

ILLEGAL TOBACCO TASK FORCE

Public Meeting #57 Minutes

Meeting Date: Thursday, January 11, 2024

Meeting Time: 1:00 pm

Meeting Location: Via Zoom conferencing, dial (646) 558-8656, Meeting ID# 856 1541 9237, Passcode 840700

Board Attendance: Lieutenant Colonel Brian Connors (MSP), Jackie Doane (DPH), John Melander (EOPSS), Nicole Nixon (AGO), and Dan O'Neil (TRE).

Public Attendance: 23 attendees

Call to Order:

- Lieutenant Colonel Brian Connors called the meeting to order at 1:03 PM. Lt. Col. Connors informed all participants that this meeting will not be recorded by Zoom and that Cole Doherty-Crestin will take notes to complete the minutes, which will be posted to the website.

Opening Remarks:

- Lt. Col. Connors thanked everyone for attending. Lt. Col. Connors indicated the purpose of today's meeting is to review an updated presentation by the Department of Public Health (DPH) on Monitoring the Impacts of MA Flavored Tobacco Law and to discuss the process for the Annual Report.

Approval of Minutes from Meeting #56 on July 18, 2023:

- Cole Doherty-Crestin emailed a copy of the minutes for Meeting #56 to Task Force members prior to this meeting. Lt. Col. Connors asked members if there were any recommended edits to be made and hearing none, he asked for a motion to approve. Dan O'Neil approved the motion. Lt. Col. Connors stated that with no objection, the minutes were approved and will be posted to Task Force website.

Updated Presentation: Monitoring the Impacts of Massachusetts Statewide Flavored Tobacco Law by DPH/MA

- Lt. Col. Connors introduced Jackie Doane (DPH) and Melody Kingsley (DPH). Jackie and Melody provided a presentation on Monitoring the Impacts of Massachusetts Statewide Flavored Tobacco Law. The presentation is provided at the end of this document.

Preliminary Discussion RE Annual Report - Due March 1, 2024

- Lt. Col. Connors stated that the annual ITTF report is due March 1, 2024. Lt. Col. Connors mentioned that John Hayes (DOR) is in the process of drafting the report. Lt. Col. Connors reminded members that the purpose of the next few meetings will be to review the report and to provide any feedback or suggested edits. DOR will distribute a draft report to members prior to the next meeting. Lt. Col. Connors asked members if they had any questions, and hearing none he moved to the next agenda item.

Member Agency Updates & Other Business

- Lt. Col. Connors mentioned John Hayes (DOR) will provide another brief update on DOR's ENDS disposal process at the next ITTF meeting. Lt. Col. Connors highlighted that during

meeting #56 in July 2023, Mr. Hayes reported that DOR recently completed its first ENDS disposal and that the process went smoothly.

- No other updates were reported by members.

Closing Remarks

- Lt. Col. Connors reminded members that the next meeting will be scheduled in upcoming weeks. Lt. Col. Connors kindly thanked participants for their attendance and asked whether there was a motion to end the meeting. Dan O'Neil approved the motion. Lt. Col. Connors concluded the meeting at 1:26 PM.



Massachusetts Department of Public Health

Updated Presentation: Monitoring the Impacts of MA Flavored Tobacco Law

January 11, 2024

Jackie Doane

Acting Director, MA Tobacco Cessation and Prevention Program

Melody Kingsley

Integrated Chronic Disease Epidemiologist, Office of Statistics and Evaluation

Presentation Outline

- Overview/Recap
- Sales Data Update
- Latest Research Listings
- Prevalence Data

Overview/Recap

- Smoking is the #1 cause of preventable death and disease ([CDC](#))
- \$4.08 billion – Tobacco-related health care costs to Commonwealth annually ([Truth](#))

Youth Use

- Short- and long-term reductions in youth flavored tobacco use seen in MA communities with flavor policies

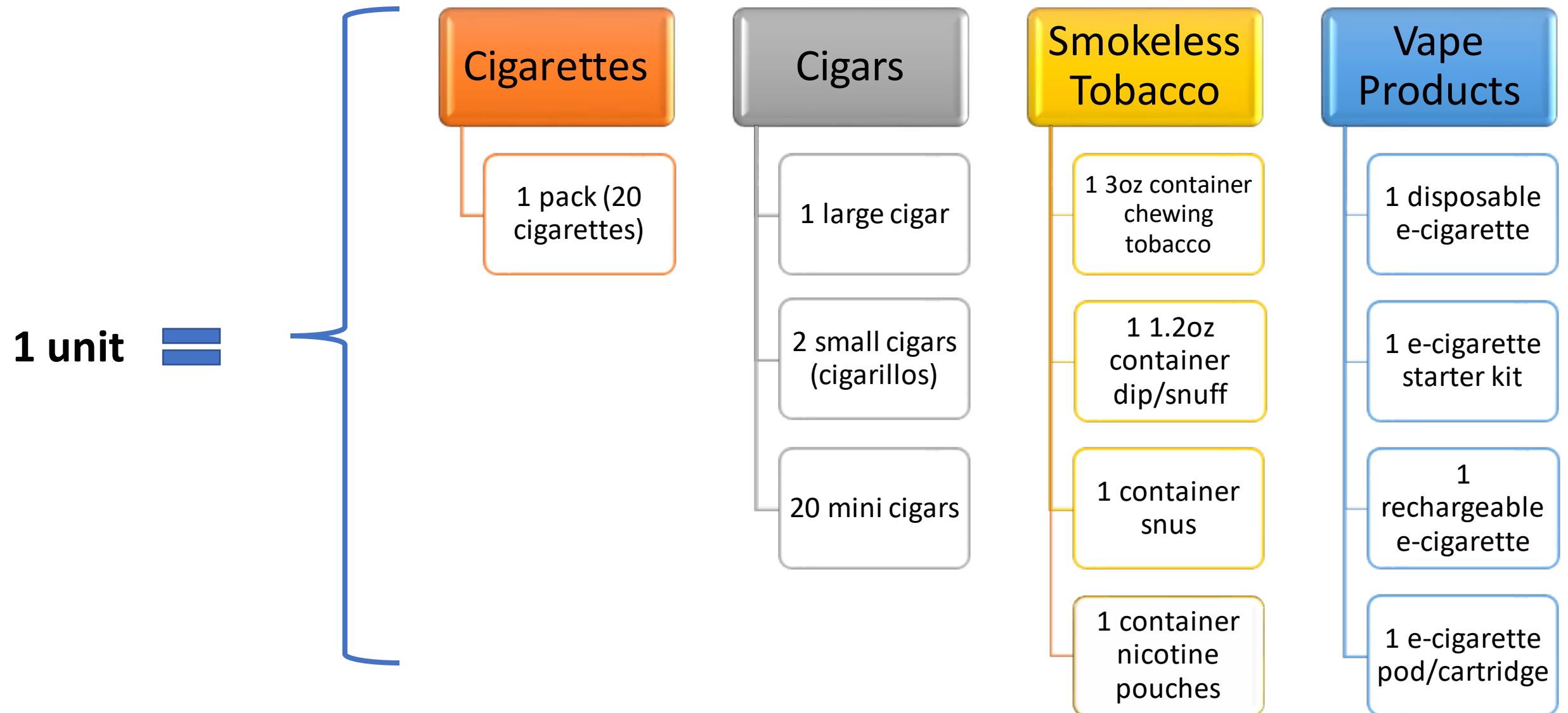
Quitting Patterns, MA Panel Survey (2021)

- About 1 in 3 residents who recently used flavor or menthol products (within the past year) thought the law has made it easier or would make it easier to quit
- 46% of Black residents that recently used flavors or menthol products said they made a quit attempt
 - Data disaggregated by race to assess impact on health equity; Black communities have been disproportionately targeted by tobacco industry

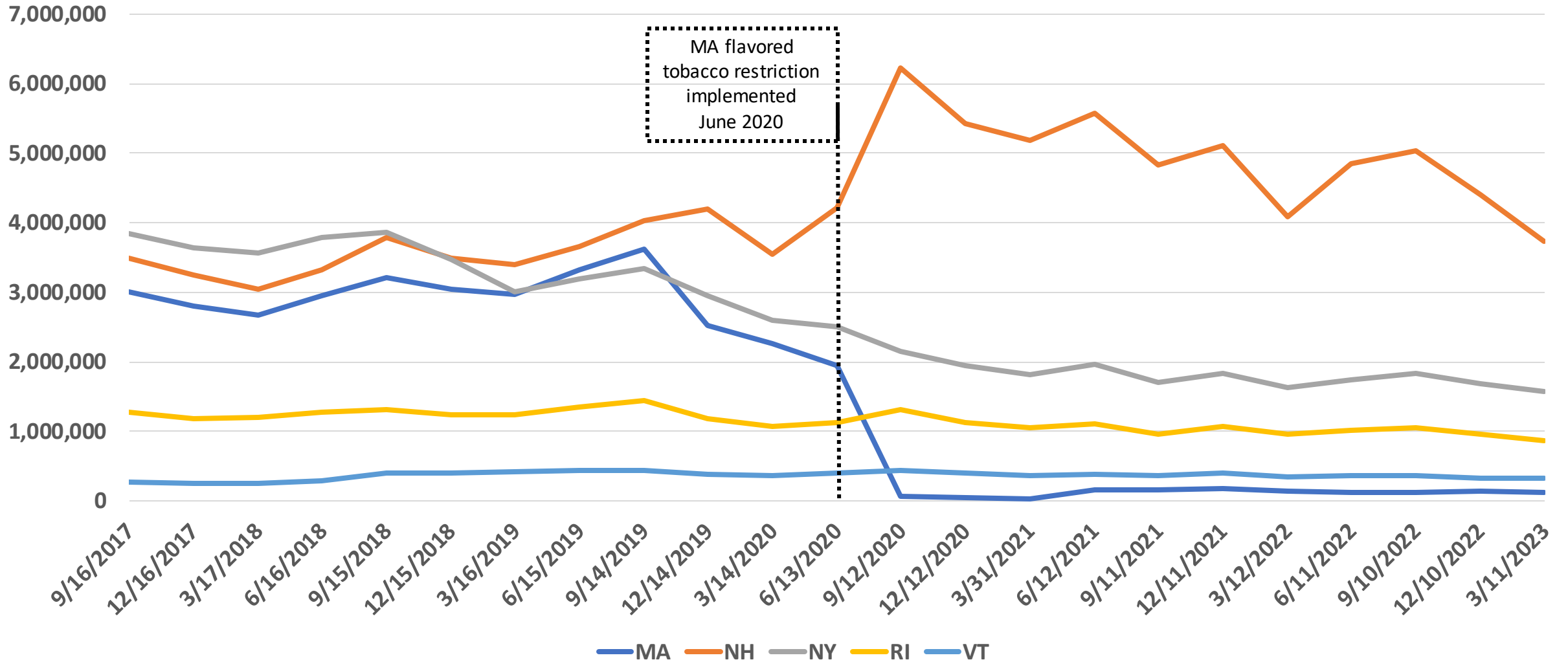
[Mass.gov site with MTCP publications and additional data](#)

Sales Data

Tobacco Retail Sales Data Analysis: Standardization

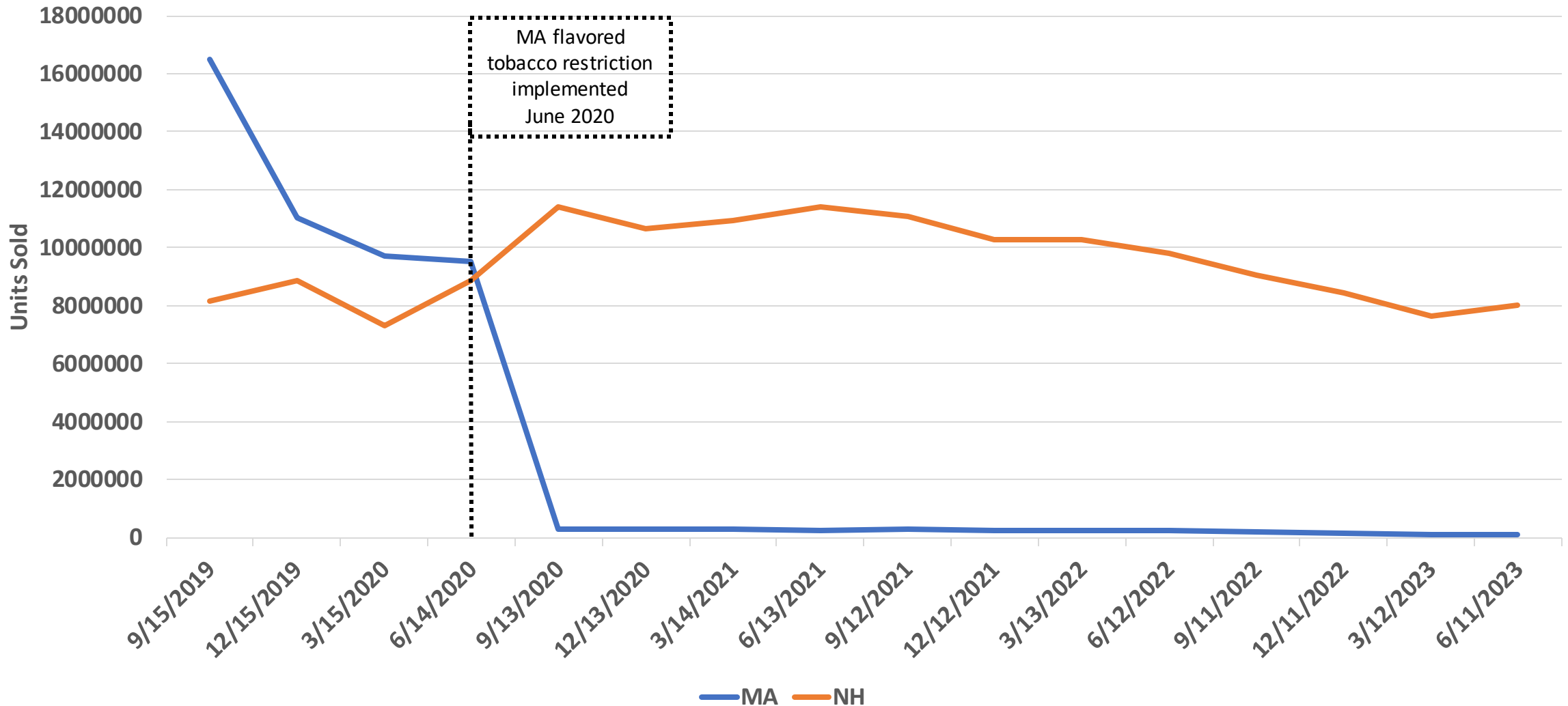


Nielsen IQ: Menthol Tobacco Sales

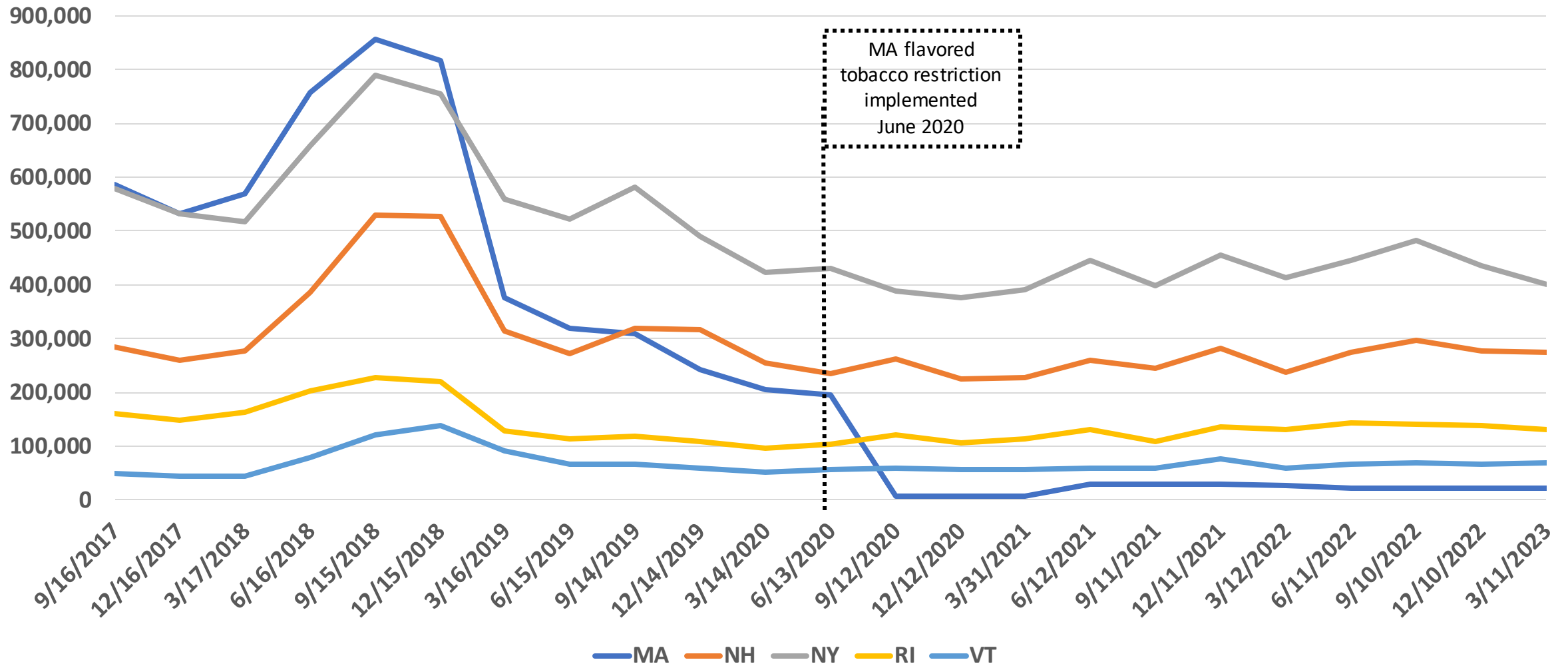


Circana*: Menthol Tobacco Sales

*formerly IRI

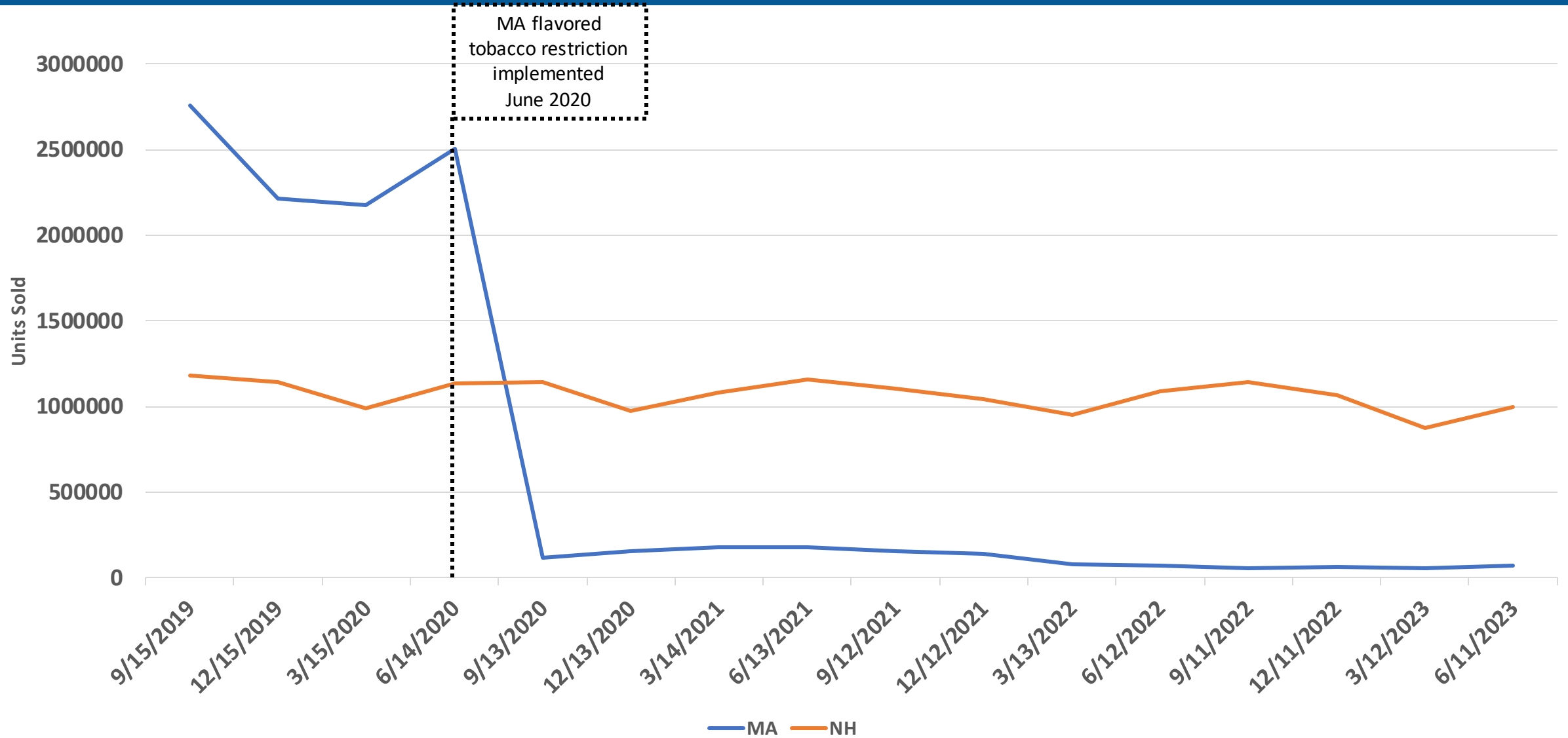


Nielsen IQ: Flavored Tobacco Sales



Circana*: Flavored Tobacco Sales

*formerly IRI



Latest Research

Reports – Economic Analysis & Cross-Border Sales

The Impact of Tobacco Flavor Bans on Cross-Border Sales.

Tauras, J.A. & Chaloupka, F.J. (2023). The Impact of Tobacco Flavor Bans on Cross-Border Sales. Tobacconomics. <https://www.tobacconomics.org/research/the-impact-of-tobacco-flavor-bans-on-cross-border-sales/>

Major findings:

- A review of five studies on the impact of the Massachusetts' flavored tobacco restriction law on cross-border sales found that all peer-reviewed studies presented evidence that the law did not lead to statistically significant increases in cross-border sales. The one exception was an unpublished, tobacco industry-sponsored brief report.

The Economic Effects of Cigarette Sales and Flavor Bans on Tobacco Retail Businesses

Tauras, J.A. & Chaloupka, F.J. (2023). The Economic Effects of Cigarette Sales and Flavor Bans on Tobacco Retail Businesses. Tobacconomics. <https://www.tobacconomics.org/research/the-economic-effects-of-cigarette-sales-and-flavor-bans-on-tobacco-retail-businesses/>

Major findings:

- An analysis of data from 2018 to 2021 found that following implementation of flavored tobacco restrictions in Massachusetts, New York, and Vermont, no meaningful reductions were seen in the number of convenience stores, tobacco stores or convenience store employees, nor were reductions seen in convenience store wages

Tobacco Retail Sales in Massachusetts and New Hampshire Before and After Massachusetts' Flavored Tobacco Restriction (JPHMP, in press)

Major findings:

- One concern post-law implementation was that Massachusetts residents would travel to New Hampshire to purchase restricted products. Retail sales data from The Nielsen Company (Nielsen) and Circana (formerly IRI) indicate that in Massachusetts, two-years post-law, flavored and menthol sales decreased by over 90%. Total sales decreased by around 20%. In New Hampshire, menthol sales increased (25.1% in Circana and 18.2% in Nielsen), but total sales changed minimally (<5% increase in Circana, <5% decrease in Nielsen). When data from both states were combined, total sales decreased by around 10%.
- The net decrease in total tobacco sales across Massachusetts and New Hampshire, indicates Massachusetts's flavored tobacco restriction resulted in a reduction in tobacco sales, despite potential cross-border purchases.

Impact of Massachusetts' Statewide Sales Restriction on Tobacco Sales in Massachusetts and Surrounding States, June 2020 (AJPH, 2022)

<https://ajph.aphapublications.org/doi/10.2105/AJPH.2022.306879>

Major findings:

- Nielsen sales data from 3 years pre-law implementation (June 2017-June 2020) 1 year post-law implementation (June 2020-June 2021) indicate high retailer compliance in Massachusetts, with drastic decreases seen in sales of both menthol and other flavored tobacco.
- Most neighboring states assessed (Vermont, Rhode Island, New York) did not see increases in overall tobacco sales, although New Hampshire saw an initial increase in menthol sales in the 3 months following implementation, which was not sustained. Furthermore, when comparing changes in menthol sales in NH and MA in the year following implementation, a net decrease in menthol sales was seen.

Publications: External Studies – for reference

American Cancer Society: Association of Cigarette Sales With Comprehensive Menthol Flavor Ban in Massachusetts.

<https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2787781>

- **Major findings:** Nielsen sales data from 3.5 years pre-law implementation (January 2017-May 2020) to 1 year post-law implementation (June 2020-July 2021) indicate significantly greater decreases in overall cigarette sales and menthol cigarette sales per 1000 people in Massachusetts compared to 27 other states without state or local flavor bans

American Cancer Society: Spatial Analysis of Changes in Cigarette Sales in Massachusetts and Bordering States Following the Massachusetts Menthol Flavor Ban. <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2796282>

- **Major findings:** Sales data from the US Department of Treasury from 3.5 years pre-law implementation (January 2017-May 2020) to 1 year post-law implementation (June 2020-July 2021) indicate that monthly cigarette sales per 1000 people decreased in Massachusetts by 350.02 packs and increased by 9.51 packs in bordering states for a net decrease of 340.51 packs per 1000 people

CDC Foundation: Impact of Massachusetts law prohibiting flavored tobacco products sales on crossborder cigarette sales.

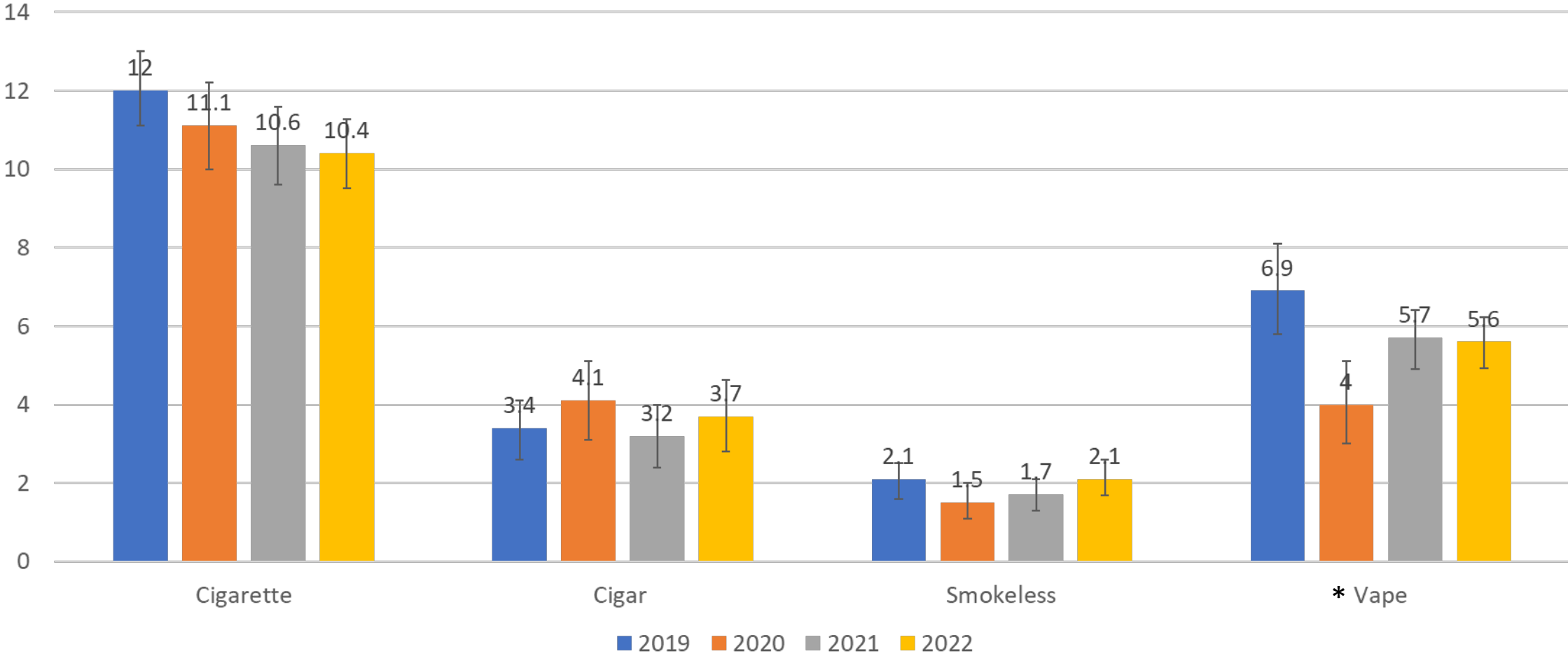
<https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0274022#:~:text=disparities%20%5B17%5D.->

[,Laws%20prohibiting%20the%20sale%20of%20flavored%20tobacco%20products%2C%20including%20menthol,where%20menthol%20cigarettes%20are%20sold](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0274022#:~:text=disparities%20%5B17%5D.-,Laws%20prohibiting%20the%20sale%20of%20flavored%20tobacco%20products%2C%20including%20menthol,where%20menthol%20cigarettes%20are%20sold)

- **Major Findings:** IRI sales data from 6 months before (January 2020-May 2020) and after (June 2020-December 2020) law implementation indicate that there were no statistically significant changes in menthol cigarette sale in bordering states (New Hampshire, Connecticut, Vermont, Rhode Island) compared to 28 non-bordering states after the law was implemented. These findings did not change after adjusting for product prices, tobacco control policies, COVID, sociodemographic factors, and fixed effects

Prevalence Data

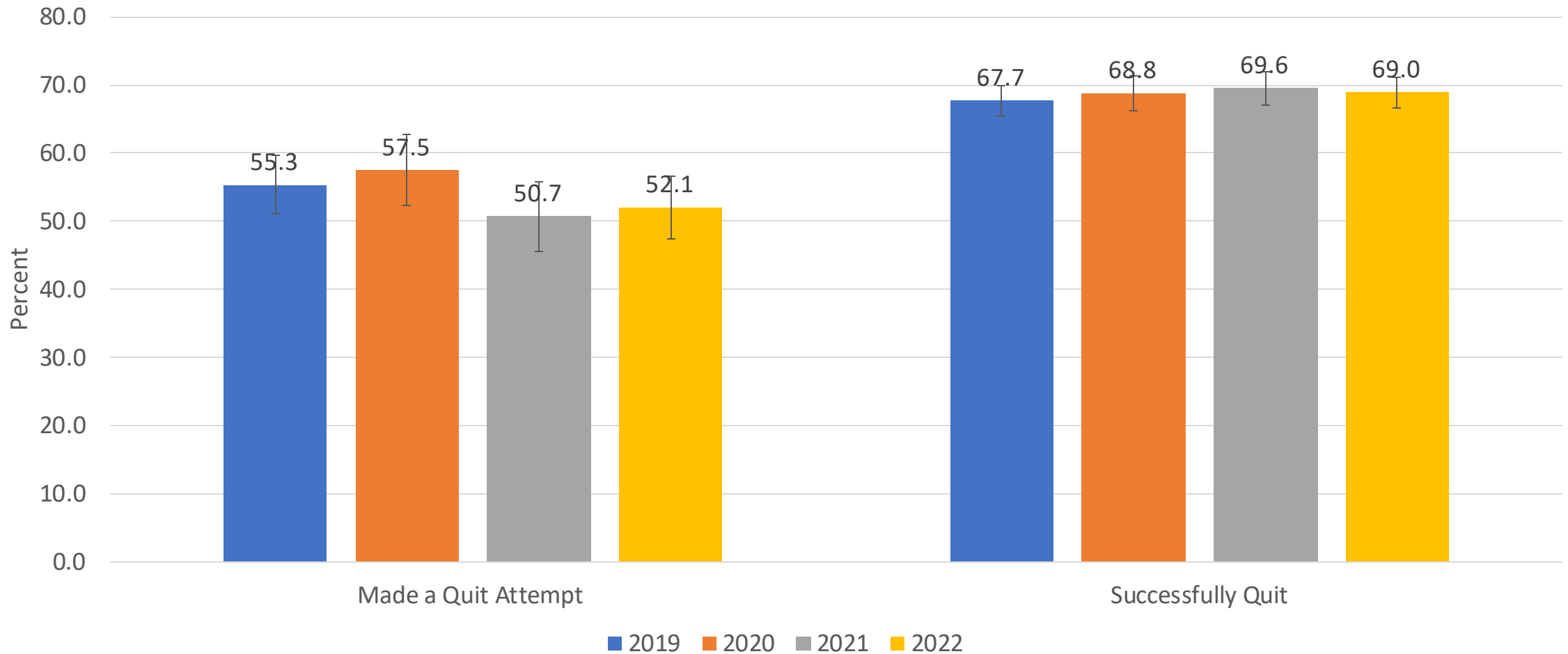
Massachusetts Current Adult Tobacco Use, 2019-2022 (BRFSS)



Data Source: Massachusetts Behavioral Risk Factor Surveillance System

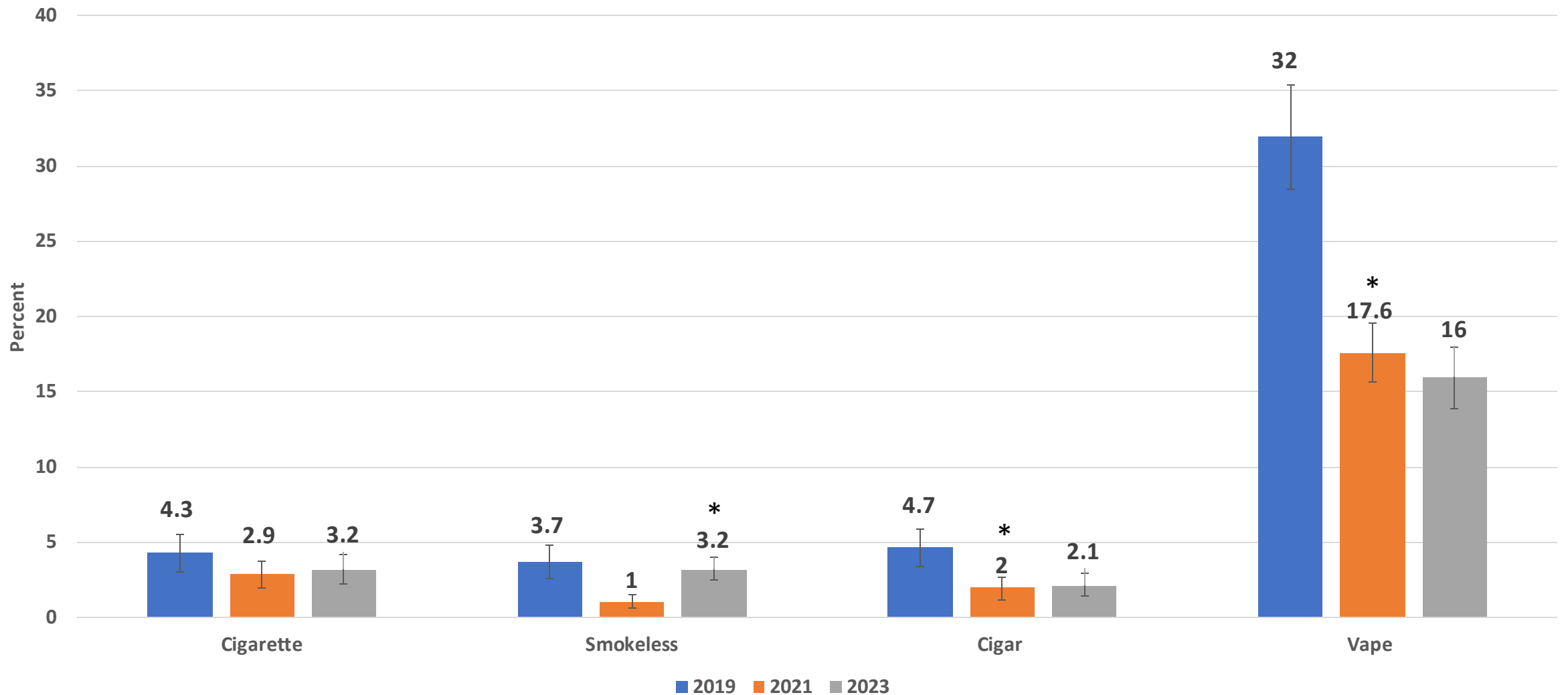
*Changes in vape product questions may have contributed to differences seen in estimates across this timeframe

Massachusetts Adult Smoking Cessation, 2019-2022 (BRFSS)



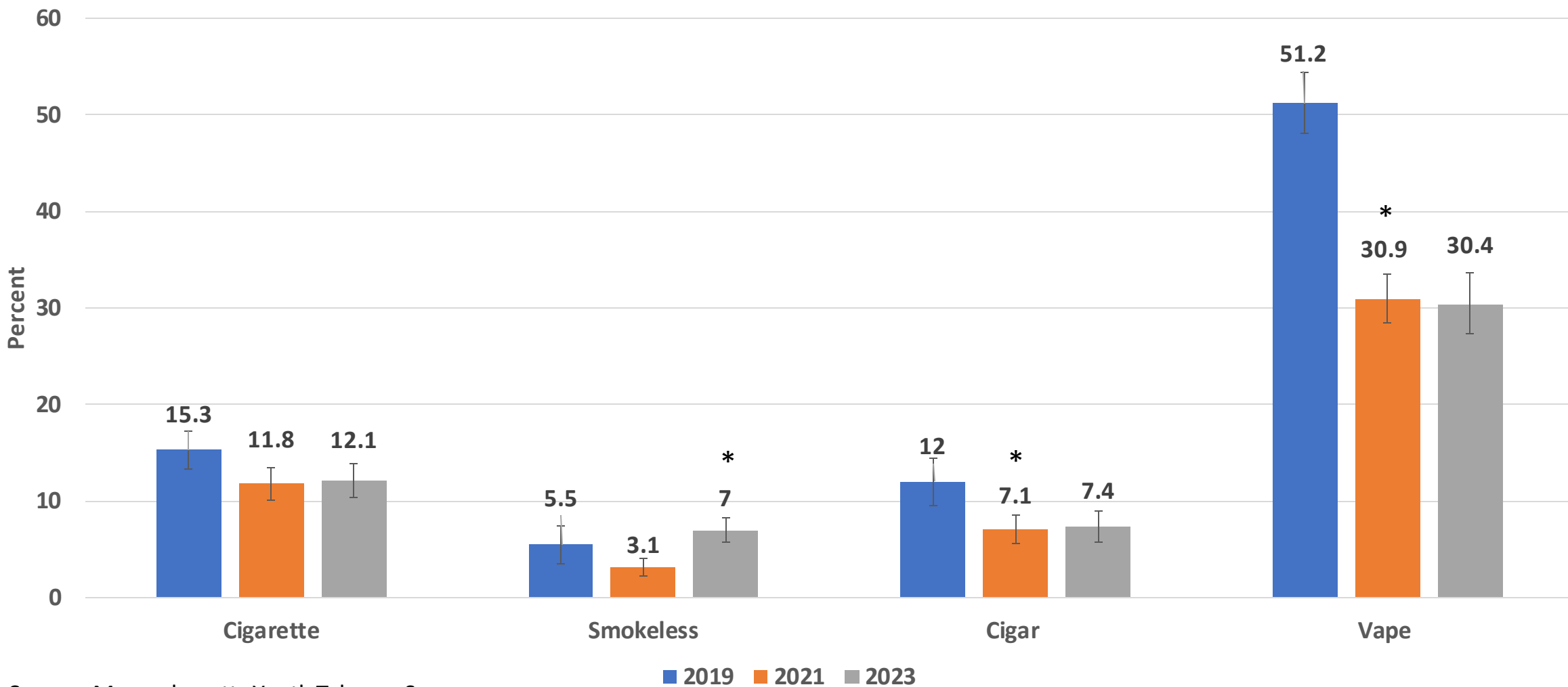
Data Source: Massachusetts Behavioral Risk Factor Surveillance System

Massachusetts Current High School Tobacco Use, 2019-2023 (YHS)



Note: The 2023 MA Youth Health Survey (YHS) data are provisional and subject to revision until they have been thoroughly reviewed and received final approval.
*Indicates data point is statistically significantly different from the prior year of data ($p < 0.05$)

Massachusetts Ever High School Tobacco Use, 2019-2023 (YHS)

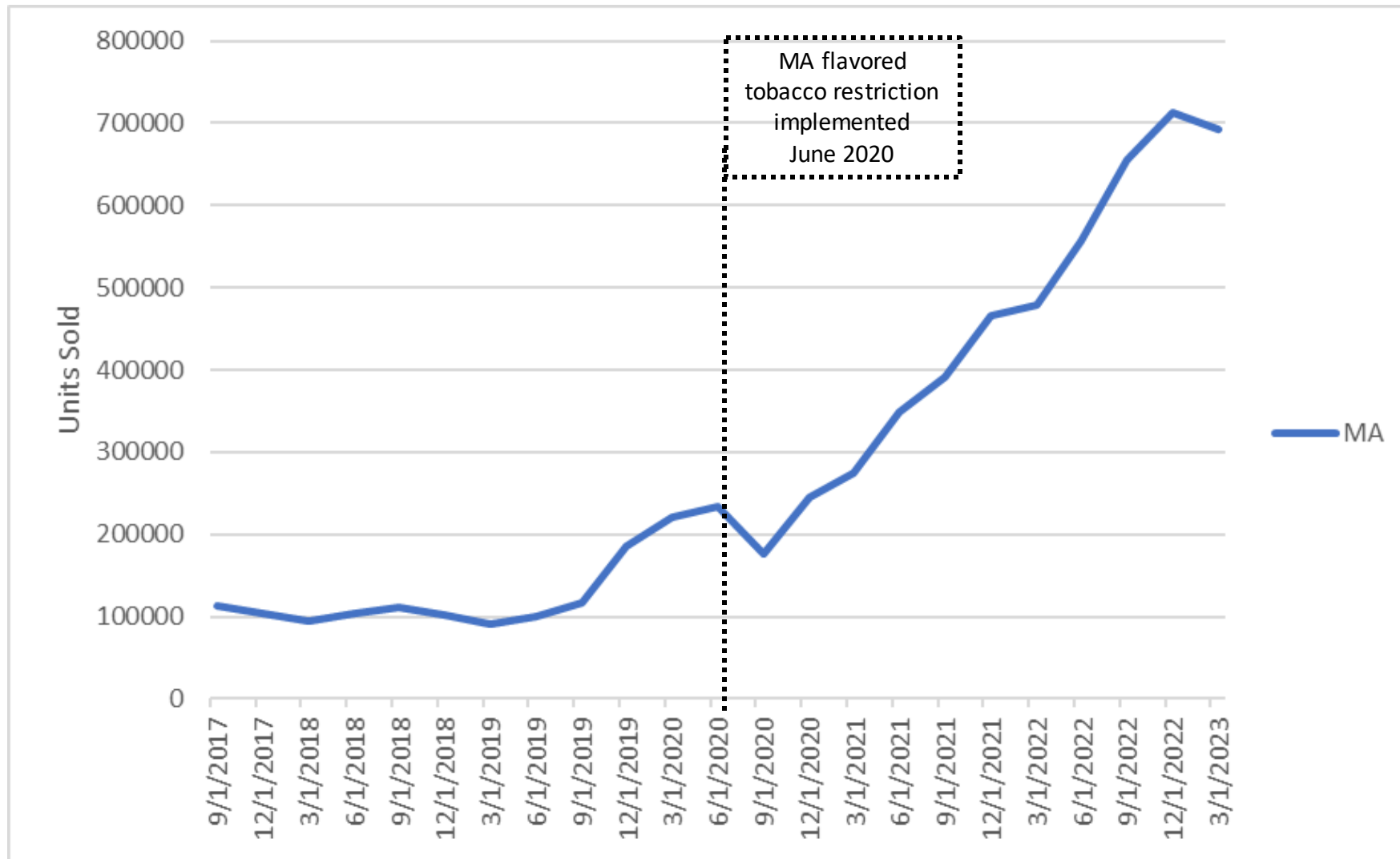


Data Source: Massachusetts Youth Tobacco Survey

Note: The 2023 MA Youth Health Survey (YHS) data are provisional and subject to revision until they have been thoroughly reviewed and received final approval.

*Indicates data point is statistically significantly different from the prior year of data ($p < 0.05$)

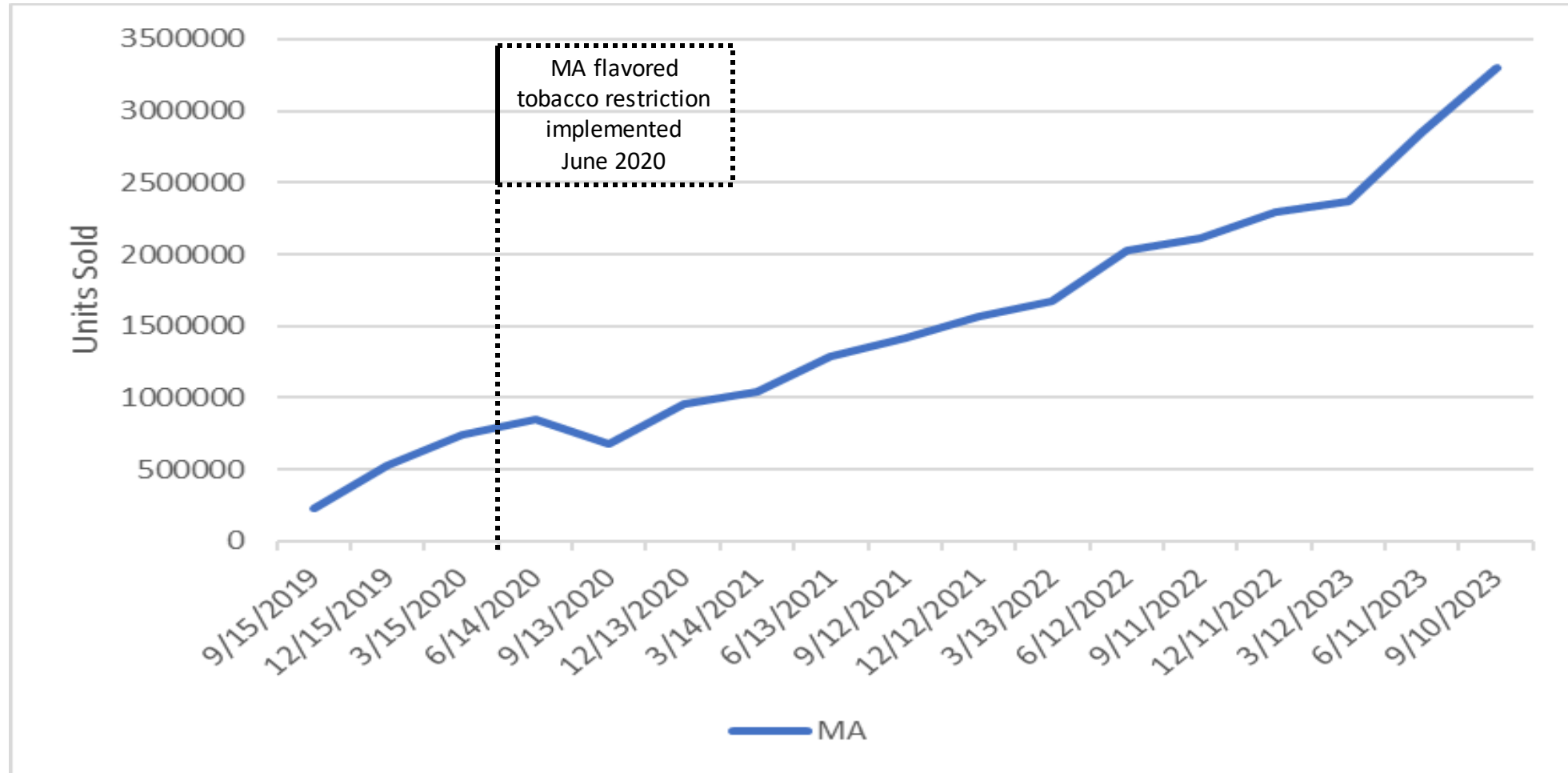
Spitless Tobacco Sales: NielsenIQ



Includes nicotine pouches and snus

Spitless Tobacco Sales: Circana*

*Formerly IRI



Includes nicotine pouches and snus

Nicotine Pouches

- Post-law appearance of products
- Quantitative data aligns with community concerns voiced to MTCP
- Sales data also shows increasing trend
- Surveillance and monitoring



Thank you for the opportunity to present this information today.

Please direct any questions to:

Massachusetts Tobacco Cessation and Prevention Program

MTCP@mass.gov