



STATE AND LOCAL POLICIES

TO REDUCE FLAVORED TOBACCO USE:

Reversing the Tobacco Tipping Point
Among Hispanic Youth

EXECUTIVE SUMMARY

Issue

Brain mapping studies have shown that adding menthol to tobacco products increases the number of nicotinic receptors in the brain.

6.6%

of Hispanic middle school students reporting current use of e-cigarettes

Opportunity

State and local policies limiting environmental exposure and flavored tobacco access can combat health inequity drivers, particularly impacting Hispanic youth, offering crucial protections from tobacco-related harms, adopted at varying jurisdictional levels based on regulatory authority.

Policy Intervention At The State And Community Level



Non-Punitive Smoke-Free School Policies

A smoke-free school policy engages the school community to address vaping harms, connect tobacco users with cessation services.



Buffer Zones Prohibiting Flavored Product Sales Near Youth-Sensitive Areas

Youth frequent areas with tobacco promotion; research links proximity of tobacco retailers to schools with increased youth smoking.



Point-of-Sale Licensing and Restrictions

Local governments can consider a key strategy: prohibiting flavored tobacco sales via licensing ordinances, linking retailers' sales privileges to specific compliance criteria.



Ban the Sale of Flavored Products

A comprehensive flavor policy bans all flavored tobacco products without exceptions, as seen in ordinances in San Francisco, California, Portland, Maine, and Multnomah County, Oregon.

INTRODUCTION

Hispanic middle schoolers show higher e-cigarette and tobacco use rates since the rise of e-cigarettes. This trend, labeled a "tobacco tipping point," demands focused policy solutions. Key actions targeting demand reduction and underage access are crucial, addressing health equity and legal considerations. Menthol and flavored products contribute significantly to nicotine addiction among Hispanic youth, with flavored e-cigarettes being highly preferred. Without intervention, these trends may shift historic low smoking rates among Hispanic adults.



\$1 million

per hour is roughly spent by the tobacco industry on retailer advertising and discounts.



have adopted policies to restrict the sale of flavored tobacco products.

Overview of Key Policies

KEY POLICY 1

Non-Punitive Smoke-Free School Policies

Schools are pivotal in combating tobacco use among Hispanic youth. A smoke-free school policy can engage stakeholders and provide cessation support. This approach is especially crucial for areas limited in enacting flavored tobacco policies. The Public Health Law Center's model policy advocates for non-exclusionary enforcement, aiming to reduce disparities in discipline.





KEY POLICY 2

Buffer Zones Prohibiting Flavored Product Sales Near Youth-Sensitive Areas

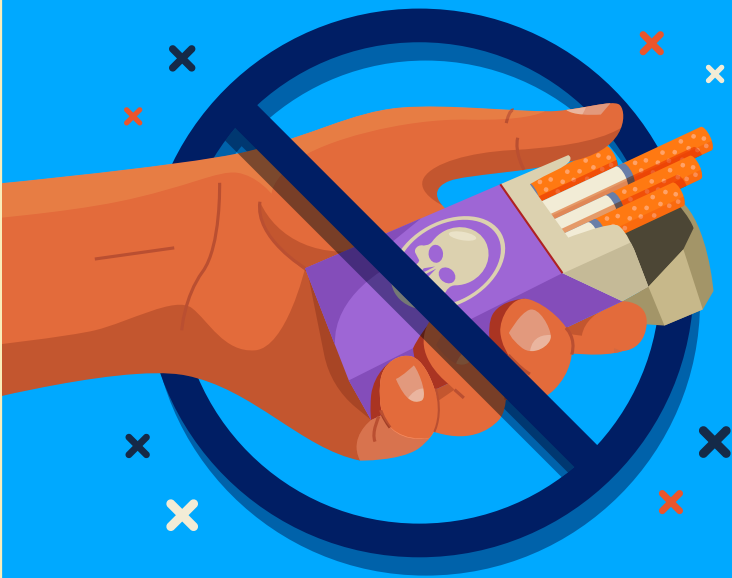
Research shows a strong link between youth smoking and the density of tobacco retailers near schools. Buffer zone policies, restricting flavored tobacco sales near places frequented by youth, such as schools and parks, offer a flexible solution adaptable to state and local land use regulations where licensing limitations aren't viable.

5 times

more tobacco retailers per sq. mile in the lowest-income neighborhoods.

70%

of all residents in cities studied live within a ten minute walk of a tobacco retailer.



KEY POLICY 3

Point of Sale Licensing and Restrictions



Local governments can effectively curb youth tobacco use by implementing flavored tobacco sales bans through retailer licensing ordinances. These regulations ensure retailers comply with specific requirements, offering a comprehensive approach to monitoring and enforcing tobacco policies. Licensing programs cover administration costs and encompass both physical retailers and local delivery services to monitor retailer density and age restrictions effectively.





KEY POLICY 4

Ban the Sale of Flavored Products

A comprehensive flavor policy bans all flavored tobacco products without exceptions, as seen in ordinances in San Francisco, California, Portland, Maine, and Multnomah County, Oregon.

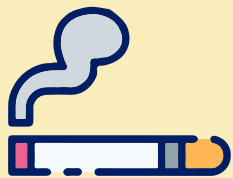
28.8%

of middle and high school students using e-cigarettes in 2021 had someone else purchase the products for them.

Comprehensive flavor policies are crucial for effectively limiting youth access to flavored tobacco products. Exempting age-restricted retailers won't achieve this goal. Policymakers should define "flavored tobacco product" carefully to prevent tobacco companies from circumventing the law through marketing adjustments. The Public Health Law Center recommends a model definition based on taste or smell discernible by an ordinary consumer, aiding enforcement feasibility and implementation cost-effectiveness.



Evidence Base and Health Benefits of Key Policies



3.1% → 1.6%

drop of cigarette smoking among high school students after a 2019 San Francisco comprehensive menthol ban



10.9% → 8.2%

drop of e-cigarette use following the ban

CONCLUSION



State and local policies restricting flavored tobacco access can help Hispanic youth combat tobacco use. These policies are not federally preempted and can be tailored at the local level. Strategies include ending flavored tobacco sales and implementing tobacco-free school policies through various legal avenues. Early community engagement is crucial for effective policy design and implementation. Prohibiting all flavored tobacco products is urgent for public health, given the industry's targeting of vulnerable populations. Banning flavors will reduce smoking initiation and improve overall community health, necessitating immediate action by policymakers.

RESOURCES FOR FURTHER ACTION AND LEARNING

General Resources

- ▶ Flavored Tobacco Products
- ▶ Addressing Tobacco-Related Health Inequities
- ▶ Point-of-Sale Playbook
- ▶ Point-of-Sale Tobacco Pricing Policies
- ▶ FDA Menthol Timeline
- ▶ E-cigarette use among Hispanics: Reducing risk or recruiting new tobacco users?

Hispanic Community Cessation

- ▶ Decídetexto Cessation Interactive Mobile Support
- ▶ Workplace Cessation Support for Hispanic Construction Workers

Model Policy Language

Policy #1: — Ban the Sale of Flavored Products

- ▶ California Comprehensive Tobacco Retailer Licensing: Model ordinance, checklist & supplemental plug-ins.
- ▶ Flavored Tobacco Sales Prohibitions, Enforcement Options

Policy #2: — Buffer Zones Prohibiting Flavored Product Sales Near Youth-Sensitive Areas

- ▶ California Comprehensive Tobacco Retailer Licensing: Model ordinance, checklist & supplemental plug-ins

Policy #3 — Non-Punitive Smoke-Free School Policies

- ▶ Commercial Tobacco-Free K-12 School Model Policy

Policy #4 — Point-of-Sale Licensing and Restrictions

- ▶ Point-of-Sale Playbook