

REPORT OF THE BOARD OF TRUSTEES

B of T Report 8-A-19

Subject: Annual Update on Activities and Progress in Tobacco Control: March 2018 through February 2019

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This report summarizes American Medical Association (AMA) activities and progress in tobacco control from March 2018 through February 2019 and is written pursuant to AMA Policy D-490.983, “Annual Tobacco Report.”

TOBACCO USE IN THE UNITED STATES: CDC MORBIDITY AND MORTALITY WEEKLY REPORTS (MMWR)

According to the Centers for Disease Control and Prevention (CDC) tobacco use remains the leading preventable cause of disease and death in the United States with an estimated 480,000 premature deaths annually, including more than 41,000 deaths resulting from secondhand smoke exposure. These data translate to about one in five deaths related to tobacco use annually, or 1,300 deaths every day. Each year, the United States spends nearly \$170 billion on medical care to treat smoking-related disease in adults. From March 2018 through February 2019, the CDC released 13 MMWRs related to tobacco use. These reports provide useful data that researchers, health departments, community organizations and others use to assess and develop ongoing evidence-based programs, policies and interventions to eliminate and/or prevent the economic and social costs of tobacco use.

2018: https://www.cdc.gov/tobacco/data_statistics/mmwrs/byyear/2018/index.htm

2019: https://www.cdc.gov/tobacco/data_statistics/mmwrs/byyear/2019/index.htm

Youth Smoking Rates and Trends

According to the June 8, 2018 MMWR, which was an analysis of data from the 2011-2017 National Youth Tobacco Surveys (NYTS), there were substantial increases in electronic cigarette (e-cigarette) and hookah use among high school and middle school students, whereas significant decreases were observed in the use of cigarettes, cigars, smokeless tobacco, pipe tobacco, and bidis. The NYTS is a cross-sectional, voluntary, school-based, pencil-and-paper questionnaire self-administered to US middle and high school students. A three-stage cluster sampling procedure generated a nationally representative sample of US students attending public and private schools in grades 6–12.

Analysis of the 2017 NYTS data demonstrated that e-cigarettes were the most commonly used tobacco product among high school (11.7%; 1.73 million) and middle school (3.3%; 0.39 million) students. E-cigarette use in high school students was followed by cigars (7.7%), cigarettes (7.6%), smokeless tobacco (5.5%), hookah (3.3%), pipe tobacco (0.8%), and bidis (0.7%). E-cigarettes were the most commonly used tobacco product among non-Hispanic white (14.2%) and Hispanic (10.1%) high school students, whereas cigars were the most commonly used tobacco product

among non-Hispanic black (black) high school students (7.8%). Among high school students, current use of any tobacco product decreased from 24.2% (estimated 3.69 million users) in 2011 to 19.6% (2.95 million) in 2017. Among middle school students, current use of any tobacco product decreased from 7.5% (0.87 million) in 2011 to 5.6% (0.67 million) in 2017.

The authors highlight the need for sustained efforts to implement proven tobacco control policies and strategies that are critical to preventing youth use of all tobacco products. There is concern about the rising popularity of e-cigarettes and availability of flavored tobacco products. This concern was amplified by another MMWR publication reporting the prevalence of e-cigarette use among high school students using the 2018 NYTS data. These results were published in November 2018 prior to the publication of the full survey results. E-cigarette use among high-schoolers climbed from 11.7% in 2017 to 20.8% in 2018.

Adult Smoking Rates

According to a study in the November 9, 2018 MMWR, an estimated 14% of US adults (34.3 million) were current cigarette smokers in 2017, representing a 67% decline since 1965. However, in 2017, nearly nine in 10 (41.1 million) adult tobacco product users reported using a combustible tobacco product, with cigarettes being the product most commonly used. To assess recent national estimates of tobacco product use among US adults aged 18 years or older, the CDC, the Food and Drug Administration, and the National Institutes of Health's National Cancer Institute analyzed data from the 2017 National Health Interview Survey (NHIS). The NHIS is an annual, nationally representative in-person survey of the noninstitutionalized US civilian population. The NHIS core questionnaire is administered to a randomly selected adult in the household (the sample adult).

According to the analysis, an estimated 47.4 million US adults (19.3%) currently used any tobacco product, including cigarettes (14.0%; 34.3 million); cigars, cigarillos, or filtered little cigars (3.8%; 9.3 million); electronic cigarettes (e-cigarettes) (2.8%; 6.9 million); smokeless tobacco (2.1%; 5.1 million); and pipes, water pipes, or hookahs (1.0%; 2.6 million). Among current tobacco product users, 19.0% (9.0 million) used 2 or more tobacco products.

Multiple tobacco product users are at increased risk for nicotine addiction and dependence. E-cigarettes were commonly used among multiple tobacco product users. Primary reasons for e-cigarette use among adults include curiosity, flavoring, cost, consideration of others, convenience, and simulation of cigarettes.

TOBACCO CONTROL NEWS

Newest E-cigarette is High in Nicotine and Appealing to Youth

From 2016-2017 Juul sales increased by 641% according to the CDC. The CDC analyzed e-cigarette sales from retail stores in the U.S. during 2013 to 2017. The study assessed the five top-selling manufactures: Japan Tobacco, British American Tobacco, JUUL Laboratories, Altria and Imperial Tobacco, among others. Juul, unlike its e-cigarette competitors, does not look like a cigarette or smoking device. Juul is designed to look like a flash drive which makes it appealing to youth. It is easy to disguise and use discreetly. The popularity of JUUL among youth has helped the product account for 73% of e-cigarette sales in the U.S. and sales of Juul represent one in three e-cigarette sales nationally in retail locations.

In addition to its youth-appealing flavors and sleek design, one Juul cartridge contains the same amount of nicotine as a pack of cigarettes. The company's website claims the product delivers

1 nicotine up to 2.7 times faster than other e-cigarettes. Many young people are not even aware that
2 they are consuming nicotine when they use e-cigarettes. Results from an April 2018 Truth
3 Initiative® study published in Tobacco Control show that nearly two-thirds of JUUL users between
4 15 and 24 years old did not know that the product always contains nicotine.

5
6 In November 2018 Forbes reported that the FDA was seeking nationwide restrictions on the sales
7 of fruity-flavored nicotine vaping cartridges. Juul, likely aware of the impending FDA crackdown
8 stopped sales of its fruit-flavored nicotine pods in retail stores (though it will continue to sell them
9 online) and has shut down its Facebook and Instagram pages in the U.S.

10 11 *Underage Smokers find Pharmacies an Easy Source for Cigarettes*

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13 A team of researchers led by Joseph Lee, PhD, MPH, East Carolina University, examined the
14 inspections of tobacco sales to minors conducted by the US Food and Drug Administration (FDA)
15 in approximately 13,200 pharmacies from January 2012 to December 2017. The violation rate for
16 tobacco sales to youths in FDA inspections at the top US pharmacies varied by chain and was
17 highest at Walgreens. The findings were published in *JAMA Pediatrics* (Lee JGL, Schleicher NC,
18 Lea EC, et al. US Food and Drug Administration inspection of tobacco sales to minors at top
19 pharmacies, 2012-2017. *JAMA Pediatr.* 2018;172(11):1089-1090. doi:10.1001/jamapediatrics.
20 2018.2150).

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22 In February the FDA initiated enforcement action against Walgreens for underage tobacco sales.
23 Twenty-two percent of Walgreens stores inspected have illegally sold tobacco products to minors,
24 making it the top violator among pharmacies selling tobacco products.

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26 Walgreens is not the only retail pharmacy violating sales to minors but they are the first one that
27 the FDA seeks to bar all tobacco sales for 30 days. Since the FDA began inspecting retail locations
28 in 2010, Walgreens has received more than 1,550 warning letters and 240 civil money penalty
29 actions against its stores nationwide.

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31 According to a research letter published in *JAMA Internal Medicine* (Krumme AA, Choudhry NK,
32 Shrank WH, et al. Cigarette purchases at pharmacies by patients at high risk of smoking-related
33 illness. *JAMA Intern Med.* 2014;174(12):2031-2032. doi:10.1001/jamainternmed.2014.5307) one
34 in 20 patients who were taking medications for tobacco exacerbated diseases (asthma, COPD and
35 hypertension) purchased cigarettes at a pharmacy.

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37 Tobacco control advocates, public health organizations and medical associations, including the
38 AMA, have called on Walgreens to no longer sell tobacco products. Selling tobacco products in a
39 pharmacy whose primary business is to provide medications to treat and/or prevent diseases while
40 selling products that contribute those diseases sends the wrong message to consumers.

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42 AMA opposes sales of tobacco products in pharmacies and adopted its policy calling for a ban in
43 2009 and reaffirmed this policy in 2013.

44 45 **AMA TOBACCO CONTROL ACTIVITIES**

46 47 *AMA Fights for FDA's authority to regulate tobacco products*

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49 The AMA joined with other physician groups, including the American Thoracic Society, American
50 Academy of Family Physicians, American College of Cardiology and American College of
51 Physicians, urging Congress to oppose any provisions to weaken or delay FDA's authority to

regulate all tobacco products. An important part of the Family Smoking Prevention and Tobacco Control Act, which Congress enacted with bipartisan support in 2009, was a requirement that new tobacco products undergo a scientific review by FDA. Based on its scientific assessment, FDA can prohibit new tobacco products that are harmful to public health from the marketplace.

According to the co-signed letter, in recent years, the House has included provisions in the Agriculture-FDA appropriations bill to exempt thousands of tobacco products, including many candy- and fruit-flavored products, from FDA's scientific product review.

AMA Supports Efforts to Control Nicotine

The AMA was one of the medical and public health organizations signing on to a joint letter to Dr. Scott Gottlieb, then FDA commissioner, in support of the Agency's initiative to move toward a product standard to reduce the nicotine level in cigarettes to non-addictive or minimally addictive levels. Such a standard would have massive public health benefits. Tobacco use is still the number one preventable cause of death. Nicotine, the addictive ingredient in tobacco products, makes it difficult for many adults to quit and keeps youth smoking.

The AMA and others urged the FDA to go further and include all combustible tobacco products in the nicotine product standard, including those currently on the market and those that may come on the market in the future. Exemption of other combustible products would invite tobacco manufacturers to market existing and develop new non-cigarette substitutes that would lead cigarette smokers to substitute those products, like the small flavored cigars the industry introduced after flavored cigarettes were removed from the market. It also would make the exempted products a potential vehicle for youth initiation. Thus, we urge FDA to make any nicotine reduction product standard applicable to other combustible tobacco products to prevent the industry from circumventing the new rule just as they did after the ban on flavored cigarettes.

AMA Responds to Other Federal Register Notices on FDA Tobacco Regulations

As part of its regulatory authority over cigarettes and other tobacco products, the FDA was soliciting for public comments to assist the agency in implementing initiatives that would reduce the health harms associated with smoking and tobacco use. The AMA, as part of its collaboration with other national medical associations and public health groups, signed on to comments as well as issued its own.

The AMA reiterated its support for the FDA's initiative to create a standard for nicotine in combustible tobacco products but called on the Agency to include *all* tobacco products and create a non-addictive nicotine level standard for all tobacco products, not just cigarettes. Cigarettes are not the only addictive form of tobacco, and applying this standard across all tobacco products is essential to combating the leading cause of preventable death.

The AMA also responded to a Federal Register notice on therapies to reduce youth e-cigarette and other tobacco program use. According to a study in *JAMA Pediatrics* (Watkins LW, Glantz SA, Chaffee BW. Association of noncigarette tobacco product use with future cigarette smoking among youth in the population assessment of tobacco and health (path) study, 2013-2015. *JAMA Pediatr.* 2018;172(2):181-187. doi:10.1001/jamapediatrics.2017.4173) use of e-cigarettes, hookah, non-cigarette combustible tobacco, or smokeless tobacco by youth is associated with cigarette smoking one year later. This dual use makes it very difficult for youth to quit. The AMA believes that while it is important to consider drug therapies for youth who are already addicted, preventing youth tobacco use and nicotine addiction must be the priority.