RESOLUTION ON MENTHOL-FLAVORED CIGARETTES

WHEREAS, the Healthy Chicago Agenda seeks to reduce smoking prevalence among adults and among youth;

WHEREAS, tobacco use is the single most preventable cause of disease and death in Chicago and the United States;¹ and

WHEREAS, for each tobacco-related death, another 20 people struggle with one or more serious tobacco-related illnesses, including lung, oral and pharyngeal cancer, heart disease, and lung diseases such as emphysema and bronchitis;² and

WHEREAS, the tobacco industry has a well-documented history of developing and marketing menthol-flavored brands to racial and ethnic minorities and youth,³ ⁴ and

WHEREAS, there is evidence of the continued advertisement of menthol-flavored products to youth;⁵ and

WHEREAS, the most popular tobacco products among youth are menthol flavored;⁶ and

WHEREAS, the federal government already prohibits cigarettes from having candy, fruit, and spice as characterizing flavors because these flavors make tobacco products especially appealing to kids and can lead to a lifetime of tobacco addiction;⁷ and

WHEREAS, menthol-flavored cigarettes, as well as other tobacco products — such as smokeless tobacco, cigars, hookah tobacco, and dissolvable tobacco products — are not included in the ban on candy, fruit, spice or other characterizing flavors;⁸ and

WHEREAS, menthol-flavored cigarettes have been shown to be “starter” products for youth who begin smoking,⁹ ¹⁰ ¹¹ and

WHEREAS, prevalent use of menthol-flavored cigarettes exists among kids (ages 12-17) who smoke in the Black (72%) Asian (51%) Hispanic (47%) and white (41%) communities;¹² as well young LGBT (71%) smokers;¹³ and

WHEREAS, menthol-flavored cigarettes are disproportionately used by vulnerable populations such as young people, women, racial minorities, the LGBT community, and people of low socio-economic status;¹⁴ and
WHEREAS, disparities in use of menthol-flavored cigarettes among young adult smokers (ages 18 – 24) are glaring, with 85% of African American smokers — but, only 28.8% of white smokers — using menthol-flavored cigarettes;¹⁵ and

WHEREAS, menthol flavors have an anesthetic effect and reduces the harshness of tobacco smoke, which suppresses respiratory irritation and can facilitate initiation and early persistence of smoking by youth, as well as facilitating smoke inhalation and promoting nicotine addiction and smoking-related morbidities;¹⁶ and

WHEREAS, the general population believes that menthol cigarettes are healthier than other types of cigarettes, thus reducing cessation efforts;¹⁷ and

WHEREAS, menthol may also inhibit the metabolism of nicotine resulting in higher rates of addiction;¹⁸ and

WHEREAS, in 2011, the Food and Drug Administration’s Tobacco Product Scientific Advisory Committee (TPSAC), following its review of science surrounding menthol tobacco use, found menthol use was linked to youth initiation of tobacco use, higher rates of smoking, decreased success in quitting particularly for African Americans, and that removal of menthol-flavored cigarettes would benefit public health; and

WHEREAS, on July 23, 2013, the FDA released its own report entitled “Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes;” and

WHEREAS, the FDA’s own report concluded that menthol cigarette use is likely associated with increased initiation and progression to regular cigarette smoking, increased nicotine dependence, and reduced success in smoking cessation, especially among African American menthol smokers;¹⁹ and

WHEREAS, menthol-flavored cigarettes remain on the market while the FDA deliberates regulatory action; and

WHEREAS, in response to the FDA’s report on menthol cigarettes, Mayor Rahm Emanuel took swift action — immediately calling on the Chicago Board of Health to help explore local policy options for curbing their use, especially among kids;²⁰ and

WHEREAS, courts have routinely determined that the Family Smoking Prevention and Tobacco Control Act gives the federal government the exclusive authority to regulate the manufacture of tobacco products but reserves the historical power of local governments to create stricter regulations on the sale and distribution of these products;²¹,²² and

WHEREAS, Mayor Rahm Emanuel recommends public hearings for the purpose of gathering input from communities that disproportionately use and are impacted by menthol-flavored cigarettes before crafting policy solutions.
NOW THEREFORE BE IT RESOLVED, that the Chicago Board of Health will hold four Town Hall meetings to learn more about the effects of flavored tobacco products — including menthol-flavored cigarettes — on public health and will recommend policy options for curbing the use of these products and reducing health disparities among racial minorities, women, children, and the LGBT population.

BE IT FURTHER RESOLVED, the first Town Hall meeting will be held on Thursday, September 5, 2013 from 6:30PM to 8:00PM at Chicago State University, 9501 S. King Drive.

BE IT FURTHER RESOLVED, a second Town Hall meeting will be held on Tuesday, September 10, 2013 from 6:30PM to 8:00PM at General Robert E. Wood Boys and Girls Club, 2950 West 25th Street.

BE IT FURTHER RESOLVED, a third Town Hall meeting will be held on Tuesday, September 17, 2013 from 6:30PM to 8:00PM at Center on Halsted, 3656 N. Halsted Street.

BE IT FURTHER RESOLVED, a fourth and final Town Hall meeting will be held on Thursday, September 19, 2013 from 6:30PM to 8:00PM at Austin Town Hall Park, 5610 W. Lake Street.

BE IT FURTHER RESOLVED, the Board of Health, with staff support from the Department of Public Health, will publicly post information about these meetings inviting Chicago residents, members of the City Council, and content experts to attend.

BE IT FURTHER RESOLVED, the Board of Health, with staff support from the Department of Public Health, will also invite written testimony from the public and content experts.

BE IT FURTHER RESOLVED, on Wednesday, October 16, 2013, during its regularly scheduled meeting, or at such other date and time as soon as reasonably possible thereafter, the Board of Health will deliberate on the information gathered through town hall meetings and testimony submitted in writing, and finalize their policy recommendation(s).

BE IT FURTHER RESOLVED, the Board of Health, with staff support from the Department of Public Health, will transmit a written summary of such proceedings, including policy recommendations, to the Office of the Mayor and the Committee on Health and Environmental Protection.

Dated this 21st Day of August, 2013.

Carolyn C. Lopez, M.D.
President, Chicago Board of Health
CITATIONS

8 Id.
20 City of Chicago, Mayor Emanuel Asks Board of Health To Take Action Aimed at Curtailing Menthol Cigarette Use Among Chicago Youth, July 25, 2013.
21 See e.g., U.S. Smokeless Tobacco Mfg. Co. v. City of New York, Docket No. 11-5167-cv (2d Cir. 2013).