

ORDINANCE NO._____, SERIES 2024

**AN ORDINANCE APPROVING THE DISTRIBUTION OF MONEY
AWARDED TO LOUISVILLE METRO GOVERNMENT FROM THE
TOBACCO AND VAPING SETTLEMENT PAYOUTS FROM JUUL.**

SPONSORED BY: COUNCIL MEMBER BARBARA SHANKLIN

WHEREAS, according to the Centers for Disease Control and Prevention (“CDC”), more than 480,000 people die from cigarette smoke, including secondhand smoke, in the United States;¹

WHEREAS, the life expectancy for smokers is at least ten (10) years shorter than for nonsmokers;²

WHEREAS, smoking leads to disease and disability and harms nearly every organ of the body;³

WHEREAS, according to the CDC, tobacco product use is started and established primarily during adolescence, with 9 out of 10 adults who smoke cigarettes daily first smoking by age 18;⁴

WHEREAS, the CDC reports an estimated 28.3 million people in the United States currently smoke cigarettes, with 68% of adult smokers, 22.7 million people, reporting they want to quit smoking;⁵

WHEREAS, according to the Greater Louisville Project, Louisville currently ranks 17th among its peer cities in rates of adult smoking with 22.3% of adults smoking;⁶

¹https://archive.cdc.gov/#/details?url=https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/index.htm

² *Id.*

³ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm

⁴ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm

⁵ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/cessation/smoking-cessation-fast-facts/index.html

⁶ <https://greaterlouisvilleproject.org/factors/smoking/>

WHEREAS, e-cigarettes, specifically JUUL e-cigarettes, are marketed to young people;⁷

WHEREAS, more than 2.1 million youth currently use e-cigarettes, 10% (1.56 million) high school students and 4.6% (550,000) middle students.⁸ One in four students use e-cigarettes daily;⁹

WHEREAS, two-thirds of JUUL users aged 15-24 do not know that JUUL always contains nicotine;¹⁰

WHEREAS, the tobacco industry spends billions of dollars each year on marketing cigarettes, with \$8.06 billion spent on advertising and promotion in 2021 according to the Federal Trade Commission;¹¹

WHEREAS, states typically spend little money they receive from tobacco taxes and lawsuits to prevent smoking and help smokers quit. According to the CDC, states spend only 2.7% of tobacco taxes and settlements to prevent smoking and help current smokers quit, although it costs the United States more than \$600 billion a year for health care spending and productivity loss related to smoking;¹²

WHEREAS, Louisville Metro Government will receive an estimated \$1.2 million as a result of settlement agreements with JUUL and Altria resolving lawsuits claiming the company aggressively marketed its e-cigarettes to young people and fueled a vaping crisis.

⁷ <https://www.vox.com/2019/1/25/18194953/vape-juul-e-cigarette-marketing>

⁸ <https://www.fda.gov/tobacco-products/youth-and-tobacco/results-annual-national-youth-tobacco-survey>

⁹ *Id.*

¹⁰ https://www.cdc.gov/tobacco/basic_information/e-cigarettes/Quick-Facts-on-the-Risks-of-E-cigarettes-for-Kids-Teens-and-Young-Adults.html

¹¹ <https://www.ftc.gov/news-events/news/press-releases/2023/01/ftc-releases-reports-cigarette-smokeless-tobacco-sales-marketing-expenditures-2021>

¹² https://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/cost-and-expenditures.html

WHEREAS, the settlement funds under the Altria and JUUL government entity settlement agreements are required to be used for “compensatory restitution or remediation” to address the epidemic of youth vaping and nicotine addiction.

WHEREAS, in 2020, Louisville Metro Government passed an ordinance requiring all retailers of tobacco, tobacco products and/or electronic smoking devices to obtain an annual license in order to operate;

WHEREAS, Louisville Metro Department of Public Health and Wellness would like to improve the licensing process by increasing enforcement and accountability thereby reducing the density of smoke shops, tobacco use, smoking/vaping and second-hand smoke; and

WHEREAS, Louisville Metro Government wants to use the JUUL and Altria settlement funds to increase opportunities for everyone to live their healthiest life and reach their full human potential by working to decrease the use of tobacco and vape products in Louisville/Jefferson County.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I: Louisville Metro Government will distribute money from the JUUL settlement payouts to Louisville Metro Department of Public Health and Wellness (“LMPHW”) in the following manner:

A. \$300,000 to create a Retail Tobacco License & Smoking Enforcement Dashboard that will increase publicly available data and government transparency about tobacco retail stores and enforcement, increase public and industry education, create accountability for tobacco retail stores, direct allocation of resources, guide the creation of targeted interventions, and enhance the overall effectiveness of existing smoking laws;

B. \$100,000.00 to update Accela to increase the accuracy of zoning approval for smoking retail stores and increasing the overall effectiveness of the program and existing smoking laws;

C. \$50,000.00 to create a mobile inspection application for LMPHW partners that will enable investigations of compliance with existing smoking laws and allow partner agencies such as Alcohol and Beverage Control and Food Safety to assist with enforcement efforts. This will help reduce the use of tobacco, vaping and smoking and second-hand smoke. This will also reduce the density of smoking retail stores in Louisville;

D. \$100,000 to investigate underage sales of tobacco and smoking products by creating an Underage Buying Program that will reduce sales to underage buyers, ensure compliance with existing smoking laws, identify facilities who are ineligible for tobacco retail license renewals and reduce the density of smoking retail stores;

E. \$287,304.00 to hire and pay an Environmental Health Supervisor for three (3) years; and

F. \$362,696.00 to create and promote evidence-based, tobacco cessation media campaigns, resources and programs to help both youth and young adults quit using e-cigarettes and/or other tobacco/nicotine products. Additionally, this funding will be used to engage the community, incorporating health equity principles, through media and educational campaigns to prevent the initiation of tobacco use, especially with respect to e-cigarettes and other new, emerging tobacco/nicotine products.

SECTION II: This Ordinance shall be effective upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Markus Winkler
Metro Council President

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-049-24 Council approval for JUUL settlement spending 2-26-24 NJ