

Decriminalize PUP –Now!

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Achieving Racial and Health Equity in the COVID Era Conference

Concurrent Session 2.4 Decriminalizing Commercial Tobacco Control and Creating
Equity-Based Policy

Virtual Session
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The African American Tobacco Control Leadership Council

- Formed in 2008; we are cadre of dedicated community activists, academics, public health advocates, and researchers.
- Even though based in California, we are national in our scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago, Boston, Atlanta and Minneapolis to Berkeley and San Francisco.
- Our work has shaped the national discussion and direction of tobacco control policy, practices, and priorities, especially as it concerns menthol
- Currently, we along with Action on Smoking (ASH) and the AMA are Suing the FDA

A Framework For Our Time

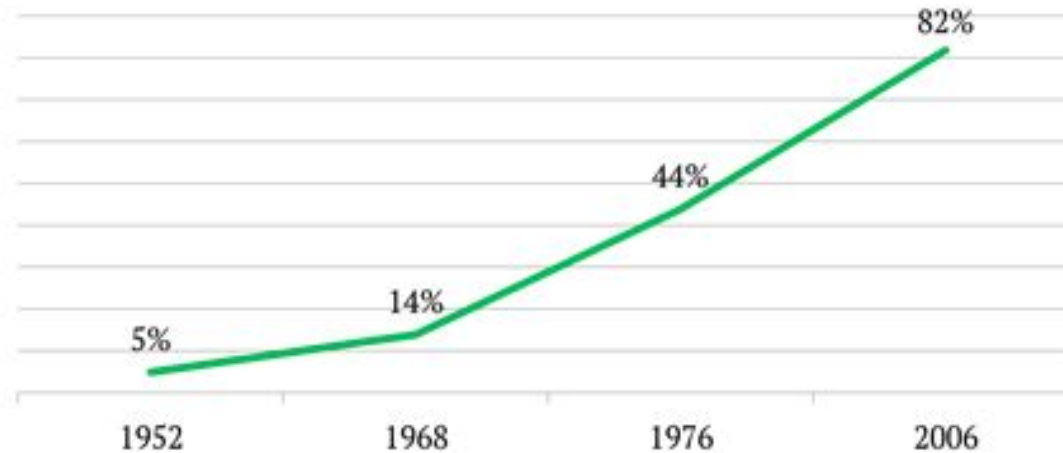
- Menthol cigarettes and flavored little cigars have been and are the main vectors for death and disease in Black, Brown and other poor communities of color. The COVID-19 pandemic has just thrown a spotlight on the health disparities and unequal treatment that poor colored communities have faced for hundreds of years in the United States. At this time nothing could be more helpful in saving Black Lives and showing that Black Lives Matter than getting menthols cigarettes and flavored little cigars straight out of the Black community!

Decriminalization of PUP Laws

The Back Story

African American Menthol Use Skyrockets!

African Americans Adult Smokers Who Use Menthol



- Roper, B.W. (1953). A Study of People's Cigarette Smoking Habits and Attitudes Volume I. Philip Morris, Bates No. 2022239249. MSA, Inc. (1978) The Growth of Menthols, 1933 -1977. Brown & Williamson, Bates No. 670586709-785. NSDUH, 2004-2008.

SURGEON GENERAL'S WARNING: Cigarette
Smoke Contains Carbon Monoxide.

**Fire
it UP!**

**Newport
pleasure!**



© Lorillard 2002

Lights Box: 9 mg. "tar," 0.8 mg. nicotine; Medium Box: 12 mg. "tar," 0.9 mg. nicotine; Box: 16 mg. "tar," 1.3 mg. nicotine av. per cigarette by FTC method.

Focus vs. Non-Focus Communities (Wright, 2009)

□ **Focus Communities: Inner-city, Colored and Poor**

- Less expensive, more desirable promotions
 - Buy 1, Get X Free
 - Summer/ Holidays

□ **Non-focus Communities: Upscale, suburban, rural and white**

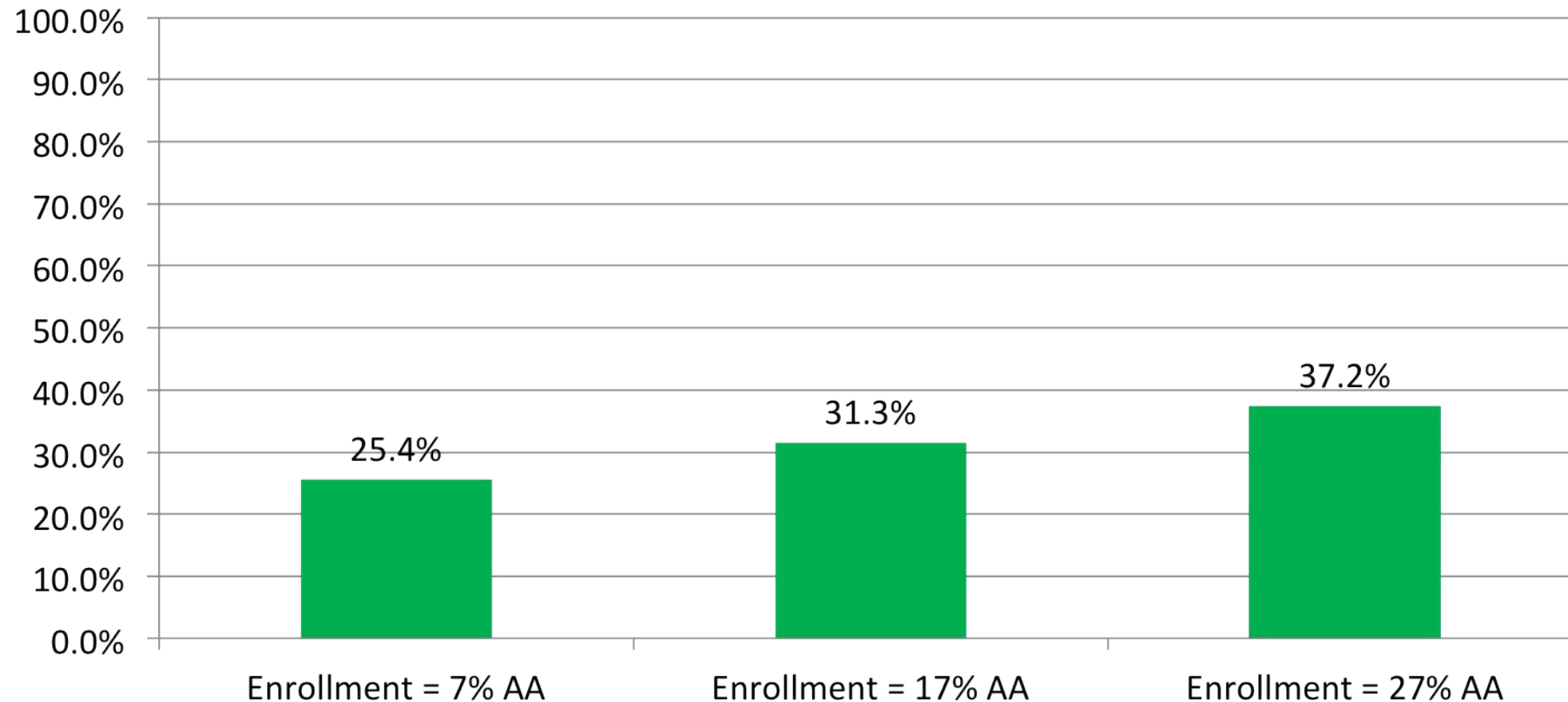
- More expensive, less desirable promotions
 - Buy 2, Get X Free
 - Buy 3, Get X Free

□ **Menthol Cigarettes Cheaper**

- Non-focus- 50 cents off/ pack (\$5.00 off/ ctn)
- Focus- \$1.00-\$1.50 off/ pack (\$10.00-15.00 off/ ctn)

Predatory Marketing Patterns (Henriksen, 2011)

As the % African American students increased, proportion menthol ads increased:



Menthol Cigarettes: Cheaper for African Americans

- For each 10% increase in the proportion of African American students:
 - Newport discount 1.5 times greater
 - The proportion of menthol advertising increased by 5.9%
 - Newport promotion were 42% higher
 - The cost of Newport was 12 cents lower

(Henriksen, et al., 2011)

Storefront Cigarette Advertising Differs by Racial/Ethnic Community

	Brookline	Dorchester	<i>p-value</i>
	n= 42	56	
	%	%	
• Retailer w/ Ads	42.9	85.7	<0.001
• Small Ads	56.8	20.1	“
• Large Ads	2.0	23.7	“
• Menthol Ads	17.9	53.9	“
• Average Price	\$4.94	\$4.55	“

(Seidenberg, et al., 2010)

It Was and Is a Set-Up!

- Predatory Marketing
- Flood the Communities with Tobacco and Nicotine Products
- Black and Other “Colored” Mouth Pieces
- Promote Harsh PUP Laws
- The Intended Consequences:

•Criminalization of the Black Community

An Important Way to Save Black Lives

- Law enforcement should not approach, harass, or arrest structurally marginalized communities, especially children of color, because they have a tobacco product in their possession.
- To save lives, especially Black lives, local and state tobacco prevention and control partners must address where and how public health laws contribute to systemic racism and discrimination.
- This includes not only working to eliminate the sale of mentholated tobacco products but also addressing inequities in the enforcement of commercial tobacco control laws and policies.

Purchase Use Possession Laws

- For Menthol and Flavor restrictions to be truly effect, we will need to decriminalize PUP of tobacco products.
 - PUP Laws Differ State to State, County to County and City to City
 - But Generally Speaking these laws are enforced by Police Departments, Highway Patrols, and State Troopers.
 - Youth's of Color have Historically been the brunt of these Laws.
- Once Decriminalized other Agencies other than the Police can be used (Social Services, Mental Health and Homeless counselors, etc. can be used)

Where We Are Today and Why PUP Laws Need to Change

- https://www.youtube.com/watch?v=uMaO2I_8IP0
- <https://newsone.com/3934057/rancho-cordova-police-brutality-video-14-year-old/>

It's the Laws That Are Wrong!

- Black Spokesperson Argue that Removing Menthol From the Market Place will lead to “Criminalization” of young Black Men; Police will stop and Harass them for possessing menthol cigarettes or flavored little cigars.
- None, None of the Menthol Restrictions passed around Country give the police the authority to arrest a person for the purchase, use or possession of these products.
- However, in most states and locales, police still have the authority to enforce PUP laws.
 - This should be incentive to pass new laws!

Community Involvement is a Must

- Funding for and from tobacco control must go directly to the Community
- Policy Development must involve the Community
- Tobacco Control Education must be Community Driven
- Culturally Appropriate Cessation Services should be part and parcel of all Tobacco Control Policies, especially when adopting Menthol Restrictions.

What's at Stake?



Thank You!

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AATCLC

Saving Black Lives

www.savingblacklives.org