



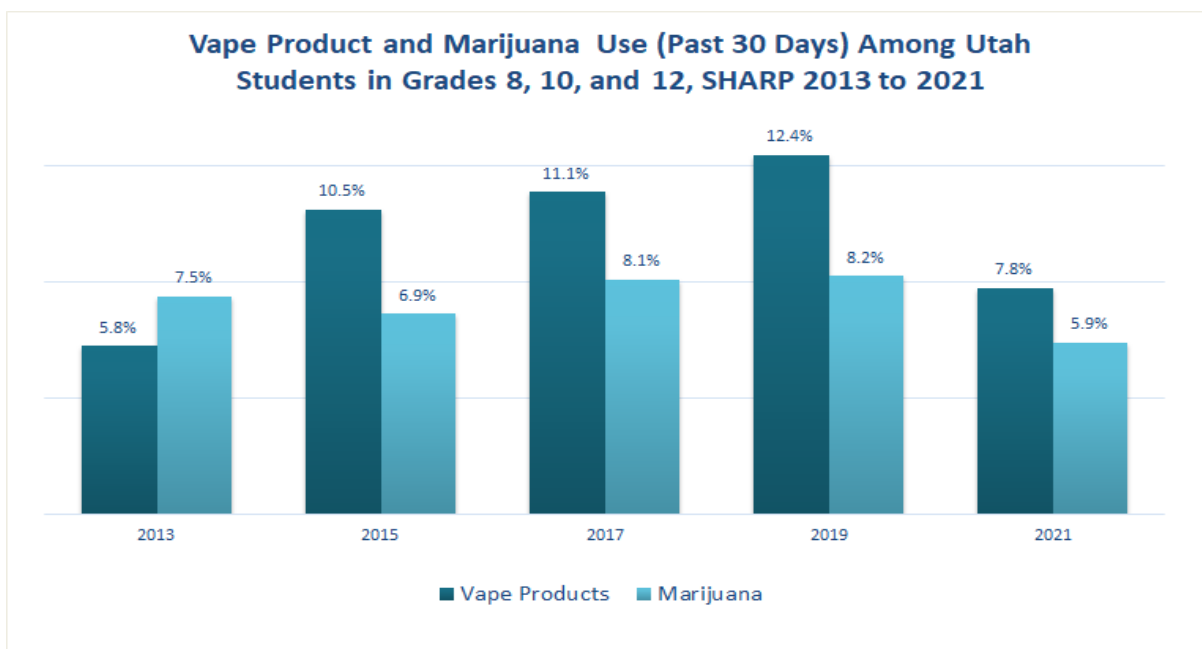
Youth Electronic Cigarette, Marijuana and Other Drugs Prevention Program Legislative Report 2021

STATE OF UTAH
Disease Control and Prevention

To: Health and Human Services Interim Committee
From: Bureau of Health Promotion/Tobacco Prevention and Control Program
Subject: Youth Electronic Cigarette, Marijuana and Other Drugs Prevention Program Legislative Report 2021

Executive Summary

Tobacco and nicotine product use by adolescents and young adults in Utah remains an immediate health concern. Despite a slight decrease in both current cigarette smoking (from 1.5% in 2019 to 1.0% in 2021 for students in 8th, 10th and 12th grade) and the use of electronic cigarettes and other vape products (from 12.4% in 2019 to 7.8% in 2021), many youths continue to get addicted to nicotine. In 2021, one in ten high school seniors used electronic cigarettes or vape products in the past 30 days (SHARP 2021) and in 2020, one in six young adults (ages 18-24) reported current vaping (BRFSS 2020).



Source: Utah Student Health and Risk Prevention Survey (SHARP) 2021.

Possible reasons for the data decline from 2019 to 2021 - In addition to the work of this program, and legislation passed by the Utah State Legislature (such as addressing flavored e-cigarette product restrictions and instituting a tax on e-cigarettes), the impact of Covid-19 and the ability of administering the SHARP survey to students likely played

a factor.

Other factors to consider:

- Fewer kids were surveyed in 2021 (compared to 2019) and surveying during the pandemic resulted in making it difficult to get acceptable response rates.
- The number of high-risk kids who participated in surveys was likely impacted.
- Kids not being in school possibly lead to limited access to vape products, and opportunities to share and use them.
- The attention caused by the E-cigarette, or Vaping Product, Use Associated Lung Injury (EVALI) outbreak, which included THC.
- Federal and State laws which raised the electronic cigarette use age to 21.

Youth Electronic Cigarette, Marijuana and Other Drug Prevention Program Overview

The Youth Electronic Cigarette, Marijuana and Other Drug Prevention Program was established by the Utah State Legislature with the passage of S.B. 37 during the 2020 General Session.

The legislation also included the creation of the Youth Electronic Cigarette, Marijuana and Other Drug Prevention Committee.

The purpose of the committee is to develop evidence-based target population-appropriated guidelines for the use of appropriate funds in conjunction with the Utah Department of Health and make policy recommendations to the legislature.

Committee representatives include:

Behavioral Health	Department of Public Safety
Local Health Departments	American Heart Association
Utah Department of Health	Huntsman Cancer Institute
State Board of Education	Office of Attorney General
Utah Senate	Utah House of Representatives
Division of Substance Abuse and Mental Health	Community members/organizations

Recent Activities:

- **Adopted the following Mission and Vision Statement:**
 - **Mission:** Bring together prevention experts and advocates to promote best practices and mobilize a statewide approach to strengthen youth initiatives to reduce substance use and build drug free communities and schools.
 - **Vision:** To utilize evidence-based practices to prevent and reduce the use of electronic cigarettes, marijuana, and other substances among youth in the State of Utah.
- **Implemented two subgroups to help fulfill the mission of the committee.**
 - **Drug Free Schools –**
 - This subgroup is made up of prevention experts and advocates from multiple government agencies and community organizations who are committed to help promote best practices

and mobilize resources to help schools and communities to prevent youth from using harmful substances.

- Gathered input from school resource officers and school Local Education Agency (LEA's) to learn more about the current environment of youth use of substances at schools to mobilize resources and strategically address the issue of vaping and other substances.
- **Retail –**
 - Various representatives from our main committee comprise this subgroup, which focuses on how to improve retail compliance of electronic cigarette products.
 - Discussed the possible combination of the voluntary UDOH tobacco retail education training with the mandatory DHS off-site retail alcohol education training. This would make both tobacco and alcohol training mandatory for retail workers.
- **During the Year, the Committee Unanimously Recommended the Following:**
 - Clarify Definitions of "Manufacturer Sealed", "Substance", "Product", and "Requirements to Sell"
 - These recommendations were shared with the HHS Interim Committee and subsequently included in S.B. 1003 (First Special Session 2021)
 - Nicotine Products & Prohibitions on Underage Sales
 - These recommendations were shared with the HHS Interim Committee and subsequently included in S.B. 1003 (First Special Session 2021)
 - Support Utah Administrative Rule R384-415, rule filing #53559 - Requirements to Sell Electronic Cigarette Products, limiting nicotine content to 3% in manufacturer sealed e-cigarettes.
 - R384-415 rule filing #53559 became effective on 9/9/2021

Future Policy Recommendations

As required by 26-7-10(4), the Youth Electronic Cigarette, Marijuana and Other Drug Prevention (YEMOP) Committee recommends to the legislature the following policy recommendations:

- Support the enactment of a hazardous waste disposal fee paid by tobacco retailers/distributors that sell electronic cigarette products and earmark the revenue collected to be redistributed to schools that are required to confiscate and dispose of these products in accordance with Utah hazardous waste disposal regulations.
- Support enacting a mandatory tobacco retail education training requirement for tobacco retail owners and staff. This type of training is currently required for alcohol.
- Remove the parental consent requirement for youth ages 13-17 to participate in cessation counseling services, which can be a significant deterrent to enrolling young people in cessation services.

Summary of the impact of and the results by entities who received funding through the Electronic Cigarette Substance and Nicotine Product Tax Restricted account

\$15,525,600 was allocated from the Electronic Cigarette Substance and Nicotine Product Tax Restricted Account created in Section 59-14-807. Due to a deficit of approximately \$8,000,000, approximately \$7,400,000 was available.

- **State Board of Education**

- Distributed \$2,475,234.26 collected in FY21 for schools to use in FY22
- Funds allocated for:
 - Positive Behaviors Plan administrative cost and a Positive Behaviors Specialist.
 - Implementation of Underage Drinking and Substance Abuse Prevention Program in 4th or 5th grade.
- Collaborative efforts with the Utah Department of Health and the Utah Division of Substance Abuse and Mental Health.
- Quantitative and qualitative data collection

- **Department of Public Safety (SBI)**

- \$1,180,000 appropriated to the task force. Projected deficit: over \$567,000.
- 9 SBI Agents, 1 SIAC Analyst
- Activities supporting youth:
 - Monthly Coordination meetings with Juvenile Justice Services
 - SBI agent assigned to provide outreach and Juvenile Justice Services referrals
 - Juvenile Justice Services Referrals: 25
 - Youth Program Research
 - Working with School Resource Officers (SRO's)
 - Staying current on drug trends
- 113 total of cases handled that included:
 - > 208 lbs. of raw marijuana seized
 - > 2,584 THC Cartridges seized
 - > 2,188 Marijuana edibles seized

- **Utah Association of Local Health Departments**

- 58 Community Partnership grants awarded
- Awarded \$2.6 million dollars.
- All health Districts reported working with their substance abuse prevention coordinator
- Funded 13 local health districts covering all 29 counties
- School districts funded:
 - Provo City School District CTC
 - Weber School District
 - Ogden School District
 - Wasatch High District
 - Tooele County School District
 - Granite School District
 - Murray City School District
 - North Summit School District

- **Utah Department of Health**

- \$4,000,000 appropriated, though a deficit in revenue to the restricted account created a projected deficit of \$1,961,840. \$500,000 spent on messaging and cessation/prevention.

- On September 9, 2021 the Department, as directed by Legislative and Executive leadership, enacted Administrative Rule R324-415 filing #53559 - Requirements to Sell Electronic Cigarette Products. This rule places limits on which manufactured sealed electronic cigarettes (carts/pods) can be sold in Utah, namely those above 3% or 36 mg/mL which are some of the most popular products for youth.
 - On this final rule filing, the department received 1,432 public comments:
 - 862 in support
 - 563 in opposition
 - 5 unknown
 - 2 both support and oppose parts of the rule
 - The Youth Electronic Cigarette, Marijuana and Other Drug Prevention Committee acknowledges the support from partners in healthcare, prevention, public health, substance abuse, schools, public safety and the community regarding the provisions of the rule.
 - Utah is the first state in the nation to take these steps.
- Created and launched the ‘See Through the Vape’ media campaign for parents and youth seethroughthevape.org which discusses the harmful effects of vaping and ways to quit.
 - This comprehensive campaign features radio, digital, television and social media components as well as tools such as parental guides about how to have conversations with their child who vapes.
 - In just a few months, we had over 43,000 Utahns interact with this campaign.
- Launched the ‘My Life My Quit’ mylifemyquit.com cessation program in Utah with a partnership from National Jewish Health and Rescue Agency.
 - This program is vaping specific and provides online coaching and tools to help youth quit.
 - In just a few months, promotion for this campaign reached over 2.6 million youth, with over 110,000 interacting with the campaign, and 231 clicks with intent to enroll.
- Created a process with Research Triangle Institute (RTI) for the department to have access to historical and future e-cigarette retail scanner data which will allow us to better understand the retail environment, measure the impact of our retail efforts and make policy recommendations.

