



Tobacco Prevention and  
Control Advisory Council

# REPORT

to Governor Janet T. Mills  
and the 130th Maine Legislature

**DECEMBER 2021**

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## MAINE STATUTE Establishing the Tobacco Prevention and Control Advisory Council

*Title 22, Chapter 102, Section 272  
Sub-Section 2*

The Tobacco Prevention and Control Advisory Council is established to review the program. The advisory council shall provide advice to the bureau in carrying out its duties under this section and ensure coordination of the program with relevant nonprofit and community agencies, other relevant state agencies, and the Department of Education. The advisory council shall report annually on the program to the Governor and the Legislature by December 1st and include any recommendations or proposed legislation to further the purposes of the program.

## MEMBERS of the Tobacco Prevention and Control Advisory Council

- Deborah Deatruck, MPH**  
Public health consultant, retired from  
MaineHealth
- Deborah Hagler, MD, FAAP**  
Pediatrician, Mid Coast Pediatrics
- Vacant**  
American Heart Association
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- Carol Kelly**  
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- Daniel Onion, MD, MPH**  
Dartmouth Professor of Community and  
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- Hilary Schneider, MPP**  
Government Relations Director, American  
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# EXECUTIVE SUMMARY

This report documents the recommendations and workplan of the re-established Tobacco Prevention and Control Advisory Council, along with a review of promising opportunities and challenges in taking action to prevent youth and young adults from starting to use tobacco products, supporting current tobacco users in seeking treatment and successfully quitting, and eliminating long-standing disparities in tobacco addiction, morbidity, and mortality. This report builds on the report issued last year, updating data, and reviewing recommendations. While some progress was made, significant challenges remain.

Maine has a long history of national leadership in tobacco prevention and control. But in the early 2010s, tobacco program funding was reduced, staff positions began to go unfilled, and years passed without significant advancement of evidence-based policy solutions. With this loss of program and policy focus, Maine was left flat-footed in the face of an epidemic of youth e-cigarette use and was unable to counter the onslaught of new youth-focused tobacco products and devices being heavily marketed by the tobacco industry. Maine's progress in reducing tobacco use began to wane, and rates of tobacco use among youth and adults have now risen above national averages.

In 2017, momentum started to shift in a more positive direction when the Maine Legislature increased the minimum legal sales age for all tobacco products to 21 years. In 2019, the Maine Legislature equalized the excise tax on all non-cigarette tobacco products and increased funding for the Tobacco Prevention and Control Program (TPCP). At this same time, the Mills Administration began rebuilding the Maine Center for Disease Control and Prevention and reinstating important public health advisory councils and commissions, including the Tobacco Prevention and Control Advisory Council.

A restoration of the tobacco program and policy focus is well underway and there is much work to be done. The tobacco prevention and control landscape has changed substantially in the past decade. The tobacco industry has adapted their products and their marketing tactics to attract a new generation of tobacco users. Overlaid with the epidemics of COVID-19, opioid addiction and other substance use disorders, and systemic health disparities, Maine's response to this critical moment must be aggressive, innovative, and forward-thinking.

The positive health and economic impacts of modernizing Maine's set of tobacco policies will reach far beyond tobacco into public health, health equity, community level preparedness and resiliency, prevention of the risk factors for acute and chronic illnesses, and the reduction of health care costs in MaineCare and private insurance.

The Tobacco Prevention and Control Advisory Council is recommending a six-part, interconnected and evidence-based package of tobacco policies for preventing youth and young adult tobacco use and ensuring treatment is available for current tobacco users who are seeking to quit.

**COVID-19 has brought pain and devastation to Maine families and communities, but it has also delivered a laser focus to the public's awareness and understanding of public health, and the importance of prevention, preparedness, resiliency, and a comprehensive public health infrastructure. With this clarity, we have both an opportunity and a responsibility to act.**



# Tobacco Prevention and Control Advisory Council Recommendations

The Tobacco Prevention and Control Advisory Council is recommending a six-part, interconnected and evidence-based package of tobacco policies for preventing youth and young adult tobacco use and ensuring treatment is available for current tobacco users who are seeking to quit.

- 1 Fully fund Maine's Tobacco Prevention and Control Program** at \$15.9 million per year, which meets the U.S. CDC recommended level of program funding for Maine.
- 2 Create more equitable health outcomes** by identifying and funding interventions designed specifically for communities and populations disproportionately impacted by tobacco use and tobacco industry marketing.
- 3 End the sale of all flavored tobacco products in Maine**, including menthol, mint, candy, fruit, and dessert flavors, which will significantly reduce tobacco-related disparities and make it less likely that Maine kids will try their first tobacco product – smoked, chewed, or vaped.
- 4 Resolve the structural deficit in the Fund for a Healthy Maine** by assuring full and continued funding for the many inter-connected public health and medical care initiatives, including Maine's tobacco prevention and control program, that are currently funded with tobacco settlement dollars.
- 5 Significantly increase the price of cigarettes** by \$2.00 per pack, which will be automatically equalized across all tobacco products per Maine law and lead to an almost 20% reduction in youth smoking rates. Direct the revenue generated first to the policy objectives above, followed by Maine's highest priority public health, health coverage, and health care needs.
- 6 Protect current policies** by rejecting any attempts to weaken or eliminate current tobacco control policies, including smoke-free laws.

## INTRODUCTION

Few would argue that 2020-2021 have been two years of unprecedented challenges. COVID-19 has turned our lives, our economy, and our healthcare system upside down. The pandemic has laid bare the systemic and structural inequities that have been driving racial and socioeconomic health disparities for generations, and it has exposed the results of under-investing in the mitigation of risk factors, particularly tobacco use and obesity, for acute and chronic respiratory and cardiovascular illnesses.

Good health is a game-changer for families and businesses. Good health means kids are ready to learn at school, workers can be more productive on the job, and our parents and grandparents can stay in their homes as they age. Healthy communities are places where businesses want to be, and where young people want to stay. Simply put, good health is an investment that pays dividends for generations.

# HEALTH AND ECONOMIC IMPACTS OF TOBACCO USE IN MAINE

The negative impacts of tobacco use and nicotine addiction extend well beyond the individuals who smoke, “vape”, or chew tobacco products. The reality is that tobacco-related illnesses are expensive and harmful for all of us.

For example, each year in Maine:

- **tobacco use is responsible for nearly 2,400 deaths** – almost 7 deaths a day<sup>2</sup> and 1 in 5 of all deaths;<sup>3</sup>
- **smoking causes 29% of all cancer deaths;**<sup>4</sup>
- **smoking is estimated to cost \$811 million** in direct health care costs, including \$261 million in Medicaid costs;<sup>5</sup>
- **smoking causes \$647 million in productivity losses;**<sup>6</sup>
- **the average Maine household pays \$1,399** in additional taxes for state and federal smoking-related expenditures;<sup>7</sup> and
- **the tobacco industry spends \$40.8 million in Maine** alone to market their deadly products.<sup>8</sup>

Perhaps most concerning, it is estimated that 27,000 children under 18 who are alive in Maine today will die prematurely from smoking.<sup>9</sup> That’s about equal to the number of juniors and seniors enrolled in Maine high schools in 2021.<sup>10</sup>

Tobacco use is linked to a myriad of health problems – all serious and many deadly. In addition to lung cancer, smoking causes cancer in the trachea, bronchus, esophagus, oral cavity, lip, nasopharynx, nasal cavity, larynx, stomach, bladder, pancreas, kidney, liver, uterine cervix, colon and rectum, and causes leukemia.<sup>11</sup>

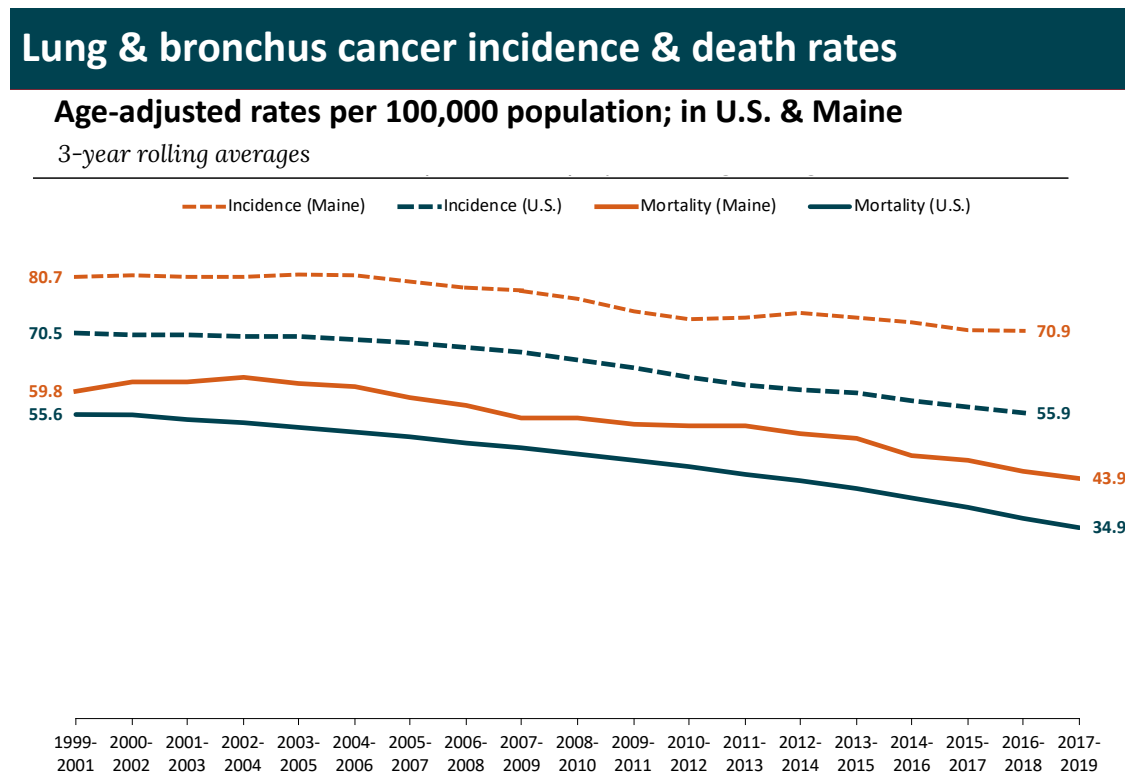
Tobacco use is arguably the most significant threat to the good health of Maine people and Maine’s economy. Tobacco use is the primary risk factor for 4 of the 5 leading causes of death in Maine<sup>1</sup>, as it is across the nation, and the harm it causes to families and communities across our state is entirely preventable.



As shown in Figure 1, Maine’s mortality rate for lung cancer, and incidence rates of lung cancer and other tobacco-related cancers, are higher than the national average. In addition to cancer, tobacco use increases the risk of heart attack, stroke, COPD, emphysema, chronic bronchitis, preterm delivery, stillbirth, low birth weight, SIDS, and other diseases.<sup>12</sup>

Tobacco use is the leading preventable risk factor for 4 of the top 5 causes of death in Maine – cancer, heart disease, lung disease and stroke.<sup>13</sup> There is simply no other single risk factor for chronic illness and preventable death that comes close to the devastating toll of tobacco use.

**FIGURE 1**



Source: U.S. CDC Wonder database (1999–2018)

# ADULT TOBACCO USE IN MAINE

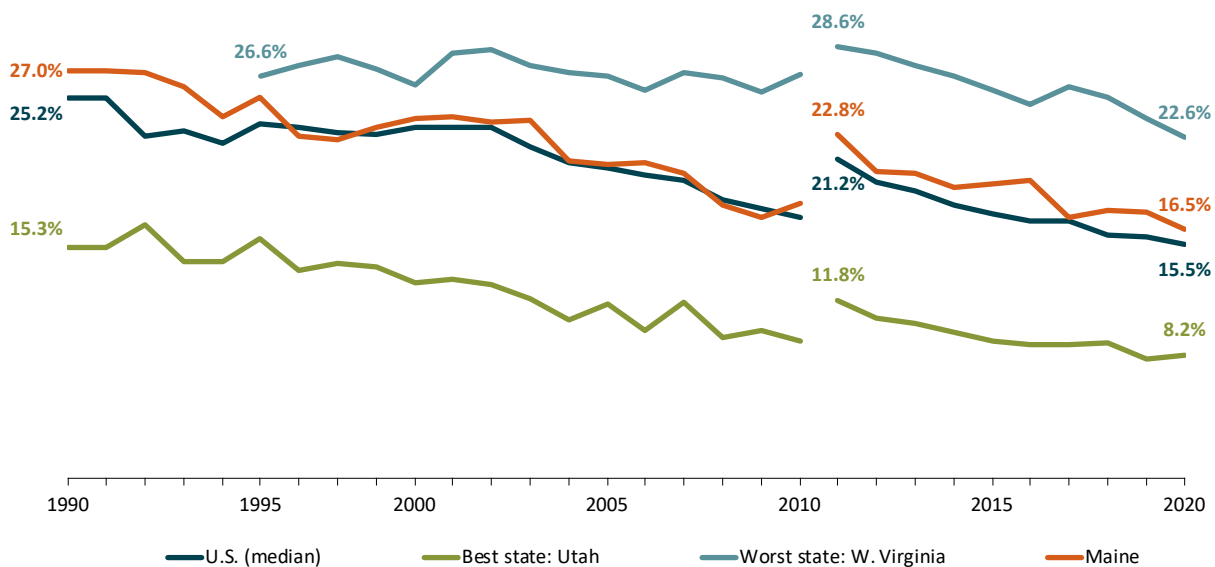
Maine's adult smoking rate is higher than the national average and is the highest of the Northeast states. Nearly 1 in 6 (16.5%) Maine adults smoke cigarettes, compared to 15.5% of adults nationwide.<sup>14</sup>

FIGURE 2

## Tobacco use among adults in Maine

### % of 18+-year-olds who smoke daily or some days

Behavioral Risk Factor Surveillance System (1990-2020) *estimated percentage*

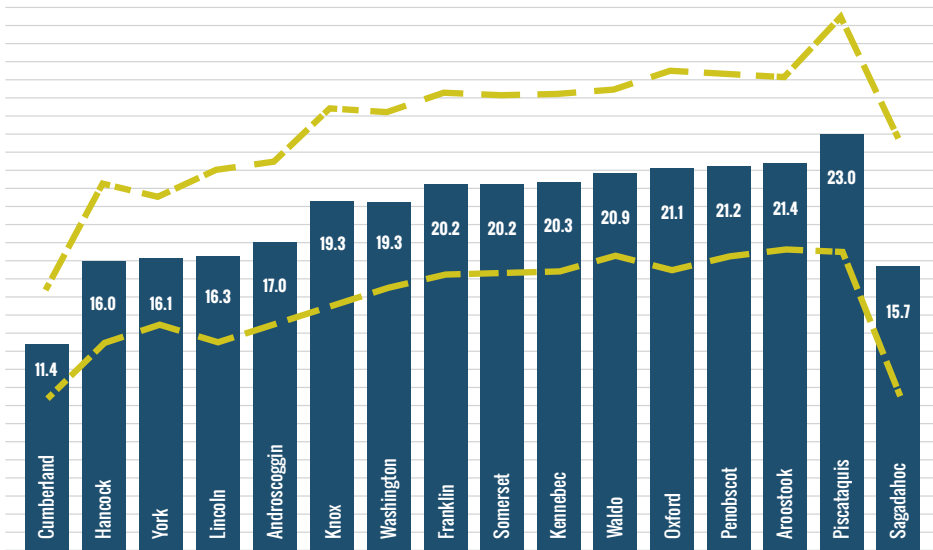


NOTE: Due to improvements in survey methods, estimates for 2011-2020 are considered more accurate than those made in previous years, particularly data from 2004-2010.

Adult smoking rates vary significantly in different regions of the state. The lowest rate is in Cumberland County and the highest rates are in Piscataquis and Aroostook Counties. Rural populations are more likely to use tobacco products, start smoking at a younger age, smoke more heavily, and be exposed to secondhand smoke than urban populations. Rural populations do not smoke more just because they live in rural areas. Lower incomes, higher unemployment, and lower education levels also contribute to higher smoking rates among rural populations.<sup>16</sup>

FIGURE 3

### Percent of Maine Adults Who Are Current Cigarette Smokers (with 95% Confidence Intervals)



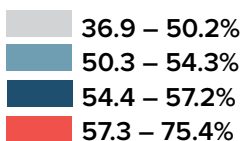
Source: Maine Behavioral Risk Factor Surveillance System (BRFSS)

NOTE: Socioeconomic status which is not included and adjusted in the data above has been a contributing factor to tobacco use.

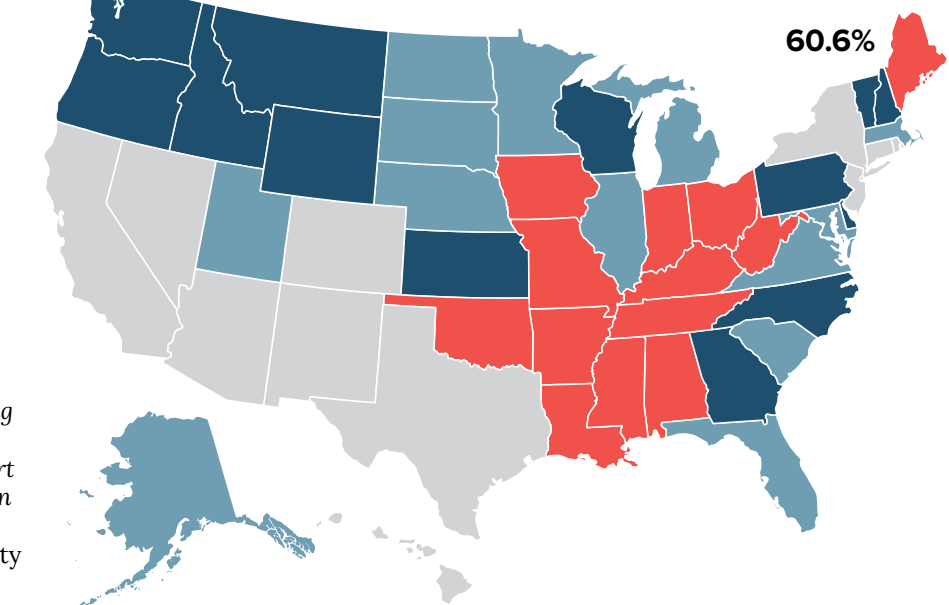
Maine’s past success and current challenges with adult tobacco use is supported by data from the 2020 Behavioral Risk Factor Surveillance System showing that among adults who have ever smoked, Maine has the highest percentage of former smokers (29.8% vs. 25.2% for the US)<sup>17</sup>. Among those who continue to smoke, Maine has the highest percentage of daily smokers in the Northeast and a disproportionately high percentage of smokers who smoke within the first 30 minutes of waking, an indicator of the strength of addiction.<sup>18</sup>

FIGURE 4

### Percentage of Cigarette Smokers Who Smoke Within 30 Minutes of Waking



Source: Giovino GA, Chaloupka FJ, Hartman AM et al. *Cigarette Smoking Prevalence and Policies in the 50 States: An Era of Change – The Robert Wood Johnson Foundation ImpacTeen Tobacco Chart Book*. Buffalo, NY: University at Buffalo, State University of New York, 2009.





# YOUTH TOBACCO USE IN MAINE

Use of tobacco products is initiated and established primarily during adolescence, as demonstrated by the fact that about 95% of adult smokers begin smoking before they turn 21,<sup>19</sup> and 99% begin before age 26.<sup>20</sup> The U.S. Surgeon General warns that youth and young adults are uniquely at risk for long-term harm from tobacco use. Exposure to nicotine can damage the developing brain, which continues to grow until about age 25, and cause addiction, mood disorders, attention and learning deficits, and a permanent lowering of impulse control. Nicotine can also prime the adolescent brain for addiction to other substances, such as cocaine.<sup>21</sup>

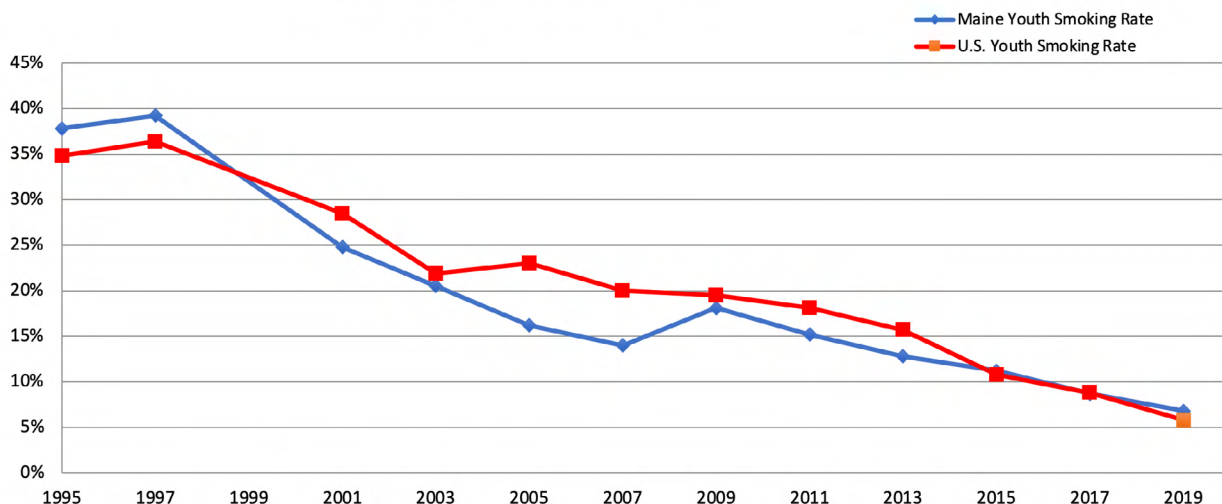
In 2015, for the first time in nearly twenty years, Maine's high school smoking rate was higher than the national average and in recent years, Maine's youth smoking rates have declined more slowly when compared to the national average.<sup>22</sup> Currently 7.1% of Maine high school students smoke cigarettes, which is above the national average (6.0%), while 28.7% of high school students use e-cigarettes, compared to 32.7% of high school students nationally. As is the case with

In her 2006 ruling that cigarette manufacturers have violated civil racketeering laws and deceived the American public, U.S. District Court Judge Gladys Kessler stated, "From the 1950s to the present, different defendants, at different times and using different methods, have intentionally marketed to young people under the age of 21 in order to recruit 'replacement smokers' to ensure the economic future of the industry."

SOURCE: U.S. V. Philip Morris USA, Inc., et al., No. 99-CV-02496GK (U.S. Dist. Ct., D.C.), Final Opinion, August 17, 2006.

FIGURE 5

Smoking Rates--High School Students  
Maine & US, 1995-2019 YRBSS

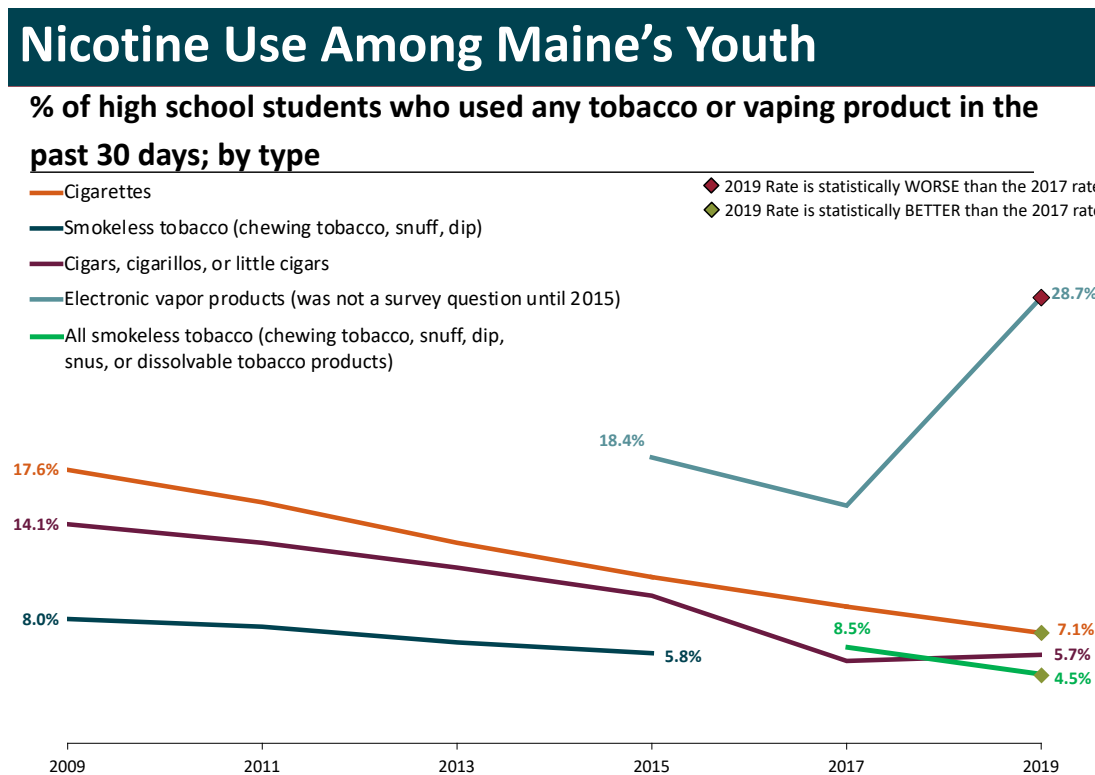


Source: Maine, High School Youth Risk Behavior Survey, 2019

adult smoking rates, youth smoking rates also vary widely across Maine, with a high of 12% in Washington County and a low of 5.7% in York County.<sup>23</sup>

Youth tobacco use is not limited to cigarettes. In 2019, almost 30% of Maine high school students used some form of tobacco, including cigarettes, smokeless, cigars, and electronic cigarettes,<sup>24</sup> up from 23.5% in 2015 (approximately a 25% increase.) This dramatic increase has been driven in large part by the explosion of e-cigarette use (also known as “vaping”) among middle and high school students.

FIGURE 6



Source: *Maine Integrated Youth Health Survey, 2009 - 2019 estimated percentage*

Today in Maine, more than 1 in 4 Maine high school students now use e-cigarettes, a rate that has nearly doubled from 2017 to 2019, while 1 in 2 high school students and 1 in 6 middle school students report having ever used e-cigarettes. In Piscataquis County, high school e-cigarette use has quadrupled, and in Oxford County it nearly tripled during that same two-year period. Oxford County has the highest high school e-cigarette use rate (30.9%) and Waldo County has the lowest rate (23.9%).<sup>25</sup>

E-cigarettes are also called electronic nicotine delivery systems (ENDS), vapes, or e-cigs. They are battery operated non-combustible products that vaporize an ‘e-liquid’, almost always containing nicotine, into an aerosol form that is inhaled by the user.

Most e-liquid contains a variety of chemical ingredients and flavoring, helping to make vaping an appealing activity to youth. More than 80% of the nation’s youth reported the availability and variety of flavors are their primary reason for using e-cigarettes.<sup>26</sup>

E-cigarette devices come in a variety of shapes and sizes. Perhaps best known is JUUL™, an e-cigarette device that looks like a USB flash drive, making it easy to hide or disguise. One JUUL™ pod delivers as much nicotine as a full pack of 20 cigarettes.<sup>27</sup> JUUL™ has had an outsized impact on the skyrocketing use of e-cigarettes among youth, including in school settings. In 2018, a Maine high school was highlighted in a national news story about the challenges faced by teachers, school staff, and students as the use of JUUL™ and other e-cigarettes began reaching epidemic proportions in middle schools and high schools across the country.<sup>28</sup>

The dangers of e-cigarettes extend beyond nicotine. E-cigarette aerosol also poses a risk to users and nonusers. The most recent Surgeon General’s report concluded that “e-cigarette aerosol is not harmless. It can contain harmful and potentially harmful constituents, including nicotine.”<sup>28</sup> Besides nicotine, e-cigarettes aerosol can contain:

- ultrafine particles that can be inhaled deep into the lungs
- flavorings such as diacetyl, a chemical linked to serious lung disease
- volatile organic compounds
- heavy metals, such as nickel, tin, and lead<sup>30</sup>

According to a 2016 US Surgeon General report on e-cigarettes, “although conventional cigarette smoking has declined markedly over the past several decades among youth and young adults in the United States, there have been substantial increases in the use of emerging tobacco products among these populations in recent years. Among these increases has been a dramatic rise in electronic cigarette (e-cigarette) use among youth and young adults. It is crucial that the progress made in reducing cigarette smoking among youth and young adults not be compromised by the initiation and use of e-cigarettes.”<sup>31</sup>

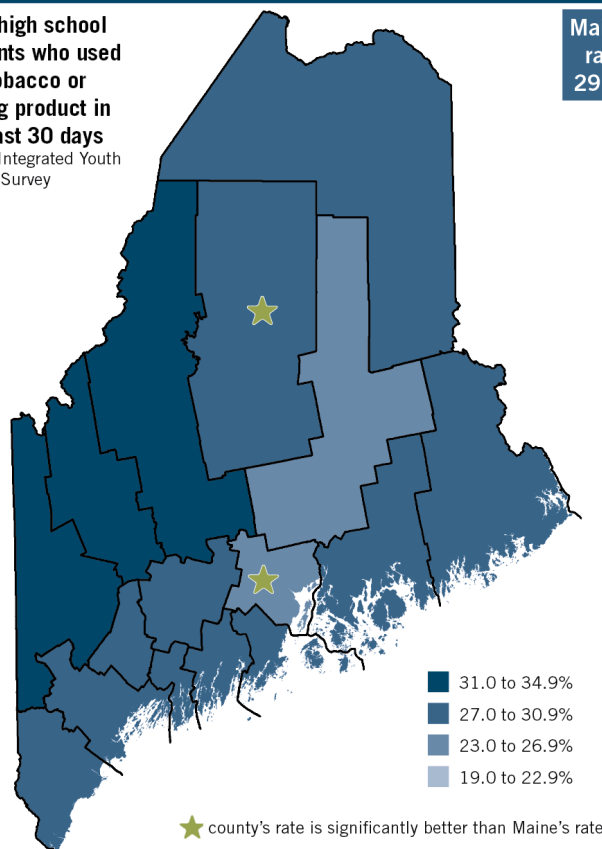
Moreover, according to a press release on a Congressionally mandated report from the National Academies of Sciences, Engineering, and Medicine, released in January 2018, “Among youth – who use e-cigarettes at higher rates than adults do – there is substantial evidence that e-cigarette use increases the risk of transitioning to smoking conventional cigarettes.”<sup>32</sup>

**FIGURE 7**

**Youth nicotine use**

**% of high school students who used any tobacco or vaping product in the past 30 days**  
 Maine Integrated Youth Health Survey (2019)

**Maine's rate: 29.6%**



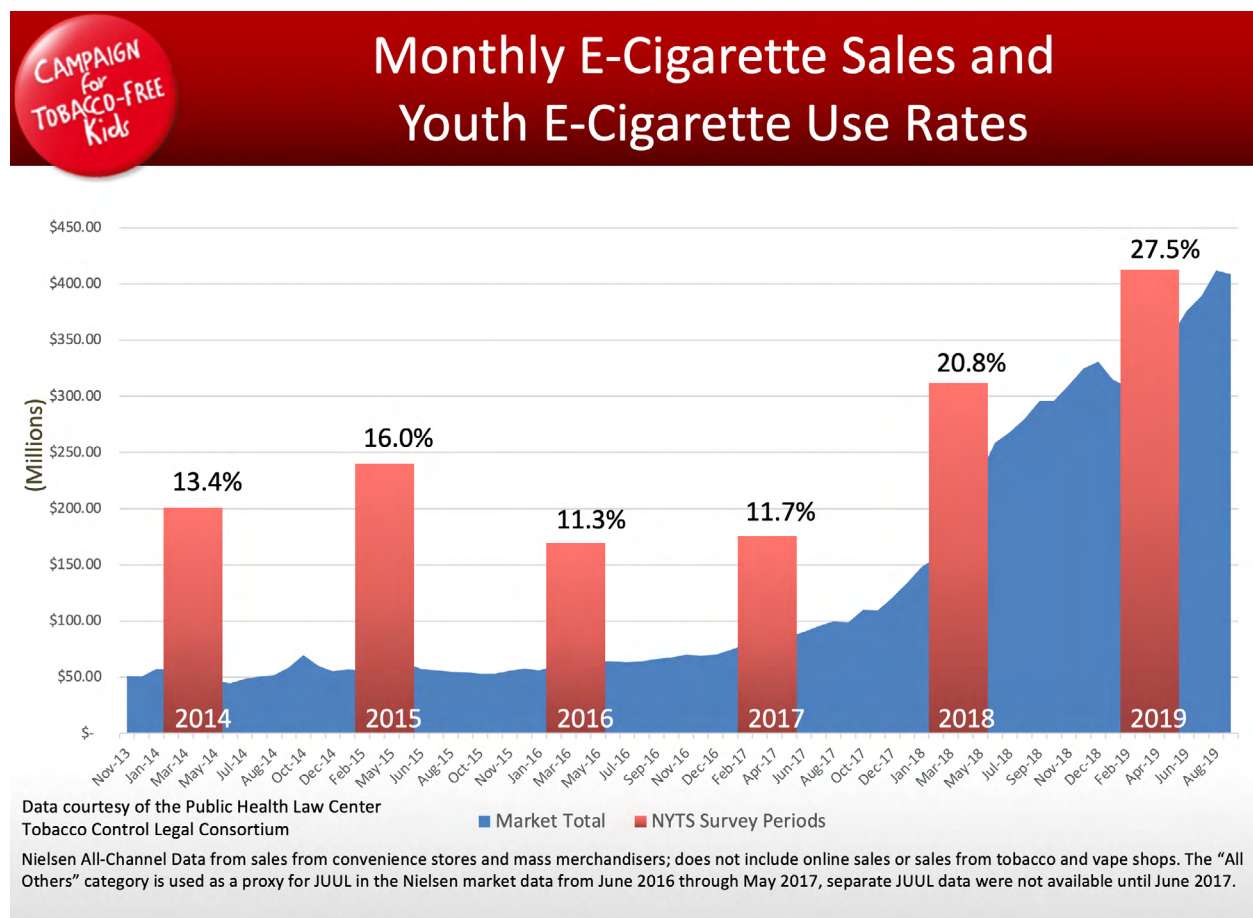
Source: Maine Integrated Youth Health Survey, 2019

As Figure 8 clearly indicates, e-cigarette use is an epidemic among youth. While national data shows that youth e-cigarette use declined significantly between 2019 and 2020 – from 27.5% to 19.6% of high school students, it remained at epidemic levels with 3.6 million middle and high school kids are still using e-cigarettes. In fact, far from reversing the alarming increase in youth e-cigarette use that has occurred since 2017, the 2020 decline brings rates back to about the same level as 2018 – when the U.S. Surgeon General first declared youth e-cigarette use to be an epidemic.

As e-cigarette sales have grown, rates of e-cigarette use by youth have climbed sharply, while adult use rates have remained relatively low. In fact, e-cigarettes are an alarming example of how the tobacco industry skillfully adapts their products, devices, and marketing to secure and retain their youth-oriented market.

It should be noted that 2021 data is not comparable to previous years due to a methodology change. Whereas previous surveys were conducted entirely in-school, the 2021 survey included both in-school and at-home responses; students who completed surveys in school reported higher e-cigarette use. In addition, a decline in youth e-cigarette use during this time would not be unexpected since pandemic-related factors such as reduced access to e-cigarettes due to fewer peer interactions may have impacted youth e-cigarette use.

**FIGURE 8**



Source: Campaign for Tobacco-Free Kids, November 2021

## Flavored Tobacco Products

There are now over 15,000 flavored tobacco products on the market, including cigarettes, e-cigarettes, cigars, chewing tobacco, and loose tobacco.<sup>33,34</sup> With colorful packaging and names like Winter Menthol, Mocha Mint, Banana Smash, Piña Colada, Cotton Candy and Cinnamon Roll, these flavored products undermine Maine's efforts to reduce youth tobacco use.

The impact of flavored products in attracting youth and young adult tobacco users cannot be underestimated. Data shows that 4 out of 5 teenagers who have ever used tobacco started with a flavored product.<sup>35</sup> And while 91% of e-cigarettes contain nicotine, more than half (54%) of Maine high school students who have used an e-cigarette initially thought it was “just flavoring” when interviewed in 2017.<sup>36</sup> With increased public education, kids began learning the truth about nicotine in e-cigarettes and that percentage dropped significantly but remains concerning at 23%.<sup>37</sup>

Menthol flavors have long been used by the tobacco industry to mask the harshness of cigarettes, making it easier for first-time users to inhale and continue using tobacco products. People who smoke menthol cigarettes also show greater signs of nicotine addiction and are less likely to successfully quit smoking than other smokers.<sup>38</sup>

New research from the Tobacco Center for Regulatory Science of the American Heart Association finds young adults are especially influenced by flavors in e-cigarettes. The study found that people who used flavored e-cigarettes were twice as likely to report high satisfaction compared to those who did not use flavors, with those using mint or menthol flavors nearly three times more likely to report satisfaction than those who did not use flavors. In addition, people who used flavored e-cigarettes were nearly three-and-a-half times more likely to say they were addicted to these products compared to those who did not use flavors.<sup>39</sup>

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## INDUSTRY TARGETING CREATES DISPARITIES IN TOBACCO USE

In November 2019, the U. S. Centers for Disease Control and Prevention announced that cigarette smoking among U.S. adults had hit an all-time low of 13.7% in 2018 — a dramatic decline from the 42% adult smoking rate in 1964 when the Surgeon General first warned of the health consequences of smoking.<sup>40</sup> But this news must be tempered by the reality that 1 in 7 adults are still smoking cigarettes, with all the health impacts, lost productivity, and early death that is part and parcel of tobacco use.

The same report shows that in 2019, 1 in 5 (20.8%) U.S. adults are using some type of tobacco product, not just cigarettes, and that there continues to be a high prevalence of smoking among subpopulations. Rates of any tobacco use grow to 1 in 4, and in some cases 1 in 3, when looking at data for adults living with a disability (26.9%), adults who are lesbian, gay, or bisexual (29.2%), adults who are American Indian/Alaska Native (29.3%), adults with



a General Education Development (GED) certificate (43.7%), and adults reporting serious anxiety (45.3%).<sup>41</sup> And despite well-established prevalence, the diagnosis and treatment of nicotine dependence continues to be neglected among those with co-occurring psychiatric disorders.<sup>42</sup>

Research has shown some subpopulations face increased exposure to tobacco industry marketing. In fact, there is often “purposeful targeting of vulnerable populations such as working-class youth, inner city areas that are predominantly African American and/or low-income and the LGBT community. In all cases, the industry is keen to target youth and young adults.”<sup>43</sup>

Tobacco industry targeting is not a new phenomenon. The cultures of the Marlboro Man, Virginia Slims, and Kool were carefully and commercially designed, and many in our parents’ and grandparents’ generations paid the ultimate price – living with chronic heart and lung disease and experiencing early death from tobacco-related illness.

Menthol and other flavors have been used by the tobacco industry for decades to target communities with low incomes as well as African American and LGBTQ youth and young adults. Tobacco industry documents reveal aggressive marketing, including cheaper prices and more advertising of menthol cigarettes in African American neighborhoods.<sup>43</sup> Today, 7 out of 10 African American youth who smoke, and 5 out of 10 youth smokers overall, smoke menthol cigarettes.<sup>45</sup> Among middle and high school students who use e-cigarettes, more than 8 out of 10 use a flavored product.<sup>46</sup>

Today in Maine, compared to current smoking among adults (16.5%), cigarette use is greater among adults who do not have a high school diploma (37.3%); who earn less than \$15,000 annual income (35.3%); and who experience depression (42.6%).<sup>47</sup> Tobacco use is also higher in LGBTQ populations. More than 1 in 5 LGBTQ adults in America smoke, which is 30% higher than other adults, and LGBTQ students start smoking younger and smoke more frequently compared to their non-LGBTQ peers.<sup>48</sup> According to the 2019 Maine Integrated Youth Health Survey, 22.9% of transgender high school students and 14.7% of gay/lesbian students use tobacco products, excluding e-cigarettes, compared with 9.8% of cisgender and 9.6% of heterosexual students, respectively.<sup>49</sup>

These sobering statistics are not only a grim reminder of the ground that’s been lost, but also a galvanizing opportunity to address widening gaps in Maine’s tobacco policy environment that are putting Maine kids and young adults at higher risk for a lifetime of addiction and tobacco-related illness.

# BEST PRACTICE TOBACCO PREVENTION AND CONTROL

## U.S. Surgeon General Reports

It's been 56 years since the 1964 landmark Surgeon General's report warning the nation about the health hazards of cigarette smoking and the need for "remedial action." Subsequent Surgeons General have released reports on the dangers of secondhand smoke, the importance of prevention, the e-cigarette epidemic, and in 2020, the health and financial benefits of cessation, including the latest science behind tobacco addiction and the challenges of quitting.

Among the 10 "major conclusions" of the 2020 Surgeon General's report, it is worthwhile to highlight one that is particularly relevant to Maine as we rebuild our tobacco program. The Surgeon General's Conclusion #10 states, "Smoking cessation can be increased by raising the price of cigarettes, adopting comprehensive smoke free policies, implementing mass media campaigns, requiring pictorial health warnings, and maintaining comprehensive statewide tobacco control programs." In this same report, former Surgeon General Jerome Adams states, "Tobacco use remains the number one cause of preventable disease, disability, and death in the United States. Nearly all adult smokers have been smoking since adolescence. More than two-thirds of smokers say they want to quit, and every day thousands try to quit. But because the nicotine in cigarettes is highly addictive, it takes most smokers multiple attempts to quit for good. Today, we know much more about the science of quitting than ever before. Research shows that smokers who use evidence-based tools to help them quit are more likely to succeed... Although the benefits of quitting are greater the earlier in life that an individual quits, this report confirms that it is never too late to quit smoking. Even persons who have smoked for many years or who have smoked heavily can realize health and financial benefits from quitting smoking. Everyone has a role in helping to continue to reduce the burden of tobacco use on our society."

**"Even persons who have smoked for many years or who have smoked heavily can realize health benefits and financial benefits from quitting smoking."**

*2020 U.S. Surgeon General Report*

## U.S. CDC Best Practices

The U.S. Centers for Disease Control and Prevention (U.S. CDC) has long provided the "North Star" to guide states' tobacco programs and policies. The U.S. CDC's "Best Practices for Comprehensive Tobacco Control Programs"<sup>50</sup> describes an integrated program structure comprised of five components for effective interventions, and it calculates the recommended level of state investment in each of the five components in order to be successful.

The "Best Practices" report also articulates state policy objectives, stating, "Research has documented the effectiveness of laws and policies in a comprehensive tobacco control effort to protect the public from secondhand smoke exposure, promote cessation,

and prevent initiation, including: 1) increasing the unit price of tobacco products; 2) implementing comprehensive smoke free laws that prohibit smoking in all indoor areas of worksites, restaurants, and bars, and encouraging smoke free private settings such as multiunit housing; 3) providing insurance coverage of evidence-based tobacco cessation treatments; and 4) limiting minors' access to tobacco products.”<sup>51</sup>

In their December 2020 fact sheet, “Youth and Tobacco Use”,<sup>51</sup> the U.S. CDC reinforces this approach, stating, “National, state, and local program activities have been shown to reduce and prevent youth tobacco product use when implemented together. These activities include:

- Higher costs for tobacco products (for example, through increased taxes)
- Prohibiting smoking in indoor areas of workplaces and public places
- Raising the minimum age of sale for tobacco products to 21 years
- TV and radio commercials, posters, and other media messages aimed at kids and teens in order to counter tobacco product ads
- Community programs and school and college policies that encourage tobacco-free places and lifestyles
- Community programs that lower tobacco advertising, promotions, and help make tobacco products less easily available”

Best practice tobacco policy is about creating environments that help smokers quit and keep kids from starting. Practically speaking, this means limiting youth access, keeping prices high, enacting and enforcing strong smoke-free policies at work and public places, and fully funding a comprehensive tobacco prevention and control program for state and local implementation, all designed and implemented with equity and stigma at the center.

## **Alignment between U.S. CDC and Maine Tobacco Prevention and Control Program**

The prevention and treatment of tobacco use and addiction can make a significant difference in the health, hope, and prosperity of Maine children and adults. And there is a clear roadmap to follow: the Maine CDC's Tobacco Prevention and Control Program has a 22-year history of implementing evidence-based strategies to reduce the disability, disease, and death related to tobacco use and exposure to secondhand smoke. Since its inception, Maine's Tobacco Prevention and Control Program has aligned its programs with the U.S. CDC's Best Practice Guide – the gold standard of tobacco program design.

The U.S. CDC's “Best Practices” report provides each state with recommended levels of funding for their tobacco prevention and control program. The current recommended best practice funding level for Maine is \$15.9 million annually, for a program comprising five components: 1) state and community interventions, 2) mass-reach health communications, 3) cessation interventions, 4) surveillance and evaluation, and 5) infrastructure, administration, and management.

The Maine Tobacco Prevention and Control Program (TPCP) is a program within the Tobacco and Substance Use Prevention and Control Program (TSUPC) in the Division of Disease Prevention at the Maine Center for Disease Control and Prevention (Maine CDC).

The TPCP aligns directly with the U.S. CDC in both its program design and its four overarching objectives: 1) preventing youth and young adults from starting to use tobacco products, 2) promoting tobacco treatment (quitting) among adults and youth, 3) eliminating exposure to secondhand smoke, and 4) identifying and eliminating tobacco-related disparities.

With foundational funding provided by the U.S. CDC, Maine's TPCP program is designed to reflect the "Best Practices" framework, and as such, focuses its efforts primarily on population-based strategies for policy and environmental change, with program interventions, data collection, and reporting developed to fulfill U.S. CDC grant requirement and five Best Practices component expectations:

- **State and Community Interventions**

Maine CDC contracts with the MaineHealth Center for Tobacco Independence (CTI) who subcontracts with 17 community organizations to implement policy, systems and environmental evidence-based strategies statewide under the Maine Prevention Services, Domain 2. Additionally, The Maine Youth Action Network (MYAN), as part of the Maine Prevention Services initiative, Domain 3, engages young people in leadership development and holistic prevention programming in order to lower rates of youth substance use and increase young people's resilience. Program staff are also involved in coordinating statewide efforts, workforce development, working with communities disproportionately affected by tobacco and with tobacco retailers.

- **Mass-reach Health Communication Interventions**

Maine TPCP works with the Communication and Policy Team within TSUPC to develop goals for statewide campaigns. Maine CDC contracts with Rinck Advertising to implement evidence-based media campaigns and strategies to educate and promote services targeted to specific audiences through media tactics to change knowledge, beliefs, attitudes, and behaviors. This includes campaigns focusing on the Maine QuitLink, secondhand smoke exposure, youth vaping prevention, and substance exposed infants.

- **Cessation Interventions**

Maine TPCP contracts with the MaineHealth Center for Tobacco Independence (CTI) to manage the statewide commercial tobacco treatment program. The Maine Tobacco HelpLine went through a rebranding process to become the Maine QuitLink, which now offers expanded treatment services for all commercial tobacco users who are ready to quit as well as support for their loved ones. The rebrand aligns with the national 1-800-Quit-Now services which streamlines and provides national reporting.

- **Surveillance and Evaluation**

Maine TPCP maintains five-year surveillance and evaluation plans, which provide the program with the framework to routinely track, analyze, and interpret data in order to measure program-related impacts. Surveillance and evaluation plans are also used to facilitate continuous quality improvement and contribute towards best practices for the implementation of strategies. The program contracts with Partnerships for Health for a portion of the evaluation process.

- **Infrastructure, Administration and Management**

Maine TPCP develops and sustains collaboration with internal and external partners like the Maine CDC Chronic Disease Program (cancer control, cardiovascular disease, diabetes, asthma) and tobacco coalitions. Other activities include managing and maintaining a five-year procurement cycle for contractors, staff development, and core staff retention.

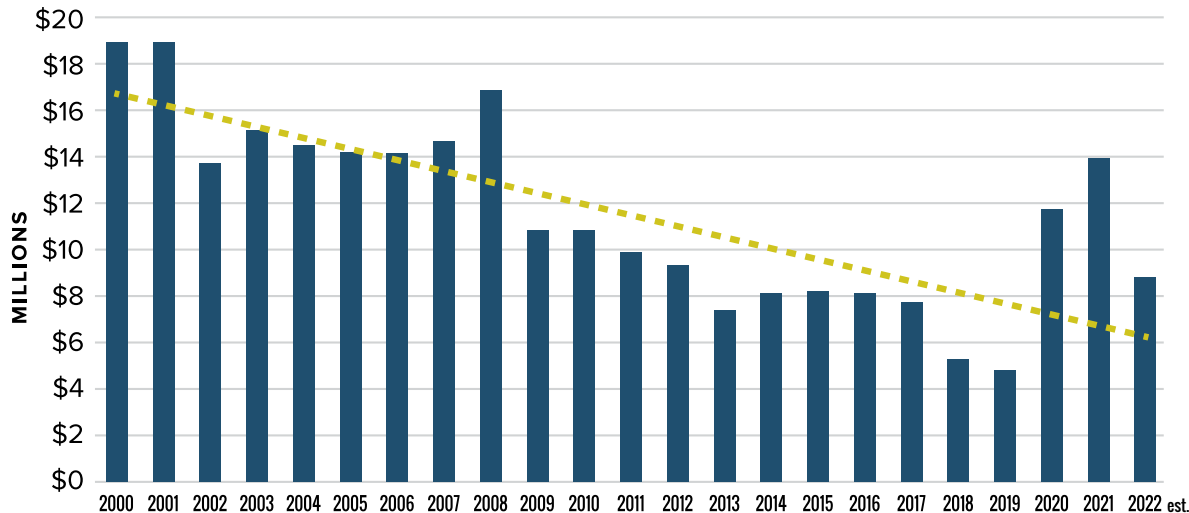
As Maine responds to and recovers from the COVID-19 pandemic, while simultaneously building readiness and resilience for the future, we are fortunate to have a well-structured and historically successful tobacco prevention and control program, as well as a shared culture of collaborative problem solving. There are serious challenges ahead, and Maine's Tobacco Prevention and Control Program is one of the most essential tools at our disposal to collectively raise healthy children, secure a productive workforce, and grow our economy. We would be wise to learn from the past and keep this critically important tool well-honed and well-used as we support Maine kids and adults in reaching their full potential.

## HISTORY OF MAINE'S TOBACCO PROGRAM AND POLICIES

For years, Maine was recognized as one of the best in the nation for our tobacco program and policies. We were proud to see our youth smoking rates go from one of the worst in the nation in 1998 to one of the very best in the early 2000s. This life-saving turnaround was achieved through a combination of full program funding, aggressive pricing strategies, and the early adoption of smoke-free policies in most public places. NOTE: Current FY funding has dropped by \$5M.

FIGURE 9

History of Maine's Tobacco Program Spending



Source: Campaign for Tobacco Free Kids, "Broken Promises to Our Children", 1/14/21, <https://www.tobaccofreekids.org/what-we-do/us/statereport/maine>

However, in the mid 2010's, the state's focus and investment faltered, leaving us flat-footed in the face of a youth epidemic of e-cigarette use and unable to counter the onslaught of new youth-focused tobacco products and devices being heavily marketed by the tobacco industry. The Fund for a Healthy Maine, the home for Maine's share of the 1998 tobacco settlement (aka Master Settlement Agreement, or MSA), was being used more and more to supplant General Fund expenditures, leaving far fewer resources available for public health and prevention. By 2019, Maine's tobacco program was funded at just 30% of the U.S. CDC recommended funding level for Maine.<sup>53</sup>

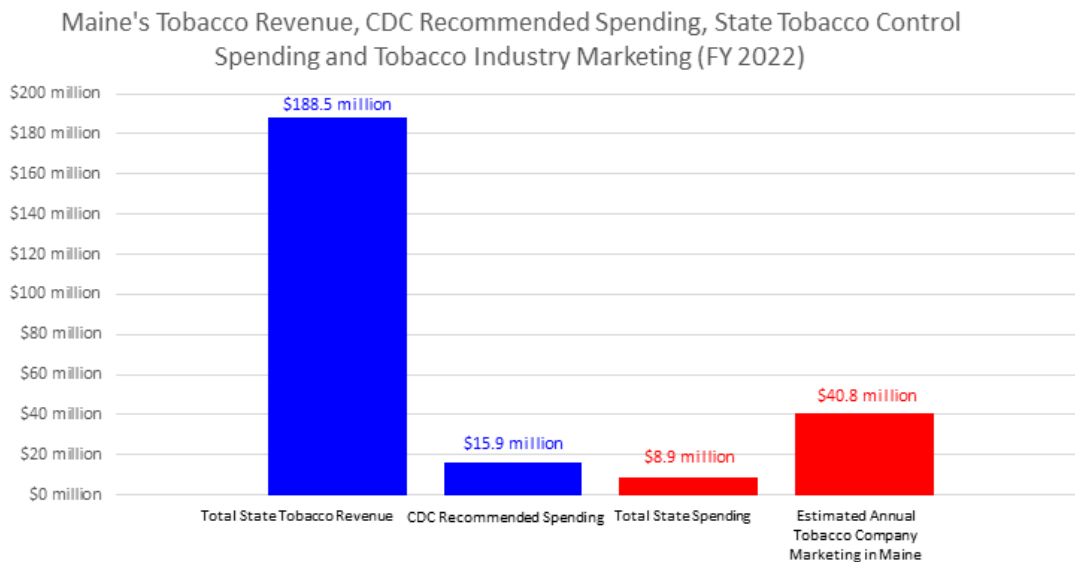


Recognizing the value and need for investing in tobacco prevention and cessation, Governor Mills and the 129th Maine Legislature nearly tripled the budget for Maine’s tobacco program in 2020 and 2021. The funding increase came from revenue from the tobacco Master Settlement Agreement and a portion of the revenue generated from the passage of a law to update Maine’s tax code so that all non-cigarette tobacco products, including e-cigarettes, are taxed at the same relative rate as cigarettes.<sup>54</sup>

Unfortunately, funding levels were not sustained in the recent budget, and it should be noted that this recommended level is still just a fraction of the total revenue gleaned from tobacco sales and the tobacco settlement in Maine, and less than half of what the tobacco industry spends every year marketing their products in Maine (see Figure 10). With the updated Tobacco Free Kids number of tobacco industry marketing at \$40.8 million, the recommended level of funding is 39% of the tobacco industry marketing.

As the tobacco program’s funding has not reached the U.S CDC recommended level for fiscal year 2022, and additionally was not sustained at the previous year’s level, it fails to protect hard-won progress implementing new initiatives among populations disproportionately impacted by nicotine addiction. The funding cut impacts the state tobacco prevention and control in at least two ways. First, the program is unable to implement comprehensive interventions, leaving communities with higher tobacco use and secondhand smoke exposure

**FIGURE 10**



Sources: (a) Dec 2021 Revenue Forecasting Committee Report, FUND FOR A HEALTHY MAINE (FHM) REVENUE (TOBACCO SETTLEMENT PAYMENTS), REVENUE FORECASTING COMMITTEE RECOMMENDATIONS - DECEMBER 2021 FORECAST <https://legislature.maine.gov/doc/7530>

(b) Revenue Forecasting Committee, December 2021 Forecast, GENERAL FUND REVENUE, REVENUE FORECASTING COMMITTEE RECOMMENDATIONS - Dec 2021 FORECAST, Appendix A, p. 2, calculated by backing out marijuana excise tax from “cigarette and tobacco tax”, <https://legislature.maine.gov/doc/7528>

(c) U.S. Center for Disease Control, “Best Practices for Comprehensive Tobacco Control Programs – 2014”. [https://www.cdc.gov/tobacco/stateandcommunity/best\\_practices/index.htm](https://www.cdc.gov/tobacco/stateandcommunity/best_practices/index.htm)

(d) Calculation based on Campaign for Tobacco-Free Kids, “Broken Promises to Our Children: A State-by-State Look at the 1998 Tobacco Settlement,” January 15, 2021 and reduction in “one-time” \$5 million/yr [https://www.tobaccofreekids.org/assets/content/what\\_we\\_do/state\\_local\\_issues/settlement/FY2021/1\\_FY2021\\_Rankings\\_Funding\\_for\\_State\\_Tobacco\\_Prevention\\_Programs.pdf](https://www.tobaccofreekids.org/assets/content/what_we_do/state_local_issues/settlement/FY2021/1_FY2021_Rankings_Funding_for_State_Tobacco_Prevention_Programs.pdf)

(e) Campaign for Tobacco-Free Kids. “The Toll of Tobacco in Maine”, updated May 18, 2021 <https://www.tobaccofreekids.org/problem/toll-us/maine>

rates at risk of continued targeting and harassment by tobacco companies. These cuts mean the state is failing to prevent kids from starting to smoke, help adults quit smoking, and educate the public on the adverse health impacts of commercial tobacco and tobacco products. Lack of sustained funding also substantially affects the public health workforce, especially those with a focus on tobacco and related chronic disease prevention. State programs and local organizations are forced to cut services and lay off experienced staff.

Maine's tobacco program is now staffed by a skilled workforce who are continuing to rebuild all aspects of the program. However, the US CDC Best Practice recommends a minimum of 5 full time staff to run a state comprehensive program. As it is currently, the tobacco program is partially staffed with only two full time staff and two other working half-time. The TPCP is also being advised by a reconstituted and reengaged Tobacco Prevention and Control Advisory Council – a statutorily defined entity providing guidance and transparency to policymakers, program staff, and community partners.

In recent years, Maine lawmakers have passed three critically important tobacco policies worth noting. In 2014, Maine overrode a governor's veto to make all U.S. Food and Drug Administration-approved tobacco cessation treatments available with MaineCare coverage. In 2017, Maine was one of the first states in the nation to raise the minimum sales age to purchase tobacco products to 21 years,<sup>54</sup> which became federal law in late 2019. And in 2019, the equalization of the excise taxes on all tobacco products was an important policy update, particularly considering the many new tobacco products on the market.

Despite these policy updates, Maine's excise tax on cigarettes remains the second lowest in the Northeast<sup>56</sup> and has not been updated since 2005. Because price is one of the most effective tools for reducing youth initiation and incentivizing tobacco users to seek treatment,<sup>57</sup> a significant increase in the price of tobacco products can help jumpstart a new wave of Maine youth to reject tobacco while giving current tobacco users another incentive to quit.<sup>58</sup>

Maine lawmakers have also been some of the first in the nation to tackle the proliferation of flavored tobacco products on the market today. In January 2021, a bill with bipartisan sponsorship was introduced in the legislature to end the sale of all flavored tobacco products in Maine. This legislation (LD 1550) is supported by a broad coalition of public health, education, and youth-focused organizations across the state. In June 2021, lawmakers opted to carry the bill over and it will be taken up again by the 130<sup>th</sup> Legislature in its Second Regular Session. In October 2021, the Bangor City Council voted 7-1 to end the sale of all flavored tobacco products as of June 2022, making Bangor the first municipality in Maine to take on the tobacco industry's use of flavored products to lure and hook kids. The Portland City Council is expected to consider a similar ordinance in December 2021.

Over the past decade, Maine's efforts to prevent tobacco use among youth and young adults has been uneven. But some significant policies have been passed and program funding has begun to recover. The keys to future success will be focus, vigilance, and a willingness to use every tool available to give Maine kids the opportunity to grow up tobacco-free.

# LEARNING FROM THE PAST, INVESTING IN THE FUTURE

Recent public health threats, including the COVID-19 pandemic and the opioid epidemic, may initially be seen by some as overshadowing the importance of a robust tobacco control program. A deeper look reveals strong threads, and in some cases, direct links, between early use of tobacco products and the negative health and economic outcomes from chronic diseases, as well as susceptibility to infectious disease across the lifespan. For this reason, it is important to reject any notion that “we have done all we can with tobacco.”

Like all public health programs focused on preventing chronic diseases and the resulting high costs of medical treatment, creating the environments and culture that prevent youth initiation of tobacco and other addictive substances takes time — years, not months, of commitment — along with consistent investment. With the tobacco industry reliant on attracting young people to its products, much work remains to achieve a generation of Maine youth who are free from tobacco addiction. Thus, attention to youth addiction to nicotine, and enhancing cessation strategies for youth in multiple settings is critical.

Tobacco prevention is one of the smartest and most fiscally responsible investments that states can make. The 2008 Trust for America’s Health report, “Prevention for a Healthier America”,<sup>59</sup> calculated each state’s net savings from a \$10 per person investment in community-based disease prevention programs, maintained over five years. For Maine, the net savings to Medicaid, Medicare, and private payer health spending within five years of the investment was estimated at \$98 million per year, for a return on investment (ROI) of 7.5 to 1.

Tobacco cessation programs yield faster results, often showing a positive return on investment in just two to three years. Even greater savings will likely occur within special populations, such as pregnant women and persons with cardiac conditions. Smoking cessation also increases worker productivity and reduces costs for employers, who pay an average of \$5,800 per smoker annually in absenteeism, smoking breaks, healthcare costs, and other benefits.<sup>60</sup>

Smoking cessation also reduces Medicaid claims. When Massachusetts implemented and aggressively promoted a smoking cessation benefit with minimal co-payments to all Medicaid enrollees, smoking prevalence among enrollees dropped 26% in the first two and a half years.<sup>61</sup> Analysis of Medicaid claims data also found a 46% decrease in the likelihood

“The evidence is sufficient to conclude that increases in the prices of tobacco products, including those resulting from excise tax increases, prevent initiation of tobacco use, promote cessation, and reduce the prevalence and intensity of tobacco use among youth and adults.”

*2014 U.S. Surgeon General Report*

of hospitalization for heart attacks and a 49% decrease for other coronary heart disease diagnoses during this same time period.<sup>62</sup>

California, which has one of the nation's longest running prevention and cessation programs, has reduced lung and bronchus cancer rates four times faster than the rest of the U.S. – lung cancer rates declined by a third between 1988 and 2011 in California.<sup>63</sup> Washington State estimates that its smoking reductions have prevented 13,000 premature deaths.<sup>64</sup> And a 2011 study found that Washington State saved more than \$5.00 in tobacco-related hospitalization costs for every \$1.00 spent during the first 10 years of its program.<sup>65</sup>

Here in Maine, we are only beginning to reinvest and rebuild our statewide tobacco prevention and cessation program, and we have fallen behind in our strategic policy and pricing strategies. Success will only come with long-term sustained investment in all regions and among all communities and sub-populations to counter the dynamic marketing and deep pockets of the tobacco industry, address disparities in tobacco use among marginalized populations, and reduce youth and young adult tobacco use statewide.

The reality is that the past dismantling and underfunding of Maine's tobacco program has put a generation at risk, drained expertise and experience from Maine's state and community-level tobacco prevention workforce, and extended the timetable necessary to see results in reducing youth and young adult tobacco use. It is critically important, for the sake of Maine kids, that this inconsistency in funding and focus not be allowed to happen again.

## RECOMMENDATIONS TO GOVERNOR MILLS AND THE MAINE LEGISLATURE

The tobacco industry has adapted – they have changed their products and sharpened their tactics. Overlaid with the epidemics of COVID-19, opioid addiction, and systemic health disparities, our response to this critical moment must be aggressive, innovative, and forward-thinking. The COVID-19 pandemic has further amplified the need for strong tobacco prevention and cessation policies. Research indicates that tobacco use may be associated with increased rate of COVID-19 disease progression (with caveats as this is a single study) and increased likelihood of severe illness from COVID-19.<sup>66,67,68,69</sup> Additionally, as the pandemic persisted, several major health organizations including the American Academy of Pediatrics, American Academy of Child and Adolescent Psychiatry and Children's Hospital Association issued a statement declaring a national emergency in Child and Adolescent Mental Health.<sup>70</sup>

The health and economic impacts of modernizing Maine's suite of tobacco policies will reach far beyond tobacco into public health, health equity, community-level preparedness and resiliency, and the prevention of the risk factors for acute and chronic diseases.

The Tobacco Prevention and Control Advisory Council is recommending a six-part, interconnected and evidence-based package of tobacco policies for preventing the

initiation of youth and young adult tobacco use and ensuring treatment is available for current tobacco users who are seeking to quit.

The Tobacco Prevention and Control Advisory Council is recommending a six-part, interconnected and evidence-based package of tobacco policies for preventing youth and young adult tobacco use and ensuring treatment is available for current tobacco users who are seeking to quit.

- 1 Fully fund Maine's Tobacco Prevention and Control Program** at \$15.9 million per year, which meets the U.S. CDC recommended level of program funding for Maine.
- 2 Create more equitable health outcomes** by identifying and funding interventions designed specifically for communities disproportionately impacted by tobacco use and tobacco industry marketing.
- 3 End the sale of all flavored tobacco products in Maine**, including menthol, mint, candy, fruit, and dessert flavors, which will significantly reduce tobacco-related disparities and make it less likely that Maine kids will try their first tobacco product – smoked, chewed, or vaped.
- 4 Resolve the structural deficit in the Fund for a Healthy Maine** by assuring full and continued funding for the many inter-connected public health and medical care initiatives, including Maine's tobacco prevention and control program, that are currently funded with tobacco settlement dollars.
- 5 Significantly increase the price of cigarettes** by \$2.00 per pack, which will be automatically equalized across all tobacco products per Maine law and lead to an almost 20% reduction in youth smoking rates. Direct the revenue generated first to the policy objectives above, followed by Maine's highest priority public health, health coverage, and health care needs.
- 6 Protect current policies** by rejecting any attempts to weaken or eliminate current tobacco control policies, including smoke-free laws.



# TOBACCO PREVENTION AND CONTROL ADVISORY COUNCIL OBJECTIVES FOR 2022

The Tobacco Prevention and Control Advisory Council is optimistic about the future of Maine's tobacco program and tobacco policy environment, assuming continued strong support from the executive and legislative arms of state government and the private sector. Renewed program investment at best practice funding levels, combined with the relatively recent passage of two important structural policies ("Tobacco 21" and "Tax Equalization") creates a solid foundation for the future as we work together as a state to prevent tobacco initiation among youth, support current tobacco users in quitting, and eliminate long-standing disparities in tobacco addiction, morbidity, and mortality.

Looking ahead to 2021, the Tobacco Prevention and Control Advisory Council has five primary objectives:

- 1 Provide unbiased information, expertise, and accountability to the Maine Tobacco Prevention and Control Program and to the executive and legislative branches of state government.** Members of the Tobacco Prevention and Control Advisory Council have decades of experience and deep expertise on tobacco-related issues. Under our statutorily defined roles and responsibilities, we will provide candid assessments and advice to program staff and policymakers on an ongoing basis to assure that funding and corresponding activities are serving the people of Maine effectively and efficiently. Using scientific evidence and best practices for tobacco control as a benchmark, we will advocate for strategic, programmatic, and tactical actions, including advancement of the policy recommendations outlined in this report.
- 2 Support the continued development of a new data dashboard,** incorporating data on specific sub-populations, as well as income, education and race data. The Tobacco Prevention and Control Advisory Council supports an accessible "dashboard" of key process, interim and long-term outcome data, as well as the status of key policies will improve transparency and understanding among the public and policymakers. Working with staff, we will continue to design and implement a dissemination and promotion strategy, and will continue to assess the key metrics, such as Maine-specific rates of cancer morbidity and mortality, funding levels, rates of tobacco usage and quitting, return on investment, and key policies related to price, smoke free environments, and products targeting youth
- 3 Conduct an extensive review of strategy options and resource needs for addressing youth nicotine addiction treatment** in multiple settings, with an emphasis on schools. The TPCAC plans to review and make recommendations regarding school-based counseling, treatment and referral services, and strategies for enhancing resilience-based upstream protective factors. The review will include an analysis of strategies that may be conducted through multiple settings including school-based health centers (SBHCs), including the potential impact of developing and funding widespread dissemination of SBIRT in Maine school systems. ( SBIRT is a comprehensive, integrated, public health approach to the delivery of early intervention and treatment

services for persons with substance use disorders, as well as those who are at risk of developing these disorders). The Tobacco Prevention and Control Advisory Committee will conduct a review of programs addressing youth nicotine addiction through these means and will make recommendations to all relevant Maine state agencies.

- 4 **Support the implementation of the Maine Tobacco Comprehensive Strategic and Sustainability Plan, 2020-2025.** The TPCAC work and the Strategic Plan are wholly consistent and the TPCAC seeks to assure that the Plan is supported by policy makers, public health professionals, health care providers and other stakeholders. The Plan is exemplified by the diagram below:

### Maine 2020-2025 Comprehensive Tobacco Sustainability and Strategic Plan



- 5 **Serve as an effective and engaged liaison to external partners and the public.** The Tobacco Prevention and Control Advisory Council has a unique role to play in “telling the story of tobacco” to external partners across many sectors (health care, business, insurance companies, payers, community organizations, policymakers, etc.) about the progress that has been made as well as the significant needs and gaps that remain. The Tobacco Prevention and Control Advisory Council will be engaged in activities to inform, educate, and gain broad

support for the program by highlighting issues like the rapid rise of vaping by youth and the unacceptably high rates of smoking among specific populations like pregnant women with low incomes, those being treated for substance use disorder, and LGBTQ youth.

## CONCLUSION AND CALL TO ACTION

Maine children are experiencing unprecedented stress from the COVID pandemic, which is having serious impacts on their mental and physical well-being. When combined with the vaping epidemic, the relentless loss of life to opioid overdose, and the growing recognition of racial disparities as its own public health crisis, this becomes a critically important moment to redouble our efforts to prevent tobacco addiction among Maine youth and young adults.

Failure to implement effective prevention measures has dire consequences for our health and our economy. But Maine's bipartisan culture of common sense and the shared value of investing today in smart policies and programs in order to avoid high costs down the road persists. There could not be a better opportunity to reinforce and integrate tobacco prevention and control policy as foundational to the health and prosperity of Maine kids and communities.

We look forward to working with Governor Janet T. Mills and the Maine Legislature in the months to come to confront the central role that tobacco use and addiction play in Maine's overall health and prosperity. We all have a role to play in making good health possible for everyone in Maine. Together, in our communities and in our policymaking, we can give every young person in Maine the opportunity to grow up in good health and tobacco-free.

# ACKNOWLEDGMENTS

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- The Maine children and young adults who face tobacco industry tactics every day, and pay the price with their health and too often, their future.

## Additional Resources

- American Cancer Society – Report & Fact Sheets  
<https://www.fightcancer.org/policy-resources/prevention-and-early-detection/tobacco>
- American Heart Association – Report & Fact Sheets - <https://www.heart.org/en/healthy-living/healthy-lifestyle/quit-smoking-tobacco/tobacco-endgame-and-e-cigarettes>
- American Lung Association – State of Tobacco Control  
<https://www.lung.org/research/sotc/state-grades/maine>
- Campaign For Tobacco-Free Kids – Broken Promises Report & Fact Sheets  
<https://www.tobaccofreekids.org/what-we-do/us/statereport>
- MaineHealth Center for Tobacco Independence – Annual Report  
<https://ctimaine.org/facts/tobacco-reports/>
- Maine Integrated Youth Health Survey - Fact Sheets  
<https://data.mainepublichealth.gov/miyhs/2019Snapshots>
- Maine Public Health Association – Fact Sheets  
<https://mainepublichealth.org/advocacy/advocacy-resources/>

# ENDNOTES

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