

African Americans and Tobacco

- Nearly 9 in 10 (88.5%) African-Americans who smoke use menthol cigarettes.¹
- There are no health benefits associated with smoking menthol cigarettes, compared with smoking non-menthol cigarettes.²
- Tobacco use is a major contributor to four of the five leading causes of death among African Americans—heart disease, cancer, diabetes, and stroke.³
- Nearly 45% of African American menthol smokers say they would quit smoking altogether if menthols were banned, as opposed to switching to a non-flavored product.⁴
- COVID-19 disproportionately impacts African Americans, and smoking further increases risks.⁵

California Specific Statistics

Smoking Prevalence

- Smoking prevalence among black adults in CA is 12.2%, while the smoking rate among all adults is 10.7%.⁶
- In California, 70 percent of African American adults who smoke consume menthols, compared to just 18 percent of white adults who smoke.⁷
- African Americans and American Indian/Alaska Natives have a higher adult smoking prevalence rate compared to other racial/ethnic groups.⁸

CA Smoking Costs⁹

- Annual health care costs in California directly caused by smoking- \$13.29 billion.
- Medicaid costs caused by smoking in California- \$3.58 billion.
- Residents' state & federal tax burden from smoking-caused government expenditures- \$695 per household.
- Smoking-caused productivity losses in California- \$10.35 billion.

CA Advertising

- The tobacco industry marketing expenditures nationwide are approximately \$9.1 billion, and the estimated portion spent for California marketing each year is \$496.3 million.¹⁰

CA Human Rights Law

- California has been a leader in human rights law. For example, in 2015, California passed AB 15, which was the first state law to address accountability for a range of serious human rights abuses. It marked the first time that any U.S. state has codified a definition of crimes against humanity; even the federal government has not done so.¹¹
- California has also been a leader in the area of tobacco control. In 1995, it became the first state to ban smoking in the workplace, including public buildings, indoor work spaces and restaurants.¹²

Tobacco and COVID

- During the worldwide COVID-19 pandemic, addressing tobacco use is even more important, as tobacco negatively impacts the outcomes for COVID-19 patients that smoke or are exposed to tobacco smoke.
- As of November 2020, Black Americans were 1.4x more likely to contract COVID and 2.8x more likely to die from it.¹³

¹ <https://truthinitiative.org/sites/default/files/media/files/2019/03/truth-initiative-menthol-fact-sheet-dec2018.pdf>

² Food & Drug Administration TPSAC. Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol Versus Nonmenthol Cigarettes.

³ <https://www.cdc.gov/tobacco/disparities/african-americans/index.htm>.

⁴ Truth Initiative. Video: Making Menthol Black.

⁵ <https://blackprwire.com/press-releases/public-health-alert-as-covid-19-disproportionately-impacts-african-americans-leading-health-groups-warn-smoking-causes->

⁶ <https://tobaccofreeca.com/story-of-inequity/african-american-black/>.

⁷ Giovino, G.A., et al., Differential trends in cigarette smoking in the USA: is menthol slowing progress? Tobacco Control, 2013.

⁸ California Health Interview Survey, 2015.

⁹ <https://www.tobaccofreekids.org/problem/toll-us/california>.

¹⁰ <https://www.tobaccofreekids.org/problem/toll-us/california>.

¹¹ <https://earthrights.org/media/landmark-human-rights-law-passed-in-california/>.

¹² <https://tobaccofreeca.com/secondhand-smoke/ca-first-to-make-most-workplaces-smoke-free/>.

¹³ <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>.

Convention on the Elimination of Racial Discrimination (CERD)

- One of the nine major international human rights treaties, the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) was created with the goal of “speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person.”¹⁴ It also recognizes the “right to public health.”¹⁵
- The United States does not frequently sign or ratify human rights treaties, but the U.S. signed CERD in 1966 and ratified it in 1994, and is therefore legally bound to it.

The Tobacco Treaty

- The guidelines on regulation of the contents of tobacco products for the international tobacco treaty, the WHO Framework Convention on Tobacco Control states “From the perspective of public health, there is no justification for permitting the use of ingredients, such as flavoring agents, which help make tobacco products attractive”.¹⁶
- By permitting the sale of menthol products in the District of Columbia does not abide to globally agreed health standards to protect its citizens, many who are African American.

International Jurisdictions That Have Banned Menthol

An increasing number of international jurisdictions have banned menthol, including:¹⁷

- The European Union (2020).
- Brazil (2012), Brazil became the first country to adopt a ban of all tobacco product flavors and additives, including menthol. The regulation, which was challenged at state and federal levels, is still in litigation and has not yet taken effect.¹⁸
- Canada. (2017).¹⁹
- Ethiopia (2015).²⁰
- Moldova (2015).²¹
- Turkey (2015).²²

US Jurisdictions That Have Banned Menthol²³

While many localities have prohibited flavored tobacco products in some way, most of these exclude menthol, mint or wintergreen. However, several localities do include menthol in their flavor bans. Bans are rapidly being passed all over the country, but a few examples are:

- San Francisco, California, prohibits the sale of flavored tobacco products, including menthol.
- Berkeley, California, prohibits the sale of flavored tobacco products, including menthol, within 600 feet of schools.
- Chicago, Illinois, prohibits the sale of flavored tobacco products, including menthol, within 500 feet of any city high school.
- Contra Costa County, California, prohibits the sale of flavored tobacco products, including menthol, within 1,000 feet of “youth-sensitive places,” including public and private schools, playgrounds, parks and libraries.
- Minneapolis and St. Paul, Minnesota, prohibit the sale of flavored tobacco products, including menthol, except in adult-only tobacco stores and liquor stores.
- California, in August 2020, became the second state in the nation, after Massachusetts, to pass a broad law prohibiting the sale of most flavored tobacco products.²⁴
 - Three days after the law’s passage, a proposed referendum on the law was submitted to the state Attorney General. If this referendum qualifies for the ballot, the law will be suspended pending the referendum vote in the 2022 general election. If the referendum does not qualify, the law will take effect January 1, 2021.²⁵

¹⁴ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <https://www.refworld.org/docid/3ae6b3940.html>.

¹⁵ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <https://www.refworld.org/docid/3ae6b3940.html>.

¹⁶ https://www.who.int/fctc/guidelines/Guidelines_Articles_9_10_rev_240613.pdf.

¹⁷ <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-global-flavored-regs-2015.pdf>.

¹⁸ <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-global-flavored-regs-2015.pdf>.

¹⁹ <https://pubmed.ncbi.nlm.nih.gov/30887032/>.

²⁰ <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-global-flavored-regs-2015.pdf>.

²¹ <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-global-flavored-regs-2015.pdf>.

²² <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-fs-global-flavored-regs-2015.pdf>.

²³ Truth Initiative. *Menthol Fact Sheet*. 2018.

²⁴ <https://www.publichealthlawcenter.org/sites/default/files/resources/CA-Flavor-Tobacco-Ban-SB793.pdf>.

²⁵ <https://www.publichealthlawcenter.org/sites/default/files/resources/CA-Flavor-Tobacco-Ban-SB793.pdf>.