaccoUse](http://bit.ly/YouthTobaccoUse)



# Similarities Between Menthol and Nicotine Industry Strategies

- Targeted marketing.
- Point-of-sale marketing and advertising.
- Giveaways and pricing strategies.
- Marketing implying products are less harmful than conventional cigarettes.
- Increased nicotine content.





# Current Boston Retail Landscape

- 754 all-ages retail locations. Allowed to sell tobacco and nicotine products. Prohibited from selling blunt wraps, cigars under \$2.50, and flavors other than menthol
- 47 adult-only (21+) retailers authorized to sell flavored tobacco and nicotine under 2015 exemption
  - Are required to only sell tobacco and nicotine as well as other incidental products
  - BPHC guidelines require that 90% of revenue must be from tobacco and paraphernalia

# Enforcement Data

- Retailer Compliance Rates (not including adult only retail tobacco stores)
  - 2017: 1,056 compliance checks; 86 sales to minors = 8% violation rate
  - 2018: 1,085 compliance checks; 210 sales to minors = 19%
- Adult-Only Retailer Compliance Rates (this includes sales to minors and allowing under aged youth to be on the premises)
  - 2017: 36 compliance checks; 10 sales or access allowed to minors = 28%
  - 2018: 77 compliance checks; 26 sales or access allowed to minors = 34%
- Violation rate is higher for e-cigarettes than for traditional tobacco products

# Menthol and Vaping Community Forum



## LET'S TALK ABOUT MENTHOL TOBACCO AND VAPING

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Monday, July 15, 5:30 – 7:30 p.m.  
The Great Hall Codman Square  
6 Norfolk St, Boston, MA 02124

# Menthol and Vaping Community Forum



- Engaged the community about persistent disparities in menthol tobacco use and vaping products
- Co-led with Mayor's Office of Health and Human services and Codman Square Neighborhood Council
- Over 150 people attended representing a broad array of community and partner organizations.
- Panel with youth, provider, affected family, and smoker
- Takeaways:
  - E-cigarettes are marketed as safe alternative to smoking regular cigarettes and help people quit, without having been approved to be safe or effective as a quit aid.
  - Juul hooked young people with product giveaways, mirroring the strategies used by big tobacco with menthol decades ago.
  - Advertising and influencer programs on social media helped to fuel the rapid expansion in e-cigarette use.
  - Youth recommended closing the menthol loophole.

# Boston Public Schools Vaping Efforts

- Update and revise current District Wellness Policy regarding Tobacco Free Environment Policy with detailed information on e-cigarettes and vaping risks for young people.
- Launch a district-wide public awareness prevention campaign to reach students at all grades on the risks associated with smoking and specifically vaping and e-cigarettes.
- Offer professional development trainings and workshops on vaping and e-cigarettes to teachers, staff and other school personnel to educate the system on the details of these products, their impact and health risks for young people.
- Expand efforts to ensure comprehensive health education curriculum, that is inclusive of substance use prevention strategies, is taught in all schools according to our District Wellness Policy. We know that health literacy is critical to the health and well-being of all BPS students.
- Provide referrals to existing cessation programs.

# Board of Health Regulatory Proposal

- Remove exemption for mint and menthol flavored tobacco and nicotine sales restriction
  - Would treat menthol the same as other flavors, allowing for menthol to be sold in verified adult-only tobacco retailers
- Increase accountability and youth access restrictions for 21+ adult-only shops
  - Strengthen front door retailer ID checking requirements
  - Restrict the sale of products that attract young people



# Proposed Amendment

*Characterizing Flavor* means a distinguishable taste or aroma, other than the taste or aroma of tobacco, ~~menthol, mint or wintergreen~~, imparted either prior to or during consumption of a tobacco product or nicotine delivery product or component part thereof, including but not limited to, tastes or aromas relating to mint, menthol, wintergreen, or any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco or nicotine delivery product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma or because of the provision of ingredient information. *Youth Access Regulation*, Section II(4)

# Discussion

# Regulatory Process

- ☐ Board is authorized to adopt and amend reasonable health regulations under Enabling Act (G.L. c. 111, App. s. 2-7) and state law governing boards of health (G.L. c. 111, s. 31)
- ☐ Before a vote to approve amendments:
  - ☐ Advertise notice in newspaper
  - ☐ Public hearing and public comment opportunity
    - ☐ Additional outreach to engage stakeholders and community
  - ☐ Additional presentation to the Board summarizing public comment and any further amendments
- ☐ Board vote
- ☐ Implementation