Local Opportunities and Implications of Federal Tobacco Regulations

Sarah Ross-Viles, MPH
Learning Objectives

• Describe the local effect of federal tobacco regulation

• Recognize local opportunities to complement federal regulations

• Identify barriers to promising local tobacco regulation
Topics

- The tobacco problem
- Federal Drug Administration (FDA) regulations
- King County policy
- Barriers to regulations
- Questions and discussion
What area of tobacco prevention and control are you most interested in?

Type response into text chat.
The Tobacco Problem
Tobacco: A Public Health Issue

Tobacco kills more than 400,000 Americans.
Tobacco: A Public Health Issue

$96,000,000,000,000
Tobacco: A Public Health Issue

More than 3,500 kids try smoking each day.
Tobacco: A Public Health Issue

About 1,000 other kids become daily smokers.
Tobacco: A Public Health Issue

One-third will die prematurely. Most adult smokers started in youth or as young adults.
Federal Drug Administration Regulations
How well do you know the FDA’s Family Smoking Prevention and Tobacco Control Act?

A. Know it well
B. Know generally what it does
C. Heard of it, but don’t know what it does
D. Don’t know it at all
Family Smoking Prevention and Tobacco Control Act* (FSPTCA)

U.S. Food and Drug Administration gains authority to regulate

Manufacturing
Marketing
Sale

* Passed June 2009
How Can Tobacco Be “Safe?”

Tobacco products are

• Not regulated under the “safe and effective” standard

• Regulated under a new standard – “appropriate for the protection of the public health”
What the Law Does

- Restrict tobacco advertising and promos, especially to children
- Stop illegal sales to minors
- Ban candy- and fruit-flavored cigarettes
- Ban misleading health claims ("light" and "low-tar")
What the Law Does

- Require large, graphic health warnings over top half of front and back of cigarette packs (2012)
What the Law Does

• Ensure health claims about tobacco products are scientifically proven and don’t
  • Discourage current users from quitting
  • Encourage new users
• Require tobacco companies to disclose
  • Contents of tobacco products
  • Changes in products
  • Research about health effects
What the Law Does

• Empower the FDA to require changes in tobacco products
  • Removal or reduction of harmful ingredients
  • Reduction—but not elimination—of nicotine levels
• Require FDA approval of new products
• Fund FDA's new tobacco-related responsibilities with user fee on tobacco companies
Local Opportunities Due to FSPTCA

- Expanded state authority to restrict cigarette advertising and promotion
  - Time, place, and manner (but not the content) of any cigarette advertising
- No effect on the most important forms of state tobacco control activity
  - Smoke-free laws
  - Tobacco tax increases
  - Increased tobacco prevention funding
King County Policy
Communities Putting Prevention to Work (CPPW)

- Forty-four awards to health departments for obesity and tobacco prevention
- Funding for Public Health Seattle - King County:
  - $15.5 million: obesity, physical activity, and nutrition
  - $10 million: tobacco prevention and control
New King County Tobacco Policies*

• Resolution recommending smoke-free policies for publicly and privately owned multifamily housing (model language for housing units to use for making policies)

• Revisions to the current code regarding smoking in public and places of employment
  • Definitions for words like employer and employee
  • Increased fines for large venues effecting significantly more people than typical establishments
  • Re-inspection fees for establishments with multiple violations

*Board of Health, September 2010
New King County Tobacco Policies

- Restrict sales of e-cigarettes and other unapproved nicotine delivery products to people 18 and older
- Prohibit free or highly discounted electronic smoking devices or unapproved nicotine delivery products
- Prohibit use of e-cigarette devices in no-smoking areas

*Board of Health, December 2010*
Local Opportunities From Other Jurisdictions

• Restriction of tobacco sales in pharmacies
• Restriction of sale of flavored other tobacco products (snus, little cigars, shishah, etc.)
• Zoning or licensing to limit number, density, or location of retailers
• Point of Sale signage with health warnings and Quitline promotion
Barriers to Regulations
Barriers to Tobacco Regulations

- Preemption provision of the Washington State Youth Access law prohibits local regulation of tobacco sales and advertising.
- State funding for comprehensive tobacco prevention and control has been cut and is proposed to be eliminated June 2011.
Barriers to Tobacco Regulations

• Remaining federal preemption on advertising and promotion
• Legal challenges by the tobacco industry
Questions and Discussion
Questions for the Audience

What are other barriers that you face in your jurisdiction to create tobacco policies?

Type response into text chat.
Questions for the Audience

Which policy options do you think are most interesting or possible?

Type response into text chat.
Thank you!

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