

Strengthening Tobacco Retail Licensing to Further Protect Summit County

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Tobacco Retail Licensing in Colorado

Counties, Cities and Towns with local TRL = 39 and counting

Cities and Towns with Flavor Policies = 9

FLAVORS

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*Cherry Skoal is for **somebody who likes the taste of candy**, if you know what I'm saying.*

- Former UST sales representative

”

*It's a well-known fact that **teenagers like sweet products**. Honey might be considered.*

- September 1972 memo to Brown & Williamson

What the Tobacco Industry Says

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Make a cigarette which is **obviously youth oriented**. This could involve cigarette name, blend, flavor and marketing technique...for example, a flavor which would be candy-like but give the satisfaction of a cigarette.

– R.J. Reynolds Memo, 1974

”

*We don't smoke that s _ _ _ . We just sell it. We reserve the right to smoke for the **young, the poor, the black and the stupid.***

- R.J. Reynolds executive when asked why he didn't smoke the

New Products – Same Industry

The average Zyn user consumes ½ can per day or 8-12 nicotine pouches.

If you are using a 6 mg Zyn pouch, the nicotine ingested would be equal to:

- smoking approximately 3 packs of cigarettes
- 1 ½ e-cigarette pods of 2% vape juice per day.



Flavored Tobacco & Youth Use

- Flavors mask the harshness of tobacco, making it **easier to get addicted** and **harder to quit**.
- **81%** of youth who have ever used tobacco products **started with a flavored product**.
- **93.2%** of youth (ages 12-17) who have ever used e-cigarettes reported their **first product was flavored**.



Goals of Flavor Policies

Eliminating the sale of flavored tobacco is a key strategy in reducing tobacco use and tobacco-related health disparities.

- **Prevent youth from ever starting**
 - Make tobacco products less attractive to youth.
 - Make it harder to access flavored tobacco products.
- **Help those who want to quit**
 - Eliminating flavored tobacco will help people who currently use tobacco quit.
- **Reduce smoking related health disparities** faced by communities of color, LGBTQ, and other marginalized communities



The Need for Local Action

- Action at the federal level has left **several loopholes** for the tobacco industry to exploit, including:
 - Banning all flavored cigarettes except menthols
 - Banning most flavors for pod-based vaping devices, but allowing disposable vapes to stay on the market
- Lack of action at the state-level:
 - A recent bill that would ban flavored tobacco failed in the Senate.

“

*“As a general philosophy, the **governor prefers local control** because our local governments are closest to the people they represent and can weigh the pros and cons and determine how to best address these kinds of issues in their area,”*

- Spokesperson for Governor Jared Polis on opposition of statewide flavor policy

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Prohibit Sale of Flavored Nicotine Products

Colorado cities have already passed comprehensive flavored tobacco policies:

- Glenwood Springs, Aspen, Carbondale, Basalt Edgewater, Snowmass Village, Golden, Boulder and Denver

Comprehensive policy includes all:

Products

Flavors

Locations

Times



Will There Be Opposition?

Probably

What are their messages?

Golden/Denver experience

Additional Strengthening Strategies

Prohibit Nicotine Product Discounts

Expand Proximity Requirements and Consider Capping

Prohibit the Sale of Nicotine Products in Pharmacies



Prohibit Nicotine Price Discounting

Youth are very price sensitive.

Deals are hard to resist for those trying to stay quit.

Price discounts are among the largest of the tobacco industry's marketing expenditures.

Examples:

Coupons

Buy one, get one

Multi-pack deals



Further Limits on Tobacco Retailer Density

Expand the distance of tobacco retailers from youth-serving facilities

Include marijuana retailers

Cap the number of tobacco retailers

Prohibit Nicotine Sales in Pharmacies

Target stopped selling tobacco products in 1996.

CVS went tobacco free in 2014.

Walgreens was named by the FDA in 2019 as being the #1 violator when it came to selling to underage buyers.

Supermarket pharmacies now account for more than 12% of retail pharmacy prescriptions.

Nearly 200 US cities and Massachusetts now have laws requiring pharmacies to be tobacco-free.



Update and Add New Definitions

New provisions require additional definitions

Must pivot with the tobacco industry



Flavored Tobacco Product means:

1. any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to or during the consumption of the product, including, but not limited to, any taste or smell relating to chocolate, cocoa, menthol, mint, wintergreen, vanilla, honey, fruit, or any candy, dessert, alcoholic beverage, herb, or spice;
2. a cooling or numbing sensation distinguishable by an ordinary consumer either prior to or during the consumption of such tobacco product;
3. a public statement or claim, whether express or implied, made or disseminated by the manufacturer or retailer of a licensed product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such products, that a product has or produces a taste or smell other than a taste or smell of tobacco or a cooling or numbing sensation will constitute presumptive evidence that the product is a flavored product. Presumptive evidence may include but is not limited to the use of terms such as, “cool,” “chill,” “ice,” “fresh,” “artic,” or “frost” to describe the product.

Summary – Next Steps

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