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Roe L. Astor, MPH, Robert Urman, PhD, Jessica L. Barrington-Trimis, PhD, Kiros Berhane, PhD, Jane Steinberg, PhD, Michael Cousineau, PhD, Adam M. Leventhal, PhD, Jennifer B. Unger, PhD, Tess Cruz, PhD, Mary Ann Pentz, PhD, Jonathan M. Samet, MD, MS, Rob McConnell, MD

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BACKGROUND: Restricting youth access to tobacco is a central feature of US tobacco regulatory policy, but impact of local tobacco retail licensing (TRL) regulation on cigarette smoking rates remains uncertain. Effects of TRL on other tobacco product use and use as adolescents reach the age to legally purchase tobacco products has not been investigated.

METHODS: Prevalences of ever and past 30-day cigarette, electronic cigarette (e-cigarette), cigar, and hookah use were assessed in a survey of a cohort of 1553 11th- and 12th-grade adolescents (mean age: 17.3 years); rates of initiation were evaluated 1.5 years later. An American Lung Association (2014) youth access grade was assigned to each of 14 political jurisdictions in which participants lived on the basis of the strength of the local TRL ordinance.

RESULTS: At baseline, participants living in 4 jurisdictions with “A” grades (ie, with most restrictive ordinances) had lower odds of ever cigarette use (odds ratio [OR] 0.61; 95% confidence interval [CI] 0.41–0.90) and of past 30-day use (OR 0.51; 95% CI 0.29–0.89) than participants in 10 D- to F-grade jurisdictions. At follow-up at legal age of purchase, lower odds of cigarette use initiation (OR 0.67; 95% CI 0.45–0.99) occurred in jurisdictions with stronger TRL policy. Lower odds of e-cigarette initiation at follow-up (OR 0.74; 95% CI 0.55–0.99) and of initiation with past 30-day use (OR 0.45; 95% CI 0.23–0.90) were also associated with better regulation.

CONCLUSIONS: Strong local TRL ordinance may lower rates of cigarette and e-cigarette use among youth and young adults.

abstract



^aDepartment of Preventive Medicine, Keck School of Medicine, University of Southern California, Los Angeles, California; and ^bColorado School of Public Health, University of Colorado Anschutz Medical Center, Aurora, Colorado

Dr McConnell conceptualized and designed the study and reviewed and revised the manuscript; Mr Astor collected data on tobacco retail licensing in study communities, conducted a literature review, and drafted the manuscript; Dr Urman conducted all data analyses; Drs Barrington-Trimis, Berhane, Steinberg, Cousineau, Leventhal, Unger, Cruz, Pentz, and Samet provided advice on the analysis and interpretation of results and reviewed and provided guidance on the development of the manuscript; and all authors approved the final manuscript as submitted.

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Address correspondence to Rob McConnell, MD, Department of Preventive Medicine, Keck School of Medicine, University of Southern California, 2001 N Soto St, 230-D, Los Angeles, CA 90089. E-mail: rmconne@usc.edu

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WHAT'S KNOWN ON THIS SUBJECT: Restricting youth access to tobacco has long been a central feature of US tobacco regulatory policy, but the impact of local tobacco retail licensing regulation on electronic cigarette use rates remains uncertain.

WHAT THIS STUDY ADDS: Strong local tobacco retail licensing ordinances may lower rates of cigarette and electronic cigarette use among youth and young adults. Success of regulations restricting youth access to cigarettes and alternative tobacco products may depend on ensuring a robust enforcement scheme.

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Most US states have had laws to restrict the sale of cigarettes to minors for decades.¹ Because there was widespread violation of these laws by tobacco vendors,² Congress passed the Synar Amendment to the Public Health Service Act in 1993,³ which required that states enact laws banning cigarette sales to minors and that they enforce such laws with compliance checks using undercover “decoys” posing as underage customers.^{4,5}

Enforcement of these youth access regulations is a central feature of US tobacco control programs. However, although compliance checks of vendors have been shown to reduce sales to minors, their effectiveness in reducing youth smoking rates is less certain, for example, because they may obtain cigarettes legally purchased by older friends.^{6,7} Key regulatory features that are reported to reduce both compliance violations and youth cigarette use include a mandatory tobacco retailer licensing fee to provide sustainable funding of undercover decoys to make at least 1 annual visit to each vendor and fines or penalties for violations.^{7,8}

Low rates of vendor compliance checks, which occur annually at only a small fraction of tobacco vendors under existing state and federal enforcement programs,^{9,10} and inadequate penalties may explain why associations with youth smoking rates have not consistently been observed.⁷ Within states, compliance enforcement may vary markedly on the basis of local ordinances that provide funding to do so. Given the expense involved in enforcement and the lack of expert consensus on its benefits, additional studies are warranted to assess the effectiveness in reducing youth cigarette use.

The impact of youth access restriction on the initiation of alternative tobacco products, such as electronic cigarettes (e-cigarettes), hookah, and cigars, has not been studied, although prevalence of ever

using these products is high.¹¹ An additional gap in understanding the effectiveness of youth tobacco access restriction is during the transition to the legal age of purchase. Most adult smokers historically have initiated cigarette use by age 18,¹² which is the legal age of purchase in most states. There have been few prospective studies examining the effect of tobacco licensing and youth access restriction on cigarette and alternative tobacco product use during this transition to adult life.

Among participants in the Southern California Children’s Health Study, we evaluated whether youth living in jurisdictions with a strong tobacco retail licensing (TRL) ordinance had reduced prevalence of cigarette and other tobacco use, compared with participants in jurisdictions with a poor TRL ordinance. In addition, using prospectively collected data, we assessed the association of local ordinances with the initiation of tobacco product use during a cohort follow-up as youth reached 18 years of age, the age at which the sale of tobacco products was legal in California at the time of the study.

METHODS

Study Population

Between January and June of 2014, a total of 2097 11th- and 12th-grade participants in the Southern California Children’s Health Study (mean age: 17.3; SD: 0.6) completed self-administered questionnaires collecting detailed information about cigarette and alternative tobacco product use. Follow-up online questionnaire data were collected on 1553 participants (74% of the 2097 at baseline) as they reached 18 years of age, between January 2015 and June 2016 (mean age: 18.8; SD: 0.6). Additional characteristics of the study sample have been described previously.^{13,14}

Ethics Statement

The study was approved by the University of Southern California Institutional Review Board. Parental written informed consent and child assent were obtained for all Children’s Health Study participants <18 years of age. Participants age 18 or older provided written informed consent.

Tobacco and Alternative Tobacco Product Use

At each survey, participants were asked whether they had ever tried e-cigarettes, cigarettes, cigars, or hookah and the number of days each product was used in the past 30 days.¹² Participants who had “never tried” a product (not “even 1 or 2 puffs”) were classified as never users. Those reporting an age at first use of each tobacco product were classified as ever (lifetime prevalent) users of that product at baseline. Rates of initiation were calculated on the basis of a new report of use of a tobacco product at follow-up among participants not reporting use of that product at baseline. Both prevalent users and initiators of each tobacco product were further characterized on the basis of past 30-day use.

Evaluation of Local Tobacco Regulatory Licensing to Reduce Youth Access

There were 14 political jurisdictions with corresponding tobacco product ordinances across the 12 participating Children’s Health Study communities. Four study jurisdictions were assigned an A grade on the basis of the 2014 American Lung Association (ALA) “Reducing Sales of Tobacco Products” to youth scale, which is used to evaluate the strength of the local TRL ordinance across California.¹⁵ An A grade required adequate annual retail license fees, which were paid by all tobacco retailers (including gas stations, convenience stores, larger grocery stores, and pharmacies),

to cover the administration of an enforcement program and regular compliance checks in each store. An A grade also required (1) an annual renewal of this local license; (2) a provision that any violation of local, state, or federal law is a violation of the license; and (3) a graduated penalty system for violators, including financial deterrents such as fines or other penalties, including license revocation or suspension.¹⁵

The remaining study jurisdictions were assigned an F grade (8) or a D grade (1). An F grade indicated either (1) no local ordinance mandating a license fee or (2) a fee insufficient to fund administrative and compliance checks as well as none of the 3 other provisions for an A grade. The jurisdiction with the D grade had a licensing fee that was insufficient to cover administration and compliance checks, but it had at least 1 of the other 3 provisions listed above that were needed for an A grade. The D and F communities were collapsed for data analysis, because the insufficient annual fee is a central feature of regulation to reduce youth access.^{7,15} No study jurisdiction in this sample had B or C grades corresponding to TRL policies of intermediate quality.¹⁵

ALA assigned grades to other categories of tobacco policy (smoke-free housing policy, smoke-free outdoor policy, and overall tobacco policy).¹⁵ These policies, which are not specific to youth tobacco product access, were not associated with tobacco product use in this study, and results are not presented.

Covariates

Self-administered questionnaires completed by parents of participants were used to assess sociodemographic characteristics, including sex, ethnicity (Hispanic, non-Hispanic white, other), age at baseline, and parental education (completed high school or less, some

college, or completed college or more).

Statistical Analysis

Unconditional logistic regression models were used to evaluate the associations of living in a jurisdiction with an ALA grade A versus D or F TRL ordinance with baseline ever and past 30-day use of cigarettes, e-cigarettes, hookah, cigars, or use of any of these tobacco products in separate models. Models were also fit to evaluate associations of ALA grade with the initiation of each product, with or without past 30-day use. In models used to evaluate the initiation of use of each tobacco product between baseline and follow-up, the sample was restricted to baseline never users of that product. Odds ratios (ORs) and 95% confidence intervals (CIs) were used to estimate the association of each tobacco product use with an ALA grade. All models were adjusted for sex, ethnicity, highest parental education, and baseline age, factors that have been associated both with e-cigarette use and cigarette use in previous studies.^{13,14} Each tobacco product-specific model was also adjusted for a baseline history of use of any other tobacco product, because there was clustering of the tobacco product outcomes.¹³ A missing indicator category for covariates and any other tobacco product use was included where appropriate. Additionally, all models included a random effect for community to account for similarities among subjects within jurisdictions. In a sensitivity analysis, models were further adjusted for time between baseline and follow-up questionnaire completion. Statistical analyses were based on 2-sided hypotheses tested at a 0.05 level of significance, using SAS 9.4 (SAS Institute, Inc, Cary, NC).

RESULTS

Of the 2097 participants, 31.1% (652) lived in a jurisdiction with an

ALA 2014 TRL A grade, and 68.9% (1445) students lived in jurisdictions with D or F grades. Sex and ethnic distributions were similar in A and D or F jurisdictions, but students in A jurisdictions were more likely to come from less-educated households (Table 1). Unadjusted prevalence and initiation rates for each tobacco product were lower in jurisdictions with A than with D or F grades, with the exception of new initiation of hookah with past 30-day use. Initiation rates were substantial among never tobacco product users at baseline, in particular for e-cigarette use. Both prevalence and initiation rates of past 30-day tobacco product use generally did not exceed 10% for any product.

For baseline prevalence of ever and past 30-day use of cigarette and e-cigarette ever use, and to a lesser degree for prevalence of cigar use, jurisdictions with A grades had generally lower use rates than D or F jurisdictions (Supplemental Fig 3). However, within both grade groups, there was considerable variability in prevalence rates across jurisdictions for all tobacco products. Rates in individual jurisdictions had wide CIs (results not shown) because of small sample size. Rates of tobacco product initiation at follow-up were also generally quite variable across the jurisdictions within both A and D or F grades (Supplemental Fig 4).

At baseline, participants living in the 4 jurisdictions with A grades had lower odds of ever using a cigarette (OR 0.61; 95% CI 0.41–0.90) and of past 30-day use (OR 0.51; 95% CI 0.29–0.89) than participants in 10 D- to F-grade jurisdictions, after adjusting for sociodemographic covariates and other tobacco product use at baseline (Fig 1).

Living in A-grade jurisdictions was associated with lower odds of initiation of cigarette use between baseline and the follow-up questionnaire (OR 0.67; 95% CI 0.45–0.99 [Fig 2]). The risks of

TABLE 1 Prevalence of Sociodemographic Characteristics, Lifetime, and Current (Last 30-Day) Use of Each Tobacco Product at Baseline and Rates of Product Initiation at Follow-up Among Youth Residing in a Jurisdiction With ALA Reduced Tobacco Sales, Grade A or D or F

	Grade A	Grade D or F
	N (% ^a)	N (% ^a)
Sex		
Male	324 (49.7)	735 (50.9)
Female	328 (50.3)	710 (49.1)
Ethnicity		
Hispanic white	349 (53.5)	736 (50.9)
Non-Hispanic white	230 (35.3)	504 (34.9)
Other	73 (11.2)	205 (14.2)
Parent education		
Less than or equal to high school	245 (41.3)	460 (34.3)
Some college	219 (36.9)	502 (37.4)
College or more	129 (21.8)	379 (28.3)
Prevalent ever tobacco product use at baseline		
Cigarette	89 (13.7)	302 (21.0)
E-cigarette	123 (19.0)	379 (26.4)
Hookah	158 (24.3)	411 (28.6)
Cigars	69 (10.6)	204 (14.2)
Any tobacco product	214 (32.9)	564 (39.2)
Prevalent past 30-d tobacco product use at baseline		
Cigarette	24 (3.7)	95 (6.6)
E-cigarette	56 (8.6)	145 (10.1)
Hookah	62 (9.5)	162 (11.3)
Cigars	21 (3.2)	55 (3.8)
Any tobacco product	107 (16.5)	267 (18.6)
Initiation of tobacco product use (between baseline and follow-up)^b		
Cigarette	52 (13.1)	156 (18.0)
E-cigarette	92 (24.7)	235 (29.7)
Hookah	55 (15.9)	146 (18.9)
Cigars	49 (12.0)	158 (17.1)
Any tobacco product	85 (27.7)	198 (30)
Initiation with past 30-d tobacco product use at follow-up^b		
Cigarette	17 (4.3)	52 (6.0)
E-cigarette	17 (4.7)	69 (8.9)
Hookah	16 (4.7)	32 (4.2)
Cigars	12 (2.9)	36 (3.9)
Any tobacco product	24 (7.9)	78 (12.1)

^a The denominator (652 in grade A; 1445 in grade D or F) varies because of missing values in covariates.

^b Restricted to nonusers of each product (or of any tobacco product) at baseline.

initiation of e-cigarettes (OR 0.74; 95% CI 0.55–0.99) and of initiation with past 30-day use (OR 0.45; 95% CI 0.23–0.90) were also lower in A-grade than D- or F-grade jurisdictions. In sensitivity analyses adjusting for time since turning 18 at follow-up, there was no change in the protective effect estimate of living in a well-regulated (A-grade) jurisdiction (results not shown). Participants still living in their jurisdiction of origin at follow-up evaluation would have had consistent exposure to the same regulatory environment. In this sample, there were stronger protective A-grade

compared with D- or F-grade associations with cigarette and e-cigarette initiation at follow-up (and of initiation of e-cigarettes with past 30-day use) than in the entire sample (results not shown). The protective association of A-grade residence with initiation of cigar use was similar in magnitude to the association with cigarette and e-cigarette use but was not statistically significant.

DISCUSSION

Central features of the ALA TRL grade include a licensing fee

sufficient to fund compliance checks and enforcement of regulations prohibiting tobacco sales to minors and penalties for violating the law, features of TRL that have been reported to be necessary to reduce sales to and use by youth.⁷ Compared with living in a jurisdiction with poor TRL policy, youth in a jurisdiction satisfying these criteria were less likely to smoke in high school. In a prospective follow-up of the cohort, the odds of initiation of e-cigarette use, with or without past 30-day use, and of initiation of cigarette use were also lower in well-regulated jurisdictions. Stronger associations among participants still living in their jurisdiction of origin at follow-up evaluation, with consistent exposure to the same regulatory environment throughout, also suggest that the benefits of good TRL policy extended both beyond cigarette use to e-cigarette use and into early adult life at age 18 when the sale of tobacco products was legal at the time of the study. The protective associations were large, with risk lower by one-third to a half in the strong compared with weak TRL jurisdictions (depending on the outcome).

There has been uncertainty regarding the effects of youth access restrictions on cigarette use.^{6,7,16} Some authors of prospective studies in which age-specific prevalence of tobacco use was assessed before and after regulatory intervention to restrict youth access found reductions in cigarette use,^{17–20} but others found no benefit.^{21,22} Authors of 1 review of studies that reported changes in smoking associated with youth access restrictions found no relationship of vendor compliance or of changes in vendor compliance, with smoking prevalence in a meta-analysis of available studies,⁶ perhaps because the restriction of commercial access resulted in a shift to social sources of cigarettes such as older friends or siblings. Authors of other observational studies have

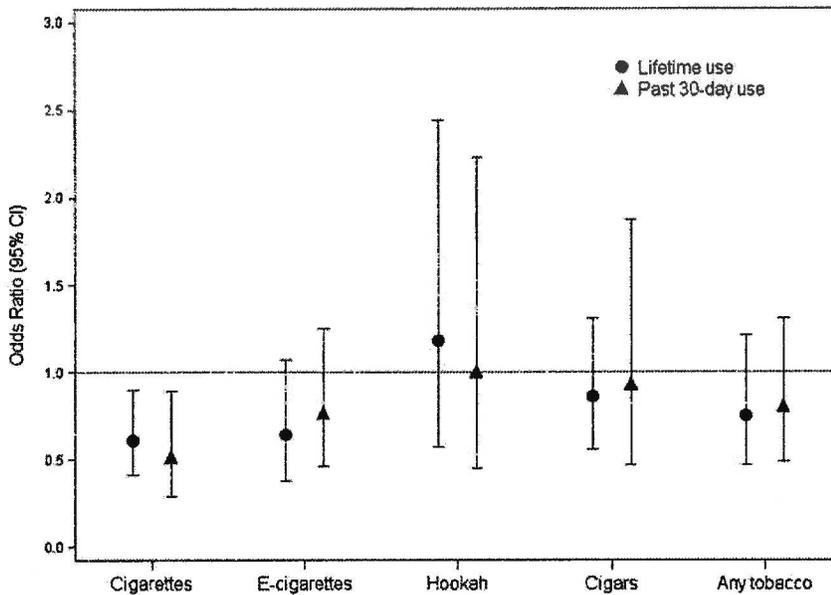


FIGURE 1

Associations of prevalent lifetime and current (last 30-day) use of each tobacco product at baseline with residence in ALA Reduced Tobacco Sales grade A jurisdictions, compared with residence in grade D or F jurisdictions. Models were adjusted for sex, ethnicity, parental education, age at baseline, and for any other tobacco product use at baseline (except for any tobacco product use prevalence, which was compared with never users of any tobacco product) and included a random effect for jurisdiction.

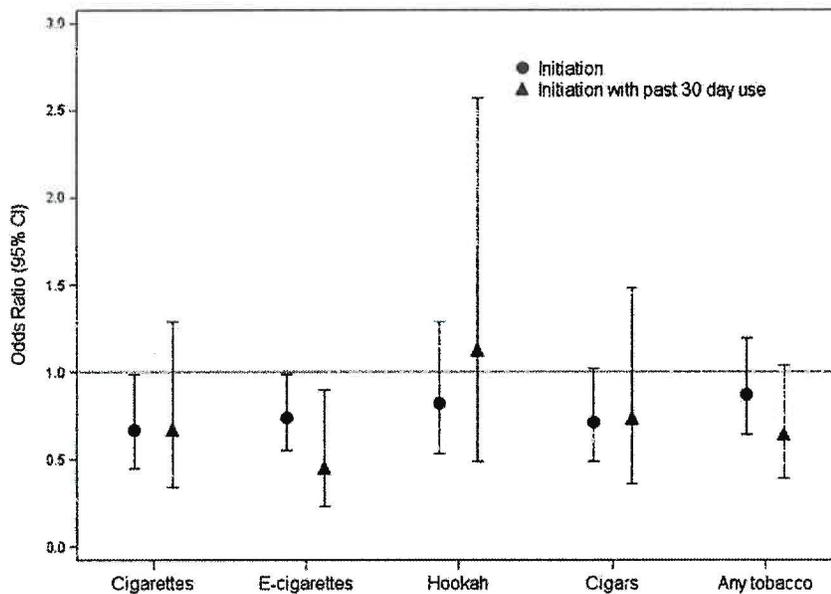


FIGURE 2

Associations of initiation of use of each tobacco product between baseline and follow-up and of initiation and current (last 30-day) use, with residence in ALA Reduced Tobacco Sales grade A jurisdictions, compared with residence in grade D or F jurisdictions. Each model was restricted to nonusers of product at baseline. Models were adjusted for sex, ethnicity, parental education, age at baseline, and for any other tobacco product use at baseline (except for any tobacco product use initiation, which was compared with never users of any tobacco product at either baseline or follow-up) and included a random effect for jurisdiction.

found reduced smoking rates in communities with youth access restrictions, but it was not clear that reduced access mediated the reduction in smoking rates.^{19,23} For example, sustained reductions in adolescent daily smoking rates were observed in Minnesota communities that were randomly assigned to intervention supporting community organizers to develop and promote good TLR ordinances, compared with nonintervention communities.²⁰ However, it was not clear whether the observed reductions in smoking rates were due to youth access restrictions and improved vendor compliance or to other regulatory features resulting from the intervention, such as bans on vending machines and requirements for posted signs reporting age of sale policies, or for storing cigarettes behind the sales counter.¹⁷

Our results are broadly consistent with findings of a comprehensive review in which authors concluded that lower smoking rates occur if local TRL requires yearly compliance checks with effective enforcement.⁷ Our study is 1 of the few that assessed associations of TRL with both prevalence and initiation rates in a prospective assessment of the same participants during an adolescent period of known high incidence of initiation. The prospective cohort design of the study also provided the opportunity to examine the impact of TRL on legal tobacco product use by young adults. The reduced risk of initiation of cigarette and e-cigarette use at follow-up in jurisdictions with better TRL regulation (with effect estimates that were unaffected by adjusting for time since turning 18 at follow-up) suggests that regulation may have lowered initiation rates even after participants reached the age for legal purchase. Although most adult smokers historically first use cigarettes before age 18,¹² in our cohort, rates of initiation of tobacco

product use were substantial, even in well-regulated jurisdictions. For example, in jurisdictions with an A grade, rates of initiation of cigarette and e-cigarette use during the follow-up period were 13.1% and 24.7%, respectively (from Table 1); these high rates of experimentation indicate a need for interventions to reduce initiation in this susceptible age window.

An alternative explanation for the protective effects of better TRL policy is that the associations reflected broadly unfavorable community attitudes toward cigarette use, including other tobacco regulations that affected the use of cigarettes and e-cigarettes to minors. If this were the explanation, we might expect to have seen associations with the other ALA tobacco grades relating to, for example, smoke-free housing, smoke-free outdoor air, or the overall tobacco grade in a jurisdiction. However, protective effects only of the TRL grade were observed.

Lower odds of cigar use initiation associated with better TRL regulation, although not statistically significant, were similar in magnitude to reductions in odds of the initiation of cigarettes and e-cigarettes. However, living in a jurisdiction with stronger regulation was not protective for baseline prevalence or subsequent initiation of hookah use. Sales of hookah paraphernalia often occur in specialty shops and hookah bars where cigarettes may not have been sold²⁴ and therefore may not consistently have been subjected to the same rigorous compliance checks as traditional cigarette vendors. E-cigarettes are commonly sold at locations that also sell cigarettes that would have been subject to TRL regulation, and a state law passed in 2010 made it illegal to sell e-cigarettes to minors.²⁵ However, e-cigarettes are also sold in specialty “vape” shops,²⁶ and at

the time of the study, e-cigarettes were not specifically categorized as a tobacco product.²⁷ Therefore, vape shops were not required by state law to obtain a tobacco vendor license if they were not selling other tobacco products. If strong TRL regulation was responsible for the lower rates of e-cigarette use in A-grade jurisdictions, it is possible that similar TRL requirements for vape shops would have resulted in larger protective effects.

The US Food and Drug Administration (FDA) has contracts with regulators in most states to restrict youth tobacco access and also conducts its own inspections and hires third parties to conduct compliance checks.²⁸ However, the frequency of compliance checks is generally low, because of resource limitations, and penalties for violation of the law vary widely between states. California, for example, which has been a leader in tobacco control, annually inspected, on average, only 7% of tobacco retailers in 2016.^{9,10} If a high rate of compliance checks, accompanied by enforcement, is necessary to reduce youth smoking as our results suggest, then strong local TRL ordinances may be an important option to reduce teen tobacco product use through access restriction.^{10,29,30}

The study has some limitations. The ALA criteria for an A grade covered a relatively broad spectrum of TRL policy relevant to youth access, including larger fees, compliance access, and penalties if vendors violated the law. Identifying the possible effects of specific features of the TRL policy was not possible. A minimum proportion of vendors actually undergoing compliance checks was not specified, and it was not possible to assess the effect of the proportion of vendors visited. In addition, the “deeming rule” that defined e-cigarettes and hookah as tobacco products means that TRL

will be required of all vendors of these products.³¹ The recent increase in the legal age of tobacco product purchase to 21 years in California, passed after data collection for this study was completed, means that the associations of TRL policy with use during the transition to legal age of purchase may no longer be applicable to California. However, the results may broadly be generalizable to local jurisdictions in states with a legal purchase age of 18 years, with the exception of a few states that have prohibited local jurisdictions from enacting more stringent local regulation.³² The increase of poorly regulated e-cigarette Internet vendors, a relatively new way for minors to obtain tobacco products illegally at the time of data collection, may limit the future impact of TRL as a regulatory tool.³³ Future follow-up of this cohort is warranted to determine the persistence of associations with strong youth TRL and to examine longitudinally potential mediating factors, such as social characteristics of neighborhoods and communities and individuals’ changing tobacco social environment over time. There were also other potential confounders or mediators of TRL effects, such as differences in school-level tobacco prevention programs or number of tobacco outlets by jurisdiction, that were not available to study.

CONCLUSIONS

The results suggest that a strong local TRL ordinance that provides adequate resources to fund regular compliance checks and enforcement may result in large reductions in the use of cigarettes and may also result in reduced e-cigarette use. The benefits of these policies may extend into early adult life. The study also suggests that the success of future FDA regulation to reduce youth cigarette and alternative tobacco product access and use, under rules

deeming these products to be subject to FDA regulation,³¹ may depend on the availability of resources for universal annual compliance checks and enforcement targeted to both traditional and alternative tobacco product vendors. Continued monitoring is needed to assess the impact on the effectiveness of TRL

policy within the rapidly evolving tobacco product patterns of use, new national regulation, and poorly regulated Internet sales.

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ABBREVIATIONS

ALA: American Lung Association
CI: confidence interval
e-cigarette: electronic cigarette
FDA: US Food and Drug Administration
OR: odds ratio
TRL: tobacco retail licensing

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REFERENCES

- Centers for Disease Control (CDC). State laws restricting minors' access to tobacco. *MMWR Morb Mortal Wkly Rep*. 1990;39(21):349–353
- Preventing tobacco use among young people. A report of the surgeon general. Executive summary. *MMWR Recomm Rep*. 1994;43(RR-4):1–10
- United States Department of Health and Human Services. Substance abuse prevention and treatment block grants: sale or distribution of tobacco products to individuals under 18 years of age. *Fed Regist*. 1993;58(164):45156–45174
- United States Department of Health and Human Services Office of the Inspector General. State oversight of tobacco sales to minors. 1995. Available at: <https://oig.hhs.gov/oei/reports/oei-02-94-00270.pdf>. Accessed August 17, 2016
- Forster JL, Widome R, Bernat DH. Policy interventions and surveillance as strategies to prevent tobacco use in adolescents and young adults. *Am J Prev Med*. 2007;33(suppl 6):S335–S339
- Fichtenberg CM, Glantz SA. Youth access interventions do not affect youth smoking. *Pediatrics*. 2002;109(6):1088–1092
- DiFranza JR. Which interventions against the sale of tobacco to minors can be expected to reduce smoking? *Tob Control*. 2012;21(4):436–442
- Center for Tobacco Policy & Organizing; American Lung Association in California. Tobacco retailer licensing is effective. 2013. Available at: <http://center4tobaccopolicy.org/wp-content/uploads/2016/10/Tobacco-Retailer-Licensing-is-Effective-September-2013.pdf>. Accessed February 25, 2017
- California Department of Health Care Services. State of California; 42 U.S.C. 300x-26, CMB No 0930-0222. FFY 2017. Available at: https://www.dhcs.ca.gov/provgovpart/Documents/Substance-Use-Disorder-PPFD/SYNAR_2017_Report.pdf. Accessed December 8, 2018
- American Lung Association in California; The Center for Tobacco Policy and Organizing. Becoming a policy wonk on local tobacco retailer licensing: answers to tough questions from opponents and elected officials. June 2018. Available at: <https://center4tobaccopolicy.org/wp-content/uploads/2018/08/Becoming-a-Policy-Wonk-on-TRL-2018-06-20.pdf>. Accessed December 8, 2018
- Singh T, Arrazola RA, Corey GG, et al. Tobacco use among middle and high school students—United States, 2011–2015. *MMWR Morb Mortal Wkly Rep*. 2016;65(14):361–367
- Aiberg AJ, Shopland DR, Cummings KM. The 2014 surgeon general's report: commemorating the 50th anniversary of the 1964 report of the advisory committee to the US surgeon general and updating the evidence on the health consequences of cigarette smoking. *Am J Epidemiol*. 2014;179(4):403–412
- Barrington-Trimis JL, Berhane K, Unger JB, et al. Psychosocial factors associated with adolescent electronic cigarette and cigarette use. *Pediatrics*. 2015;136(2):308–317
- Barrington-Trimis JL, Urman R, Berhane K, et al. E-cigarettes and future cigarette use. *Pediatrics*. 2016;138(1):e20160379
- American Lung Association in California. State of tobacco control 2014 – California local grades. 2015. Available at: http://tobaccocontrol.usc.edu/files/SOTC_2014_CA_REPORT_and_GRADES_3_7.pdf. Accessed August 11, 2017
- Etter JF. Laws prohibiting the sale of tobacco to minors: impact and adverse consequences. *Am J Prev Med*. 2006;31(1):47–51
- Forster JL, Murray DM, Wolfson M, Blaine TM, Wagenaar AC, Hennrikus DJ. The effects of community policies to reduce youth access to tobacco. *Am J Public Health*. 1998;88(8):1193–1198

18. Jason LA, Ji PY, Anes MD, Birkhead SH. Active enforcement of cigarette control laws in the prevention of cigarette sales to minors. *JAMA*. 1991;266(22):3159–3161
19. Cummings KM, Hyland A, Perla J, Giovino GA. Is the prevalence of youth smoking affected by efforts to increase retailer compliance with a minors' access law? *Nicotine Tob Res*. 2003;5(4):465–471
20. Chen V, Forster JL. The long-term effect of local policies to restrict retail sale of tobacco to youth. *Nicotine Tob Res*. 2006;8(3):371–377
21. Rigotti NA, DiFranza JR, Chang Y, Tisdale T, Kemp B, Singer DE. The effect of enforcing tobacco-sales laws on adolescents' access to tobacco and smoking behavior. *N Engl J Med*. 1997;337(15):1044–1051
22. Bagott M, Jordan C, Wright C, Jarvis S. How easy is it for young people to obtain cigarettes, and do test sales by trading standards have any effect? A survey of two schools in Gateshead. *Child Care Health Dev*. 1998;24(3):207–216
23. Siegel M, Biener L, Rigotti NA. The effect of local tobacco sales laws on adolescent smoking initiation. *Prev Med*. 1999;29(5):334–342
24. Cawkwell PB, Lee L, Weitzman M, Sherman SE. Tracking hookah bars in New York: utilizing yelp as a powerful public health tool. *JMIR Public Health Surveill*. 2015;1(2):e19
25. California Legislative Information. Electronic Cigarettes, California State Senate Bill 882. 2009-2010 regular session. (Ca 2010). 2010. Available at: http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200920100SB882. Accessed February 25, 2017
26. Lee YO, Kim AE. 'Vape shops' and 'e-cigarette lounges' open across the USA to promote ENDS. *Tob Control*. 2015;24(4):410–412
27. Legislative Counsel's Digest. Amendment to the stop tobacco access to kids enforcement (STAKE) act, Assembly Bill 1301. 2011-2012 regular session. (Ca 2012). 2012. Available at: www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1301-1350/ab_1301_bill_20120618_amended_sen_v92.html. Accessed February 25, 2017
28. US Food and Drug Administration. FDA tobacco retail inspection contracts. 2016. Available at: www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation/Retail/ucm228914.htm. Accessed January 10, 2016
29. U.S. Food and Drug Administration; Tobacco Control Legal Consortium. State and local tobacco regulation in a post-deeming world. 2016. Available at: <http://publichealthlawcenter.org/sites/default/files/resources/tclc-fda-deemingreg-state-and-local-regulation-2016.pdf>. Accessed February 13, 2017
30. McLaughlin I. License to kill?: tobacco retailer licensing as an effective enforcement tool. 2010. Available at: <http://publichealthlawcenter.org/sites/default/files/resources/tclc-syn-retailer-2010.pdf>. Accessed February 25, 2017
31. Food and Drug Administration, HHS. Deeming tobacco products to be subject to the federal food, drug, and cosmetic act, as amended by the family smoking prevention and tobacco control act; restrictions on the sale and distribution of tobacco products and required warning statements for tobacco products. Final rule. *Fed Regist*. 2016;81(90):28973–29106
32. Lempert LK, Grana R, Glantz SA. The importance of product definitions in US e-cigarette laws and regulations. *Tob Control*. 2016;25(e1):e44–e51
33. Mackey TK, Miner A, Cuomo RE. Exploring the e-cigarette e-commerce marketplace: identifying Internet e-cigarette marketing characteristics and regulatory gaps. *Drug Alcohol Depend*. 2015;156:97–103

The Truth About Menthol Cigarettes



Menthol is a flavoring that can be derived naturally from mint plants or synthetically produced.¹ This cool, minty and fresh flavor is often used in products like lip balm, cough medicine, mouth wash, and candy.² Menthol is also used in cigarettes and **makes smoking more appealing to young and beginning smokers.**¹

A Public Health Threat

Easier to Inhale

The menthol flavor in cigarettes **masks the harsh taste of tobacco** and makes the smoke feel smoother and easier to inhale.¹



This **makes it easier for new smokers to start.**¹

Menthol also allows smokers to inhale more deeply, which causes harmful particles to settle **deeper inside the lungs.**²

Harder to Quit

Scientific studies show that the sensory effects and flavor of menthol can **make cigarettes more addictive.**³

Menthol smokers show greater signs of nicotine dependence and are **less likely to successfully quit smoking** than other smokers.^{4,5}



Increasing Menthol Use

Although cigarette use is declining in the U.S., use of menthol cigarettes has increased in recent years, especially among young people and new smokers.⁶

Approximately **19 million** Americans smoke menthol cigarettes, including over 1 million adolescents.⁶

While only 25% of all cigarettes sold in the U.S. are labeled as menthol, **90%** of all tobacco cigarettes actually contain some menthol.^{7,8}



Disproportionate Marketing and Use

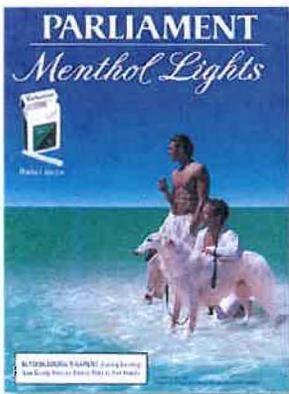
African American Communities

Tobacco industry documents reveal **aggressive menthol tobacco product marketing** and higher rates of discounts and promotions on menthol cigarette brands in African American neighborhoods.⁹

In California, **70%** of African American adult cigarette smokers smoke menthol cigarettes, compared to only 18% of white adult cigarette smokers.¹⁰



LGB Communities



The tobacco industry has also targeted the lesbian, gay and bisexual (LGB) community.

Nearly 50% of all LGB adult cigarette smokers in California smoke menthol cigarettes, compared to only 28% of straight adult cigarette smokers.¹⁰



Youth

57% of smokers in the U.S. age 12–17 smoke menthol cigarettes.¹¹

Protecting our Communities

A National study found that **44.5%** of African Americans and **44%** of women would quit smoking if menthol cigarettes were banned.¹²

Prohibiting the sale of menthol cigarettes is a critical step to preventing a new generation of Californians from becoming addicted to tobacco.



References

1. Kreslake, J.M., et al., *Tobacco industry control of menthol in cigarettes and targeting of adolescents and young adults*. American Journal of Public Health, 2008. 98(9): p. 1685.
2. Kreslake, J.M. and V.B. Yerger, *Tobacco industry knowledge of the role of menthol in chemosensory perception of tobacco smoke*. Nicotine & Tobacco Research, 2010. 12: p. 98-101.
3. Henningfield, J.E., et al., *Does menthol enhance the addictiveness of cigarettes? An agenda for research*. Nicotine & Tobacco Research, 2003.
4. Levy, D.T., et al., *Quit attempts and quit rates among menthol and nonmenthol smokers in the United States*. 2011.
5. U.S. Food and Drug Administration, *Preliminary scientific evaluation of the possible public health effects of menthol versus nonmenthol cigarettes*. July 2013.
6. Substance Abuse and Mental Health Services Administration, *The NSDU Report: Use of Menthol Cigarettes*. 2009: Rockville, MD.
7. Giovino, G.A., et al., *Epidemiology of menthol cigarette use*. Nicotine & Tobacco Research, 2004. 6: p. 67-81.
8. Wickham, R., *Focus: Addiction: How Menthol Alters Tobacco-Smoking Behavior: A Biological Perspective*. The Yale Journal of Biology and Medicine, 2015. 88(3): p. 279.
9. Cruz, T.B., L.T. Wright, and G. Crawford, *The menthol marketing mix: targeted promotions for focus communities in the United States*. Nicotine & Tobacco Research, 2010. 12(suppl 2): p. S147-S153.
10. *Behavioral Risk Factor Surveillance System 2013-2015*. Sacramento, CA: California Department of Public Health.
11. Giovino, G.A., et al., *Differential trends in cigarette smoking in the USA: is menthol slowing progress?* Tobacco Control, 2013.
12. Tobacco Control Legal Consortium et al., *Citizen Petition to Food and Drug Administration, Prohibiting Menthol As A Characterizing Flavor in Cigarettes* (April 12, 2013).

Tobacco Use By Youth Is Rising E-cigarettes are the main reason



Want to learn more?
www.cdc.gov/vitalsigns/youth-tobacco-use

1.5M

There were 1.5 million **more** current youth e-cigarette users in 2018 than 2017.

4.9M

4.9 million youth were current tobacco product users in 2018.

38.3%

Use of any tobacco product grew by 38.3% among high school students (2017-2018).

Overview:

Tobacco product use among US youth is increasing. More than 1 in 4 high school students and about 1 in 14 middle school students in 2018 had used a tobacco product in the past 30 days. This was a considerable increase from 2017, which was driven by an increase in e-cigarette use. E-cigarette use increased from 11.7% to 20.8% among high school students and from 3.3% to 4.9% among middle school students from 2017 to 2018. No change was found in the use of other tobacco products, including cigarettes, during this time.

Among youth:

- E-cigarettes are still the most commonly used tobacco product, ahead of cigarettes, cigars, smokeless tobacco, hookah, and pipes.
- E-cigarettes are the most commonly used product in combination with other tobacco products.
- E-cigarette use is highest for boys, whites, and high school students.



PROBLEM:

Nearly all tobacco product use begins in adolescence.

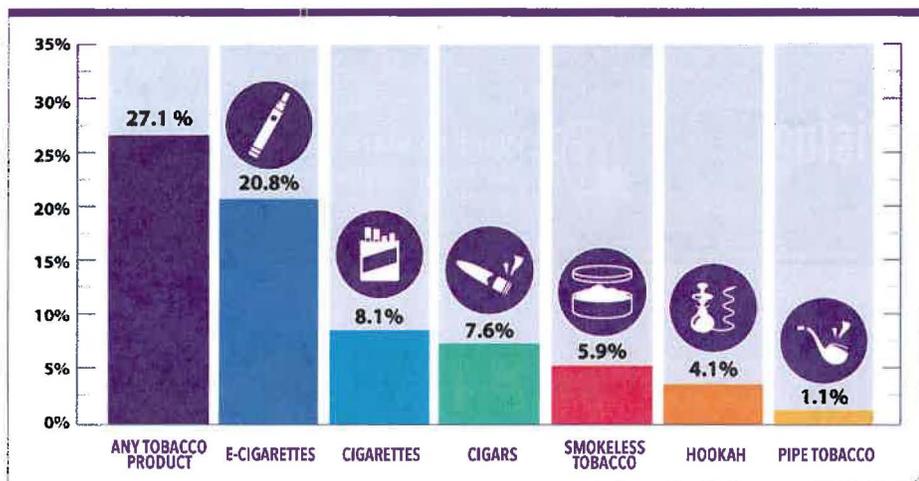
Any tobacco product use among youth is unsafe, including e-cigarettes.

- Cigarette smoke contains over 7,000 chemicals, including about 70 that cause cancer.
- Nearly all tobacco products, including e-cigarettes, contain nicotine.
- Youth nicotine use can lead to addiction and can harm the developing brain, impacting learning, memory, and attention.

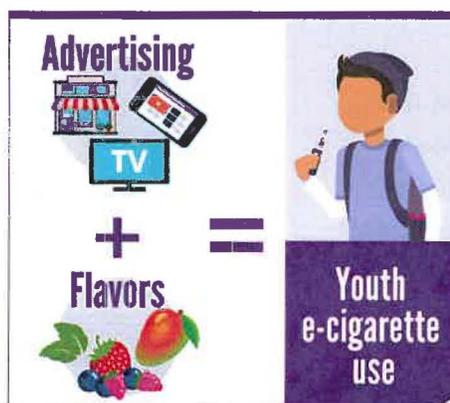
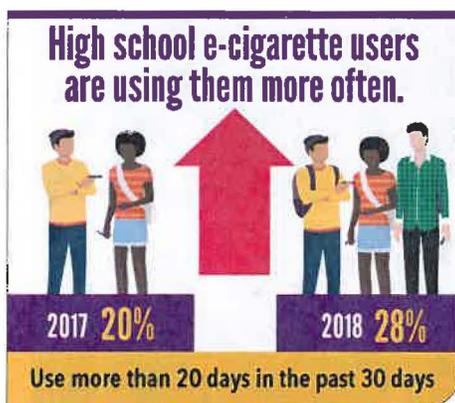


Centers for Disease Control and Prevention
National Center for Chronic Disease Prevention and Health Promotion

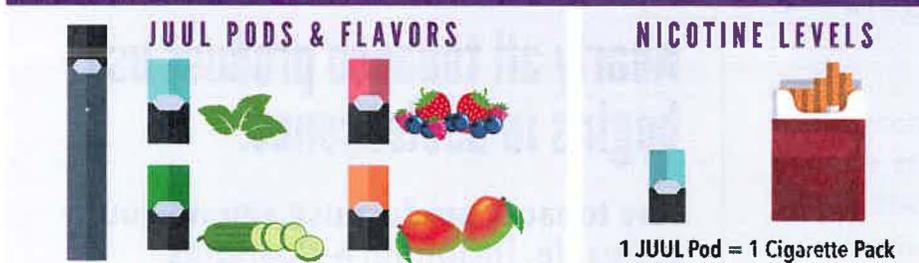
Tobacco product use among high school students—2018



SOURCE: Tobacco Product Use Among Middle and High School Students — United States, 2011-2018. Morbidity and Mortality Weekly Report (MMWR), February 2019.



Increase in youth e-cigarette use happened at same time as increased JUUL sales.



JUUL is now the most commonly sold e-cigarette in the US.

- JUUL is an e-cigarette shaped like a USB flash drive and is easy to conceal.
- JUUL uses liquid nicotine refills called “pods,” which contain at least as much nicotine as a pack of cigarettes and are available in flavors that appeal to youth.
- JUUL devices are being used by youth in schools, including inside bathrooms and classrooms.

THE WAY FORWARD >>>

PARENTS AND EDUCATORS CAN:

- Set a positive example by not using tobacco products themselves.
- Learn about different types and risks of tobacco products, including e-cigarettes.

HEALTHCARE PROVIDERS CAN:

- Ask specifically about e-cigarettes when screening for tobacco product use.
- Warn youth about the risks of all tobacco product use, including e-cigarettes.

SCHOOLS CAN:

- Adopt and enforce tobacco-free campus policies that include e-cigarettes.
- Reject tobacco industry-sponsored prevention programs, which are proven not to work.

STATES AND COMMUNITIES CAN:

- Prohibit smoking and e-cigarette use inside workplaces and public places.
- Increase the minimum age of sale of tobacco products to 21 years.
- Prohibit the sale of flavored tobacco products.

For more information

1-800-CDC-INFO (232-4636)

TTY: 1-888-232-6348 | Web: www.cdc.gov

Centers for Disease Control and Prevention

1600 Clifton Road NE, Atlanta, GA 30333

Publication date: February 11, 2019

The Truth About Flavored Tobacco



The use of flavored tobacco products such as cigars, cigarillos, smokeless tobacco, hookah tobacco, and e-liquids (used in e-cigarettes) has increased in recent years.¹ These products use **enticing flavors, colorful packaging and lower prices** to hook a new generation of tobacco users.

A Public Health Threat

Enticing Fruit and Candy Flavors



Sweet flavors like watermelon, cherry, chocolate, mint, and gummy bear **appeal to kids and teens.**²

Flavorings **mask the harsh taste of tobacco** which make it easier for youth to initiate tobacco use.²

Marketed to Young People

Flavored tobacco products often use the same flavoring chemicals as **popular brands** like Jolly Rancher, Kool-Aid, and Life Savers.³

Little cigars are often sold in small packages for **less than a dollar** and promoted as a low-cost alternative to cigarettes.^{4,5}

Colorful packaging and placement near the register makes them highly visible and attractive to kids.⁴



Growing Teen Use

A majority of youth report flavoring as a leading reason for using tobacco products.⁶ This includes:

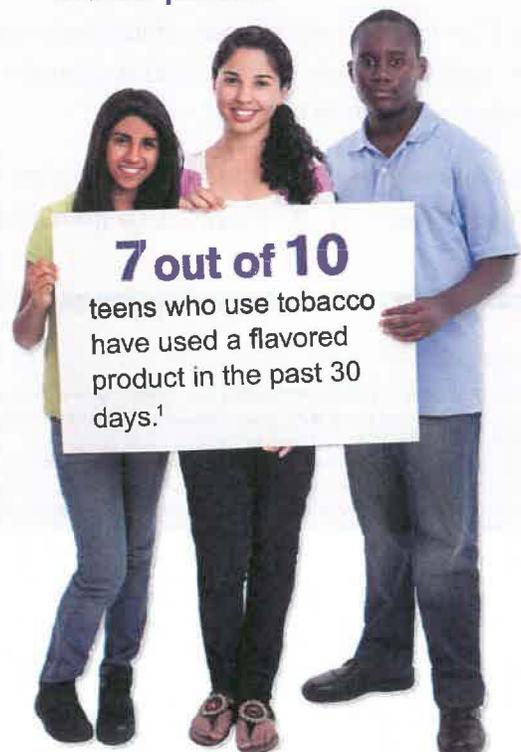
82% of e-cigarette users

79% of hookah users

74% of cigar users

69% of smokeless users

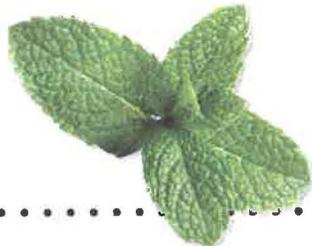
80% of young people who have ever used tobacco **started with a flavored tobacco product.**⁶



Consequences for Our Youth

Long term addiction

The U.S. Surgeon General has warned that flavored tobacco products help new users establish habits that can **lead to long-term addiction**.⁷



Flavors like menthol in tobacco products make it **harder for users to quit**.⁸



Smokers who start at a younger age, are more likely to develop a **severe nicotine addiction**.⁷

Serious health risks

All nicotine products are addictive and increase the risk of developing **serious health problems**.⁹



Cancer



Heart Disease



Emphysema

The chemical Diacetyl, found in 75% of flavored e-liquids, is linked to bronchiolitis obliterans ("popcorn lung") which causes **irreversible lung damage**.^{10,11}



Protecting Our Communities

The FDA has banned the sale of flavored cigarettes (other than menthol) because they appeal to youth. But flavored e-cigarettes, e-liquid, cigars, hookah, and chewing tobacco continue to be sold.

Prohibiting the sale of all flavored tobacco products is a critical step to preventing another generation of young people from living with a lifetime of addiction.



References

1. Corey, C.G., et al., *Flavored tobacco product use among middle and high school students—United States*. 2014. *MMWR Morbidity and Mortality Weekly Report*. 2015. 64(38): p. 1066-1070.
2. King, B.A., S.R. Dube, and M.A. Tynan, *Flavored cigar smoking among US adults: findings from the 2009–2010 National Adult Tobacco Survey*. *Nicotine & Tobacco Research*. 2013. 15(2): p.608-614.
3. Brown, J.E., et al., *Candy flavorings in tobacco*. *New England Journal of Medicine*, 2014. 370(23): p. 2250-2252.
4. Oregon Public Health Division, *Flavored Tobacco: Sweet, Cheap, and Within Kids' Reach, in CD Summary*. 2014, Oregon Health Authority: Oregon.
5. Delnevo, C.D. and M. Hrywna, "A whole 'nother smoke" or a cigarette in disguise: How RJ Reynolds reframed the image of littlecigars. *American Journal of Public Health*. 2007. 97(8): p. 1368.
6. Ambrose, B.K., et al., *Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014*. *JAMA*, 2015: p. 1-3.
7. U.S. Department of Health and Human Services, *Preventing tobacco use among youth and young adults: a report of the Surgeon General*. Atlanta, GA: US Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2012. 3.
8. Delnevo, C.D., et al., *Smoking-cessation prevalence among US smokers of menthol versus non-menthol cigarettes*. *American Journal of Preventive Medicine*, 2011. 41(4): p. 357-365.
9. U.S. Food and Drug Administration, *Flavored Tobacco Product Fact Sheet*. 2011, U.S. Food and Drug Administration.
10. Joseph G. Allen, et al., *Flavoring Chemicals in E-Cigarettes: Diacetyl, 2,3-Pentanedione, and Acetoin in a Sample of 51 Products, Including Fruit-, Candy-, and Cocktail-Flavored E-Cigarettes*. *Environmental Health Perspectives*, 2015.
11. Farsalinos, K.E., et al., *Evaluation of electronic cigarette liquids and aerosol for the presence of selected inhalation toxins*. *Nicotine & Tobacco Research*, 2015. 17(2): p. 168-174.

PROGRESS ERASED: FLAVORED TOBACCO AND THE E-CIGARETTE EPIDEMIC AMONG YOUTH

Recent increases in the use of e-cigarettes is driving increases in tobacco product use among youth.¹

► **Flavored tobacco products** are driving youth experimentation...

...more than **80%** of youth who have ever used a tobacco product reported that their **first product** was flavored.²



are on the market. The FDA states certain flavors are one of the principal drivers of the **youth appeal to tobacco products...**³

...[and] e-cigarette use among youth has hit **epidemic proportions.**⁴



► **Flavored and mentholated tobacco products** are "starter" products that help new users establish daily habits and promote addiction to tobacco products.⁵

4.9 million

middle and high school students in 2018 were current users of tobacco products, up from 3.6 million in 2017.⁸

21%

e-cigarette use increased from among high school students from 2017 to 2018.⁷

12%

2 in 5 high school students in LA County reported ever using e-cigarettes.⁶



¹ Centers for Disease Control and Prevention. Vital Signs: Tobacco Product Use Among Middle and High School Students – United States, 2011–2018. Morbidity and Mortality Weekly Report, 2019;68(06)[accessed 2019 Feb 5].

² DiFranza, J.R., Wellman, R.J., Sargent, J.D., et al. (2006). Tobacco Promotion and the Initiation of Tobacco Use: Assessing the Evidence for Causality. Pediatrics, 117(6), e1237–e1248.

³ California Department of Public Health, California Tobacco Control Program. California Tobacco Facts and Figures 2018. Sacramento, CA: California Department of Public Health; 2018

⁴ Office of the Commissioner. (2018, September 12). Press Announcements - Statement from FDA Commissioner Scott Gottlieb, M.D., on new steps to address epidemic of youth e-cigarette use. Retrieved from <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620185.htm>.

⁵ California Medical Association. Flavored and mentholated tobacco products: enticing a new generation of users. 2016. <http://www.cmanet.org/resource-library/detail/?item=flavored-and-mentholated-tobacco-products>.

⁶ County of Los Angeles, Public Health. (2019, February 14). Public Health Proposes Tobacco Retail Policy and Ordinance Change to Protect Youth [Press release].

⁷ Gentzke AS, Cresser M, Cullen KA, et al. Vital Signs: Tobacco Product Use Among Middle and High School Students — United States, 2011–2018. MMWR Morb Mortal Wkly Rep 2019;68:157–164. DOI: <http://dx.doi.org/10.15585/mmwr.mm6806e1>.

⁸ Behavioral Risk Factor Surveillance System 2013–2015. Sacramento, CA: California Department of Public Health.

Image © 2018 California Department of Public Health.

Rapidly shifting U.S. demographics are fueling the urgency of civil rights leaders, social scientists, policy makers, and public health professionals to focus their attention on policies designed to close the gap in racial and ethnic health disparities and ensure justice and equity in communities of color. In the interest of social justice, the good intent of policies developed and endorsed by dedicated public servants requires, however, a thorough and thoughtful consideration of the impact of unintended consequences of those policies in communities of color across the nation.

While many Black Americans have made significant advances in professional and educational achievement, heightened political and social status, far too many are still burdened with poverty, few employment and educational opportunities and poor health. Compounding this situation is the tense relationship between police and the Black community because of use of excessive force, profiling, over incarceration, and selective prosecution. It has also been well documented that Black people are sicker, experience bias and discrimination in the healthcare system and die sooner than other groups in American society.

It stands to reason why conscientious policymakers and public health professionals are zealous in their efforts to do whatever it takes to improve the safety, quality of life and health in Black communities—even if it means making selected harmful products unavailable by imposing bans and prohibitions.

Prohibitions and bans are official public proclamations and legislative orders forbidding, limiting, restricting and making illegal a behavior or forbidding, limiting, restricting and making illegal the use, manufacture or selling of a product. In 1920, Congress ratified the 18th Amendment to the Constitution prohibiting the manufacture, transportation and sale of liquor.

The good intentions of those who aggressively supported the prohibition on alcohol were to reduce access to alcohol as a way of reducing drunkenness, the crime and accidents caused by drunkenness and to reduce the death, illness and disease associated with the use and abuse of alcohol.

The lessons learned from the failed policy of alcohol prohibition are important for us today when a ban on menthol cigarettes has been proposed to reduce smoking among African Americans. Since over 80 percent of African Americans who choose to smoke, smoke menthol cigarettes, prohibitions, restrictions and bans would affect Black communities more than other communities in America.

When police have to spend time enforcing prohibitions and bans, they have less time to focus on solving violent crime and ensuring public safety. Tensions between police and the Black community have focused national attention on the pervasive inequities in the U.S. criminal justice system. In 2014, the National Research Council issued a comprehensive report on America's overgrown criminal justice system. The rate of imprisonment in the United States has more than quadrupled during the last forty years. The U.S. prison population is largely drawn from men under age 40 and mostly men of color. The Council found that high incarceration rates came about not because of an increase in crime, but because of policy choices. A menthol ban could make a bad situation in the criminal justice system worse for Blacks.

I stand united with policymakers, public health professionals and tobacco control advocates – Smoking is bad and not good for public health. I support the regulation of the manufacture and sale of tobacco products, especially restricting the sale of tobacco products to youth. We strongly encourage Black people to stop smoking and educate our youth about the dangers of smoking. My concern about the impact of a menthol ban are based on our experience and understanding of how law enforcement works when bans and prohibitions are imposed.

On June 22, 2009, when President Barack Obama signed into law the Family Smoking Prevention and Tobacco Control Act, the new law gave the U.S. Food and Drug Administration (FDA) comprehensive authority to regulate the manufacturing, marketing, and sale of tobacco products. The good intent of the law is to reduce smoking that is the leading preventable cause of death in the United States.

We are very concerned that while the FDA is considering a national menthol ban, Los Angeles and Los Angeles county are looking to implement ordinances that will prohibit, restrict and ban menthol cigarettes, the preferred tobacco product of African Americans. A ban on menthol cigarettes would give police another way to interact negatively in Black communities on the retail level or with individual citizens for a low-level, non-violent offense. A ban, prohibition or restriction on menthol cigarettes would mean punitive consequences, if the prohibition or ban is violated.

History has proven that prohibitions and bans don't work.

Education and treatment work. Young people are less likely to smoke if they get open, honest health information and tools to deal with peer pressure. Adults who struggle with smoking addiction are more likely to make healthier decisions when they have access to counseling, treatment, smoking cessation aids and are helped to develop stress management skills.

We welcome the opportunity for positive, realistic, solutions-oriented dialogue with supporters of a menthol ban, public health professionals, law enforcement officials, community leaders, and civil rights activists to reduce smoking in the Black community.

At the same time, we hold our public health professionals and policymakers accountable to address the social determinants of health that include a broad range of factors that are reasons for health disparities and poor health outcomes in the Black community.

We urge tobacco control advocates, public health professionals and policymakers not to defer to the criminal justice system by imposing prohibitions, bans and the threat of punishment to solve an urgent public health crisis.



LOS ANGELES 2019

Criminal Justice reform is at the center of a national debate among policymakers and others interested in justice and fairness. Of particular note locally is a matter that could set back the fight for reform: the drive to ban menthol cigarettes with little regard for the unintended consequences associated in Los Angeles.

Local government is where the direct impact of public policy can be seen and felt by the individuals it is meant to benefit. Sound public policy requires that elected officials consider the unintended consequences of policy decisions before taking action. Unintended consequences of policy decisions have been seen at the federal level with mandatory minimum sentencing laws, at the state level with "stand your ground" laws, and in cities like San Francisco and others through housing policies that have forced certain populations from their homes.

Ordinances that regulate menthol cigarettes, which African Americans smokers overwhelmingly prefer, differently than non-menthol cigarettes, which White smokers overwhelmingly prefer, is another example of policy decisions that could lead to troubling problems in communities of color.

Some policymakers and advocates have convinced themselves that such restrictions on menthol can be implemented without the aid of law enforcement by simply punishing retailers who sell newly banned products. What those policymakers and advocates fail to understand or refuse to acknowledge is that by pushing menthol cigarettes out of the licensed and regulated retail chain, they are simply forcing tobacco products to underground markets with "entrepreneurs/opportunist" looking to sell their lucrative products to anyone willing to buy, regardless of age.

This newly unfunded mandate and overall bad policy would put law enforcement organizations on the front line of enforcing a public-health issues, diverting resources from higher priority crime problems. Officers would be ultimately responsible for enforcing the ban since menthol cigarettes will be sold illegally on the street. And this illegal activity could likely attract other crime.

Tobacco use is a public-health issue not law enforcement. Cessation will come through public education, including programs for youth and teens. In fact, smoking rates continue to decline and are at historic lows. We must sustain this progress, but it will not come from law enforcement officers forced to fight an underground market that was foreseen and created by bad policy.

Criminal justice reform remains attainable. However, there is real concern that the recent progress made during the Obama era will be rolled back. Small victories for communities' disproportionately impacted by the failed "War on Drugs" may be reversed by prosecutors instructed to seek the harshest possible penalty in all cases, no matter how minor.

In closing, we should not establish nor allow public policy that would move us backward, especially when the unintended consequences are preventable. While those who suggested the menthol ban may have had good intentions, our communities must pursue measures that advance criminal justice reforms and decriminalize our communities, not policies that will make them worse.

Baptist Ministers Conference of Los Angeles and Southern California

4269 South Figueroa Street, Los Angeles California 90037
Office of the President

March 27th, 2019

Re: Item No. 18-1104/Proposed strategy to restrict the sale of flavored tobacco products to youth and young adults, including menthol

To: Health, Education, Neighborhoods, Parks, Arts, and River Committee

I am Reverend K. W. Tulloss, president of the Baptist Ministers Conference of Los Angeles and Southern California. I am also president of the Los Angeles Chapter of the National Action Network, created and founded by Reverend Al Sharpton. Since over 80 percent of African Americans who choose to smoke prefer menthol cigarettes, a possible ban on menthol cigarettes will clearly affect African American communities more than other segments of the population in Los Angeles City and County.

The National Action Network does not want people to smoke. We do not want youth to smoke and we want to help people who would like to stop smoking, to quit.

We appreciate the efforts of the Los Angeles County Board of Supervisors to protect the health and well-being of all Angelinos including African Americans. However, a ban on menthol cigarettes in our community would be a repeat of past poor policies. People who choose to consume these products will still do so, regardless of the legality. Youth use of menthol cigarettes is under two percent that is less than non-menthol cigarettes or any other tobacco product. The data from the California Department of Public Health shows that more teens are using non-menthol cigarettes than mentholated cigarettes.

Criminalizing the sale of products people wish to consume only encourages the establishment of an illicit trade to provide these products to consumers who want them. At a time in which we know that interactions between law enforcement and young men and women of color lead all-too-often to tragic results, we should be looking to lessen any negative encounters in our community with law enforcement.

We wholeheartedly support the proven methods of education and treatment to reduce smoking. We urge the Los Angeles City, County Staff and the Board of Supervisors to remove the consideration of a menthol ban from any further discussion about regulating tobacco products in Los Angeles.

Sincerely,



Rev. K.W. Tulloss

President, Baptist Ministers Conferences of Los Angeles & Southern California



Our Mission: Improve the lives of the world's one billion adult smokers by eliminating cigarettes.

March 26, 2019

The Honorable David Ryu
Chairman, HEALTH, EDUCATION, NEIGHBORHOODS, PARKS, ARTS, AND RIVER COMMITTEE
Los Angeles City Hall, Room 425
Los Angeles, CA 90012

Re: **Council File: 18-1104**

Dear Chairman Ryu:

On behalf of JUUL Labs, I respectfully submit comment on Council File 18-1104, which calls for, "a report on a proposed strategy to restrict the sale of flavored tobacco products to youth and young adults."

Our San Francisco-based company was founded by former smokers with the goal of improving the lives of the world's one billion adult smokers by eliminating cigarettes. Smoking continues to be the leading cause of preventable death globally and an estimated 40,000 Californians die each year from smoking-related illnesses. Smoking remains one of the most pressing public health crises of our day. We believe JUUL can accelerate cigarette displacement and offer adult smokers a viable alternative to drive them from combustibles.

For example, recent data show [nearly 80 percent of adult smokers](#) who purchased and used JUUL products fully switched from combustible cigarettes within 90-days of use. The JUUL system represents an unprecedented opportunity to help adult smokers switch from combustible cigarettes and bring lasting change to an industry that has not seen disruption in nearly a century.

To preserve the potential unparalleled public-health impact of vapor products, like JUUL, for the adult smoker, we also must ensure these products stay out of the hands of youth. With the reported increase in youth use of vapor products, JUUL Labs has undertaken significant commitments to lead the category to reverse this trend.

In November 2018, we implemented a comprehensive action plan to address youth access, appeal, and use of JUUL products. The company immediately suspended the sale and distribution of non-tobacco and non-menthol-based flavored JUUL products to traditional retail. Currently, we only sell these flavored products through our ecommerce platform (JUUL.com), which utilizes sophisticated, multi-step technology to ensure purchasers are 21+ and prevent bulk purchases. Social sourcing, obtaining products from family, friends, and classmates of legal



Our Mission: Improve the lives of the world's one billion adult smokers by eliminating cigarettes.

age, remains the leading contributor of youth access. Thus bulk-purchasing limits are critical to any measure that seeks to address youth access effectively.

Under our action plan, we also exited our U.S. social media accounts, maintaining only a Twitter account for non-promotional communications. We are continuously working to remove inappropriate third-party generated social media content in partnership with major social media companies. Furthermore, we have committed to full-system traceability for JUUL products, which will enable us to track confiscated JUUL products through the distribution chain to identify bad-actor retailers potentially selling product to youth. Additionally, we are moving full steam ahead with the development of our Bluetooth-connected device that will incorporate user-level access restrictions to prevent youth use.

In closing, JUUL Labs is committed to being part of the solution — a solution to eliminate cigarette use among adults and a solution to address youth use of vapor products. We believe adult smokers should continue to have an off-ramp from cigarettes, but that no youth should ever use vapor products. We're taking aggressive steps to restrict youth access and look forward to assisting your committee, the City Attorney, and Chief Legislative Analyst with achieving that public policy goal.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Berrier". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jon Berrier

Senior Director, Public Affairs

Cc: The Honorable Mitch O'Farrell, Member, HEALTH, EDUCATION, NEIGHBORHOODS,
PARKS, ARTS, AND RIVER COMMITTEE
The Honorable Curren Price, Member, HEALTH, EDUCATION, NEIGHBORHOODS, PARKS,
ARTS, AND RIVER COMMITTEE



The American Vaping Association

www.vaping.org

70 Hemlock St, Stratford, CT 06615

(609) 947 - 8059

March 27, 2019

RE: Item No. 18-1104, a motion relative to a proposed strategy to restrict the sale of flavored tobacco products

Chairman Ryu and members of the Health, Education, Neighborhoods, Parks, Arts, and River Committee:

On behalf of the American Vaping Association, a nonprofit organization that advocates for policies that encourage adult smokers who are unwilling or unable to quit smoking to switch to reduced risk nicotine products, I am writing to urge the committee to delay consideration of Item No. 18-1104 until the city has reached out to stakeholders (both retailers and adult consumers of the products in question) and performed an economic impact analysis. Banning the sale of legal products is not something that the City Council should do without adequate research and discussions with local communities. Neither public health nor Los Angeles small businesses will be served by preventing adult smokers from accessing less harmful alternatives to traditional combustible cigarettes.

I. Vaping products are much less harmful than smoking and are helping adult smokers quit

- Over forty years ago, Dr. Michael Russell wrote in the British Medical Journal, "Smokers smoke for the nicotine, but die from the tar." While nicotine can create dependence in users, it is not a carcinogen and does not meaningfully contribute to the death and disease that is principally caused by the habitual inhalation of cigarette smoke.
- On January 19, 2019, Food & Drug Administration Commissioner Dr. Scott Gottlieb reiterated his position on the benefits of vaping by adults, tweeting, "I believe if every currently addicted adult smoker switched completely to e-cigs it would provide a tremendous public health gain."
- Researchers from the American Heart Association, working from a sample size of over 460,000 Americans, estimated that 7.6% of all ex-smokers in the United States (4.4 million adults) had vaped in the past month, with 5% of all ex-smokers being daily vapers (3 million people).¹
- A 26-month study of 15,943 adult smokers undertaken by the Centers for Disease Control & Prevention (CDC) found that vaping is the most popular method of quitting smoking in the United States. Furthermore, smokers using vapor products were more likely to successfully quit versus those who used conventional methods like the nicotine gum and patch.²
- Respected international bodies, including the Royal College of Physicians and Public Health England, have published expert reports estimating that vaping carries no more than 5% the risk of smoking.

¹ M. Mirbolouk, *et al.* "Prevalence and Distribution of E-Cigarette Use Among U.S. Adults: Behavioral Risk Factor Surveillance System, 2016. *Annals of Internal Medicine.*" *Ann. Intern Med.* <http://annals.org/aim/article-abstract/2698112/prevalence-distribution-e-cigarette-use-among-u-s-adults-behavioral>

² R. Caraballo, *et al.* "Quit Methods Used by US Adult Cigarette Smokers, 2014–2016." *Prev Chronic Dis* 2017; 14:160600. https://www.cdc.gov/pcd/issues/2017/16_0600.htm

- The U.S. National Academy of Sciences (NAS) extensively studied the health effects of vaping products and concluded that vaping will result in an overall public health benefit under the most plausible scenarios.

II. The Importance of Flavors to Adults has been Demonstrated

- A study using data from the FDA's multi-year, population-level PATH study found that among adults aged 25 or older, **those using candy or sweet vaping flavors were twice as likely to be trying to quit combustible tobacco.** Moreover, among ex-smokers who reported that e-cigarettes helped with their smoking cessation, more respondents used fruit than any other flavor type.³
- Researchers from the Yale School of Public Health and other institutions conducted an FDA-funded study of 2,031 adult smokers and recent quitters. The study concluded that banning flavors in vaping products would result in increases in smoking, with the greatest increase coming if menthol cigarettes were not also banned.⁴
- A self-selected survey of 69,223 vapers from the United States found that among the 81.3% of respondents who were former smokers, just 7.7% and 12.8% of these exclusive vapers used tobacco or menthol flavors, respectively. Ex-smokers and dual users overwhelmingly preferred flavors categorized as fruit, dessert, or sweet.⁵

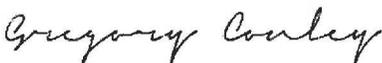
III. Better Enforcement is the Answer, Not Bans

Earlier this month, FDA Commissioner Scott Gottlieb released new proposed policy guidance that seeks to restrict the retail sale of all flavored vaping products (other than tobacco, mint, and menthol) to adult-only environments like vape shops. Public comment closes on the policy in approximately two weeks and the policy is expected to quickly be put into effect. Dr. Gottlieb believes this federal policy change and other agency actions will help strike a balance between the goals of preventing youth nicotine initiation and ensuring adult smokers have access to satisfying and effective alternatives.

We share the goal of decreasing youth vaping and want to be a part of the solution, but punishing adults is not the answer. Los Angeles should rigorously enforce its existing ban on the sale of all nicotine and tobacco products to minors. However, new prohibitions are not justified by the science that exists today.

Please reject Item No. 18-1104, study this issue more thoroughly, and work on a policy that both protects youth and allows adult smokers in Los Angeles to continue to access smoke-free alternatives.

Sincerely,



Gregory Conley, J.D., M.B.A.
President
American Vaping Association

³ S. Someji, *et al.* "Flavor Preference Among Adolescent, Young Adult, and Adult E-Cigarette Users: Findings From Wave 2 of the Population Assessment of Tobacco and Health Study." Poster SYM7D. Presented at SRNT 2018.

⁴ John Buckell, Joachim Marti, and Jody L. Sindelar, "Should Flavors Be Banned in E-Cigarettes? Evidence on Adult Smokers and Recent Quitters from a Discrete Choice Experiment." National Bureau of Economic Research. September 2017. <http://www.nber.org/papers/w23865.pdf>.

⁵ Jim McDonald. "Farsalinos Survey Shows Vapers Prefer Fruit and Dessert Flavors." Vaping360. August 13, 2018. <https://vaping360.com/vape-news/69440/farsalinos-survey-shows-vapers-prefer-fruit-and-dessert-flavors/>

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
<p>Alameda Ordinance No. 3230</p>	<p>Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits</p>	<p>All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products</p>	<p>Yes</p>	<p>Adopted: November 27, 2018 Effective: July 1, 2019 Enforced: July 1, 2019</p>	<p>None</p>	<p>No TRLs may be issued to a pharmacy</p> <p>No TRLs may be issued within 300 feet of a youth populated area</p> <p>No TRL's may be issued within 500 feet of another tobacco retailer</p> <p>The total number of TRLs within the city shall be limited to one for each 2,500 inhabitants of the city</p> <p>No tobacco retailers shall honor or redeem a coupon to allow a consumer to purchase a tobacco product for less than full price, sell a tobacco product through a multi-package discount, provide free or discounted items, or sell a tobacco product for less than full retail price</p> <p>Cigars and little cigars must be sold in packages of at least five</p> <p>Sets a minimum price of \$7 per package of cigarettes and \$5 for cigars</p>	<p>The City's Planning, Building and transportation Department or any other City department shall inspect each tobacco retailers for compliance</p> <p>A violation of the provisions of this chapter within any five-year period may result in:</p> <ol style="list-style-type: none"> 1. A fine of \$1500 for a first violation 2. A 15 day suspension of the tobacco retail license for a second violation 3. A 30 day suspension of the tobacco retail license for a third violation 4. A license will be revoked for a fourth violation 	<p>No</p>
<p>Berkeley Ordinance No. 7,441-N.S. Municipal Code Chapter 9.80</p>	<p>Prohibits the sale of flavored tobacco products, including menthol flavored tobacco products, within a 600 foot buffer zone of a school (public and private K-12 with at least 25 students enrolled)</p>	<p>All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products</p>	<p>Yes</p>	<p>Adopted: September 2015 Effective: January 1, 2017 Enforced: January 1, 2020</p>	<p>Only applies to retailers located within 600 feet of schools</p> <p>Medical cannabis dispensaries are not required to have a tobacco retail license to sell electronic smoking devices or other tobacco paraphernalia if not accompanied by any tobacco product</p>	<p>No new TRL may be issued to a pharmacy or renewed by a pharmacy</p> <p>No new TRLs may be issued within 600 feet of school</p>	<p>Environmental Health staff is responsible for enforcement</p> <p>A violation of the provisions of this chapter within any five-year period may result in:</p> <ol style="list-style-type: none"> 1. The suspension of a license for up to 30 days for a first violation 2. The suspension of a license for up to 90 days for a second violation 3. The suspension of a license for up to one year for a third violation 4. The revocation of a license upon the fourth violation 	<p>Grace period of 3 years of effective date for retailers with "good cause showing"</p>

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Beverly Hills Ordinance No. 18-2758 Municipal Code Chapter 4-2-21	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: August 21, 2018 Effective: September 21, 2018 Enforced: December 21, 2018	None	The flavors policy is enforced through a TRL that must be paid annually	A violation of the provisions of this chapter will result in: <ol style="list-style-type: none"> 1. A civil penalty fine of \$250 for a first violation within any five year period 2. The suspension of the TRL for 90 days and a civil penalty fine of \$750 for a second violation within a five year period 3. The revocation of the TRL and a civil penalty fine of \$1,000 for a third violation within a five year period 	No
Cloverdale Municipal Code Chapter 8.08	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes (excluding menthol flavored tobacco products)	No	Adopted: December 12, 2017	Menthol tobacco products, including cigarettes, are not included in the restrictions	Smoking (including tobacco and marijuana) is prohibited in enclosed places of employment, public places, sports arenas, and multi-unit residence common areas; and unenclosed places of employment, recreational areas, service areas, outdoor dining areas, public places, and multifamily residence common areas No tobacco retailers shall sell any single cigar or any package of cigars containing fewer than five cigars (does not apply to the sale of single cigars if the price exceeds \$5) Pharmacies may not sell tobacco products	Any person or business that violates the provisions of this chapter shall be guilty of an infraction, punishable by: <ol style="list-style-type: none"> 1. A fine not exceeding \$100 for a first violation 2. A fine not exceeding \$200 for a second violation within one year 3. A fine not exceeding \$500 for each additional violation within five years 	No
Contra Costa County Ordinance No. 2017-01 Municipal Code Chapter 445-2	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within 1,000 feet of schools (public and private), parks, playgrounds and libraries in the unincorporated areas of the county	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: July 18, 2017 Effective: August 1, 2017 Enforced: January 1, 2018	Only applies to retailers within 1,000 feet of schools, parks, playgrounds and libraries	No new tobacco retail licenses may be issued in pharmacies Little cigars must be sold in packs of at least 10, and cigarillos must be sold in packs of at least 10 unless the sales price of one cigar is over \$5 No new tobacco retail licenses will be granted to businesses located within 1,000 feet of schools, parks playgrounds or libraries, or within 500 feet of another business that sells tobacco Sets a cap on the total number of tobacco retailers Prohibits the redemption of coupons or redemptions Smoking is prohibited in specified enclosed and unenclosed areas and in all multi-unit residence areas, with some exceptions	A violation of the provisions of this chapter will result in: <ol style="list-style-type: none"> 1. The suspension of the TRL for up to 30 days for a first violation 2. The suspension of the TRL for up to 90 days for a second violation that occurs within five years after the first violation 3. The suspension of the TRL for up to one year for a third violation and for each subsequent violation that occurs within five years after the first violation 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
<p>El Cerrito Ordinance No. 2015-08 Municipal Code 6.100.160</p>	Prohibits the sale of all flavored, non-cigarette tobacco products, including menthol flavored non-cigarette tobacco products, within the city limits	All flavored non-cigarette tobacco products, including e-cigarettes and menthol non-cigarette tobacco products (excludes menthol cigarettes)	Yes (only for non-cigarette tobacco products)	Adopted: October 2015 Effective: January 1, 2016 Enforced: October 2017	Menthol cigarettes are not included in the restrictions	<p>No new licenses may be issued to authorize tobacco retailing within 500 feet of schools, youth sensitive locations (parks and playgrounds, libraries), residential zones, or other tobacco retailers (tobacco retailers already in operation are exempt)</p> <p>No new licenses may be issued to authorize tobacco retailing within 1,000 feet of another tobacco retailer (tobacco retailers already in operation are exempt)</p> <p>Single cigar sales prohibited (except single cigars over \$5), a package of cigars must have at least five cigars</p> <p>Tobacco samples & coupons prohibited (except as allowed in adult-only businesses per state and federal law)</p> <p>Hookah lounges, cigar lounges, vape shops, or similar establishments are prohibited within the city limits</p> <p>New tobacco retailers may not operate as a "Significant Tobacco Retail Establishment" (use over 20% of the store display area for or derive over 50% of gross sales receipts from tobacco products or smoking paraphernalia) (existing tobacco retailers may seek an exception)</p> <p>Imitation tobacco products also included in prohibition</p>	<p>Compliance is monitored and enforced by the City's Community Development Department, in conjunction with the El Cerrito Police Department</p> <p>A violation of the provisions of this chapter within a five year period will result in the suspension of a license for:</p> <ol style="list-style-type: none"> 1. 10 days for first violation 2. 30 days for second violation 3. 60 days for third violation 4. Upon the fourth or more violations the license shall be revoked 	Existing establishments within a certain distance of schools, youth sensitive areas and other tobacco retailers are allowed to continue to sell flavored tobacco products until January 1, 2018 but they must comply with all other TRL requirements
<p>Fairfax Municipal Code 8.44.210</p>	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes (excludes menthol flavored tobacco products)	No	Adopted: December 6, 2017 Effective: December 6, 2018 Enforced: January 1, 2019	<p>Tobacco retailers may sell flavored tobacco products if the tobacco product:</p> <ol style="list-style-type: none"> 1. Consists of a package of cigars containing at least five cigars or more 2. Consists of a single cigar for which the retail price exceeds \$5 3. Consists of pipe tobacco 4. Consists of a package of chewing tobacco or snuff containing at least five units or more 	<p>It shall be a violation to sell, offer for sale, or exchange for any form of consideration:</p> <ol style="list-style-type: none"> 1. Any single cigar, whether or not packaged for individual sale 2. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer 3. Any package of cigars containing fewer than five cigars <p>*(This does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds \$5)</p> <p>Prohibits the sale of tobacco products in pharmacies</p>	<p>Regulations shall be monitored by the Town Manger and the Marin County Tobacco Program</p> <p>A violation of the provisions of this chapter within any 60-month period may result in:</p> <ol style="list-style-type: none"> 1. A 30 day suspension of a license for a first violation of this article 2. A 90 day suspension of a license for a second violation of this article 3. A one year suspension for a third violation of this article 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Half Moon Bay Municipal Code Section 7.60.120	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: October 2018 Effective: April 1, 2019	None	No tobacco retail permits may be issued to new or existing pharmacies (this provision effective April 1, 2019) No tobacco may be sold from a vending machine No person shall distribute free tobacco products or coupons for tobacco products	The ordinance will be enforced by the county of San Mateo, its officers, employees and agents A violation of the provisions of this chapter may result in: 1. A suspension of the license for up to 30 days for the first violation 2. A suspension of the license for no less than 30 days and up to 90 days for the second violation of the ordinance within 24 months of the first determination 3. A suspension of the license for no less than 90 days and up to one year for the third and each subsequent violation of the ordinance within 24 months of a prior determination	No
Hayward Municipal Code Sec. 10-1.2780	Prohibits the sale of flavored tobacco products with the exception of menthol flavored cigarettes within a 500-foot radius of schools (public and private kindergarten, elementary, middle, junior high or high school) for <i>new</i> tobacco retailers (established after the passage of this policy) within the city limits	All flavored non-cigarette tobacco products, including e-cigarettes and menthol non-cigarette tobacco products (excludes menthol cigarettes)	Yes (only for non-cigarette tobacco products)	Adopted: July 1, 2014 Effective: August 1, 2014	Menthol cigarettes are not included in restrictions Retailers that sold products before provisions took effect are exempt Restrictions only apply to retailers within 500 feet of schools	Prohibits the sale of cigar packages containing fewer than 5 cigars or a single cigar (unless the retail price exceeds \$5) No new tobacco retailers or new sales of flavored tobacco within 500 feet of a public or private K-12 school Vapor bars, lounges, smoking device bars, electronic smoking device lounges, and hookah bars and lounges are prohibited in all zoning districts Imitation tobacco products also included in prohibition	Regulations are enforced by the City's Planning Director, in conjunction with the City's Code Enforcement Division and the Hayward Police Department Any Tobacco Retail Sales Establishment that violates regulations in ordinance three times within a three-year period shall be subject to revocation of its tobacco retail license and/or its conditional use permit	Retailers selling flavored tobacco products prior to the ordinance effective date are exempt
Hermosa Beach Ordinance No. 18-1389	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: January 8, 2019 Effective: June 1, 2019	Flavored tobacco products may still be sold in stores that permits only patrons 21 years of age or older to enter	Tobacco retailers must be located at least 500 feet from a youth-populated area No license may be issued to authorize tobacco retail licensing at farmers' markets, special temporary events, or mobile carts A TRL may not be issued to a pharmacy No TRL may be issued for businesses licensed to serve alcohol Minimum pack size requirement of 20 for little cigars	Compliance checks shall be conducted by any member of the Hermosa Beach Code Enforcement Department, Police Department, the California Department of Health Services, the California Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees Tobacco Retailer's license shall be suspended or revoked for a violation of any provision of this chapter	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Los Gatos Ordinance No. 2259	Limits the sale of flavored tobacco products, including menthol flavored tobacco, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: May 16, 2017 Effective: January 1, 2018	Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited	TRL language is a replica of the Santa Clara County TRL Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel) Prohibits the sale of tobacco products in pharmacies Prohibits new tobacco retailing within 1,000 feet of a school Prohibits any new tobacco retailers within 500 feet of another tobacco retailer Limits storefront advertising to no more than 15% of the window and clear doors	Compliance will be monitored by the Town or its Designee; a peace officer may enforce the provisions in this policy For any violation of the TRL within a 12-month period may result in: <ol style="list-style-type: none"> 1. A fine not to exceed \$100 for a first violation 2. A fine not to exceed \$200 for a second violation 3. A fine not to exceed \$500 for each additional violation For any violation of the TRL within a 24-month period, permit suspension includes: <ol style="list-style-type: none"> 1. Permit suspension for up to 30 calendar days for a first violation 2. Permit suspension for up to 90 calendar days for a second violation 3. Permit suspension for up to one year for each additional violation 	No
Manhattan Beach Ordinance No. 15-0020 Municipal Code 4.118.030	Limits the sale of flavored tobacco, with the exception of menthol flavored tobacco products, to adult-only tobacco stores with the city limits	All flavored tobacco products, including e-cigarettes (excludes menthol flavored tobacco products)	No	Adopted: December 2015 Effective: January 1, 2016	Flavored tobacco products may still be sold in adult-only tobacco stores Menthol tobacco products are not included in the prohibition	No tobacco retailer permit may be issued within 500 feet of a school or an existing retailer	The retail permit may be revoked or suspended for two or more violations within a 36-month period	No
Marin County Ordinance No. 3698	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: November 6, 2018 Effective: December 5, 2018 Enforced: July 1, 2019 (Non-Tobacco Stores) July 1, 2020 (Tobacco Stores)	None	It is unlawful for any retailer, individual, or entity to sell or offer for sale any tobacco products in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from the County of Marin for each location where these sales are conducted	Enforcement shall be conducted by the Marin County Dept. of Health and Human Services A violation of the provisions of this chapter may result in: <ol style="list-style-type: none"> 1. An administrative citation and fine not less than \$200 for a first violation 2. An administrative citation and fine not less than \$500/violation for subsequent violations 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
<p>Mono County Ordinance No. 18-03 Municipal Code 7.92.070</p>	Prohibits the sale of all flavored e-liquids, including menthol flavored e-liquids, within the unincorporated areas of the county	All flavored e-liquids (excludes all other flavored tobacco products)	Yes (only for menthol-flavored e-liquids)	Adopted: April 17, 2018 Effective: May 17, 2018	Does not include flavored tobacco products other than e-liquids	<p>Prohibits smoking in all areas where smoking is prohibited by state or federal law, as well as county vehicles, public parks recreational areas, service areas, dining areas and public places when used for a public event</p> <p>Smoking may not occur closer than 20 feet outside any enclosed area and from entrances, windows, or ventilation systems</p> <p>* Limited flavored e-liquid sales policy is set to sunset in October 2019 and a complete ban on all flavored tobacco and menthol products will become effective</p> <p>Policy is not attached to a TRL</p>	<p>The Mono County Public Health Director or his/her designee is authorized to enforce this ordinance and to refer enforcement to the Mono County Code Compliance Division</p> <p>Any person or business found in violation of any provision of this Chapter shall be guilty of an infraction and subject to a find of</p> <ol style="list-style-type: none"> \$100 for the first violation \$200 for the second violation \$500 for any subsequent violation 	No
<p>Novato Ordinance No. 1615 Municipal Code 7-8</p>	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and marijuana (excludes menthol flavored tobacco products)	No	Adopted: January 31, 2017 Effective: January 1, 2018 Enforced: January 1, 2019	<p>Menthol tobacco products are not included in the prohibition</p> <p>Flavored tobacco products may be sold if the product is:</p> <ol style="list-style-type: none"> a package of cigars containing at least five cigars a single cigar for which the retail price exceeds five dollars pipe tobacco a package of chewing tobacco or snuff containing at least five units or more 	<p>Minimum pack size requirements prohibit the sale of:</p> <ol style="list-style-type: none"> A single cigar (unless the price of the single cigar exceeds \$5) A package of cigars containing fewer than five cigars, or any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer <p>No pharmacies may sell tobacco products</p>	<p>Compliance will be monitored by the Department or other agency designated to enforce</p> <p>A tobacco retailer found in violation of any provision of this Chapter shall:</p> <ol style="list-style-type: none"> Be issued a warning upon a finding by the department of a first violation Have the license suspended for 30 days for a second violation of this section at a location within any 60-month period Have the license shall be suspended for 90 days for a third violation of this section at a location within any 60-month period Have the license shall be suspended for one year for a fourth violation of this section at a location within any 60-month period Have the license revoked for five or more violations of this section at a location within any 60-month period 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Oakland Municipal Code 5.91	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: September 19, 2017 Effective: July 1, 2018	Flavored tobacco products may still be sold in adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors under the age of 18 unless accompanied by a parent or legal guardian, and do not sell food or alcoholic beverages	An amendment allows clerks aged 18 and older to sell tobacco Tobacco retailers may not sell tobacco products at a discount less than full retail price, including honoring or redeeming coupons	The City designates the Oakland Police Department to enforce this Ordinance A violation of this Chapter at a location within any 60-month period may result in: <ol style="list-style-type: none"> 1. An agreement to stop acting as a Tobacco Retailer for at least one day and a settlement payment to the City of at least \$1,000 for a first violation 2. An agreement to stop acting as a Tobacco Retailer for at least ten days and a settlement payment to the City of at least \$5,000 for a second violation 3. No new license may be issued until five years have passed from the date of the violation for a third or subsequent violation 	No
Palo Alto Ordinance No. 5418 Municipal Code 4.64.030	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: October 2, 2017 Effective: January 1, 2019	Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited	TRL language is a replica of the Santa Clara County TRL Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel) Prohibits the sale of tobacco products in pharmacies Prohibits new tobacco retailing within 1,000 feet of a school Prohibits any new tobacco retailers within 500 feet of another tobacco retailer	Compliance will be monitored by the City or its Designee, and any peace officer may enforce the penal provisions of the ordinance A violation of the provisions of this chapter may result in: <ol style="list-style-type: none"> 1. A fine not to exceed \$100 (within a 12-month period) and a suspension up to 30 days (within any 24-month period) for a first violation 2. A fine not to exceed \$200 (within a 12-month period) and a suspension of the retailer permit for up to 90 days (within any 24-month period) for a second violation 3. A fine not to exceed \$500 (within a 12-month period) and the suspension of the retailer permit for up to one year (within any 24-month period) for each additional violation 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Portola Valley Ordinance No. 2018-425	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products	Yes	Adopted: September 12, 2018 Effective: October 11, 2018 January 1, 2019	None	No existing or new pharmacies may sell tobacco products	Compliance monitored will be conducted through the Environmental Health Division of San Mateo County Health Department Penalties for violation of this ordinance include: 1. A suspension of the TRL for up to 30 days and a fine not exceeding \$100 for the first violation 2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding \$200 for the second violation within 24 months of the first violation 3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding \$500 for the third violation and subsequent violations	None
Richmond Ordinance No. 20-18 N.S. Municipal Code 7.106	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: July 17, 2018 Effective: April 17, 2019	None	The ordinance establishes a minimum pack-size of 20 cigars and cigarillos, except for cigars that sell for more than \$5 each, and prohibits the sale of any single little cigar or cigar Prohibits new tobacco retailers from opening within 500 feet of existing tobacco retailers and 1,000 feet from a school, park, playground or library	Compliance will be monitored by the Richmond Police Department A tobacco retail license shall be revoked if the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions in the municipal code. The enforcement agency may also enforce through administrative fines	Existing tobacco retailers not in line with the distance requirement for tobacco retailers from schools and other tobacco retailers are grandfathered in unless the business changes ownership
San Francisco Ordinance No. 140-17	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the county limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: June 27, 2017 Referendum Vote: June 5, 2018 Effective: July 20, 2018 Enforced: January 1, 2019	None	No new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales permits No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a school No new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing tobacco retailer	Compliance will be monitored through the Director of Health or his or her designee For a violation of the ordinance, the Director of Health may suspend a Tobacco Sales Permit: 1. For a maximum of 90 days of the first violation 2. For a maximum of six months for a second violation that occurs within the first 12 months of the first violation 3. For a maximum of one year for a third violation if within 12 months of the prior violation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
San Leandro Municipal Code 4-36	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits (including flavored products that do not contain nicotine)	All flavored tobacco products, including e-cigarettes (excluding menthol tobacco products)	No	Adopted: October 16, 2017 Effective: August 15, 2018	Menthol tobacco products are not included in the prohibition Wholesale companies are excluded from the ordinance if the tobacco products made or distributed in San Leandro are sold by retailers outside the city	No tobacco retailer shall sell, offer for sale, or exchange any 1. Single cigar 2. Any pack of cigars at a price that is less than \$7.00 per five cigars (does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds either five dollars or the dollar amount adopted by resolution of the City Council and adjusted from time to time, whichever is higher)	Compliance will be monitored by the San Leandro Police Department Penalties for violation of this ordinance within a 36 month period include: 1. A written warning and 30 days to correct violation for the first violation 2. A \$2,500 fine for a second violation 3. A 20 day license suspension for a third violation 4. After four or more violations, the license shall be revoked and no new license may issue for the location or tobacco retailer until three years have passed from the date of revocation	No
San Mateo County Ordinance No. 4799 Municipal Code 7.41	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: June 19, 2018 Effective: July 19, 2018 Enforcement: January 1, 2019	None	No existing or future pharmacies may sell tobacco products	Compliance will be monitored through the Environmental Health Division of San Mateo County Health Department Penalties for violation of ordinance include: 1. A suspension of the TRL for up to 30 days and a fine not exceeding \$100 for the first violation 2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding \$200 for the second violation within 24 months of the first violation 3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding \$500 for the third violation and subsequent violations	No
San Pablo Ordinance No. 2018-006 Municipal Code 5.06	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: December 17, 2018 Effective: March 2019	None	Requires a minimum pack size for cigars (6 per pack), cigarillos (25 per pack) and little cigars (20 per pack) Requires a minimum price of \$10.00 per cigar	Penalties for violation of ordinance within any 60-month period include: 1. A suspension of the license for up to 30 days for a first violation. At the election of the tobacco retailer, the tobacco retailer may pay a penalty of \$1000 in lieu of such suspension 2. A suspended of the license for one year for a second violation 3. The revocation of the license for and the proprietor or proprietors who had been issued the license shall never again be issued a tobacco retailer's license pursuant to this chapter for the third and subsequent violations	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Santa Clara County Ordinance No. NS-300.883	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores in the unincorporated areas of the County	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes (revised in 2016 to include menthol)	Adopted: June 2010 Effective: January 1, 2016 Revised version effective: July 1, 2017	Revised ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors, do not sell food or beverages, and post a sign outside saying that minors are prohibited	No TRLs may be issued to a retailer containing a pharmacy No TRLs may be issued to a retailer within 1,000 feet of a school (existing retailers exempt) No TRLs may be issued to a retailer located within 500 feet of another retailer (existing retailers exempt)	Compliance shall be monitored by the Department of Environmental Health Penalties for violations of this ordinance include: 1. A fine not to exceed \$100 for the first violation within a 12-month period and a license suspension for up to 30 days within any 24-month period 2. A fine not to exceed \$200 for a second violation within a 12-month period and a license suspension for up to 90 days within any 24-month period 3. A fine not to exceed \$500 for each additional violation within a 12-month period and a license suspension for up to one year for each additional violation within any 24-month period	No
Santa Cruz Ordinance No. 2018-19 Municipal Code 6.07	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes and menthol tobacco products	Yes	Adopted: November 27, 2018 Effective: June 11, 2019 Enforced: January 1, 2020	None	No license shall be issued to authorize tobacco retailing that is within six hundred feet of a high-risk alcohol outlet No license shall be issued to authorize tobacco retailing that is within that is within one thousand feet of a school *This prohibition shall not apply to a license applicant whose application seeks authorization to conduct tobacco retailing at a location where such retailing was taking place as of January 1, 2014, and has continued without interruption at that location since May 8, 2014	Every violation of this chapter determined to be an infraction is punishable by: 1. A fine not exceeding \$100 for a first violation and a license suspension for up to 60 days 2. A fine not exceeding \$200 for a second violation and the suspension of a license for 120 days 3. A fine not exceeding \$500 for a third and each additional violation and the suspension of a license for 180 days 4. The tobacco retailer's license shall be revoked, and no new license may be issued for the location until five years have passed from the date of revocation upon the fourth and each subsequent violation	No
Saratoga Municipal Code 4-90	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products (excluding menthol flavored tobacco products)	No	Adopted: October 3, 2018	Menthol flavored tobacco products are not included in the policy	No tobacco retailer permit tobacco may be issued to a licensed pharmacy No tobacco retailers established after September 16, 2016 shall be granted a tobacco retailer license for a location which is within 500 feet of another retailer or within 1000 feet of an elementary, middle, or high school or a City park No tobacco product or paraphernalia may be sold from a vending machines	Penalties for violations of this ordinance within a 24 month period include: 1. The suspension of an existing license for up to 60 days from the date of the citation issuance for a first violation 2. The revocation of any existing license shall for up to 24months from the date of the administrative citation issuance for a second or subsequent citation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
<p>Sausalito Ordinance No. 1264</p>	<p>Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits</p>	<p>All flavored tobacco products, including e-cigarettes and menthol tobacco products</p>	<p>Yes</p>	<p>Adopted: July 2018 Effective: November 1, 2018</p>	<p>None</p>	<p>Ordinance amends city's current "Clean Indoor Air and Health Protection" municipal code chapter to add "Tobacco Retail License Requirement and Prohibit the Sale of Flavored Tobacco Products"</p> <p>Smoking is prohibited in all enclosed places of employment, public places, recreational areas, common areas</p> <p>Smoking is prohibited in all unenclosed places of employment, recreational areas, services areas, dining areas, common areas that meet certain requirements</p> <p>Smoking restrictions included for multi-unit housing complexes and rental units</p>	<p>Anyone who violates a provision in this chapter will be deemed guilty of an infraction</p> <p>The City may seek the revocation or suspension of a tobacco retailer's license</p>	<p>No</p>
<p>Sonoma Ordinance No. 04-2015 Municipal Code 7.25</p>	<p>Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits</p>	<p>All flavored tobacco products, including e-cigarettes (excluding menthol flavored tobacco products)</p>	<p>No</p>	<p>Adopted: June 1, 2015 Effective: September 1, 2015 Enforced: September 1, 2015</p>	<p>Menthol flavored tobacco products are not included in the policy</p> <p>Flavored tobacco products may still be sold if</p> <ol style="list-style-type: none"> the tobacco product consists of a package of cigars that contains at least five cigars or more a single cigar for which the retail price exceeds \$5 the tobacco product consists of pipe tobacco the package of chewing tobacco or snuff contains at least five units or more 	<p>It is a violation to sell any single cigar (unless the retail price of the cigar exceeds \$5) and a package of cigars containing fewer than five cigars or the number of cigars contained in the manufacture's original consumer packaging</p> <p>Limits the eligibility of retailers permitted to apply for a tobacco retail license</p>	<p>Decoy enforcement operations conducted annually by Sonoma Police Department</p> <p>Penalties for violations of this ordinance within a 60-month period include:</p> <ol style="list-style-type: none"> The suspension of a license for 30 days for a first violation The suspension of a license for 90 days for a second violation The suspension of a license for one year for a third violation The revocation of a license for a fourth or subsequent violations <p>Violations of this chapter are subject to a civil action punishable by a fine not less than \$250 and not exceeding \$1,000 per violation</p>	<p>No</p>

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
<p>West Hollywood Ordinance No. 16-991 Municipal Code 5.114</p>	Prohibits the sale of all tobacco products, including flavored tobacco products and menthol flavored tobacco products, within 600 feet of a youth-populated area (school, youth center, child-care facility, etc.)	All tobacco products	Yes	Adopted: October 2016 Effective: November 2016	Tobacco retailers operating prior to May 1, 2016, adult-only facilities, and hotels that sell tobacco products as part of incidental sales on the premises may still sell all tobacco products regardless of location	<p>Policy includes a ban on all tobacco products, not just flavored tobacco products</p> <p>No new tobacco retailer licenses may be issued for tobacco retailers within 600 feet of a school</p> <p>No new licenses may be issued for tobacco product shops within 1000 feet of a youth-populated area</p> <p>Little cigars must be sold in pack size of at least 20</p>	Any member of the West Hollywood Code Compliance Division, Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees are authorized to monitor and enforce the provision	Yes, existing retailers operating prior to May 1, 2016 are grandfathered regardless of any change or transfer of ownership of the business
<p>Windsor Ordinance No. 2018-323 Municipal Code 3-11-115</p>	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including e-cigarettes (excludes menthol tobacco products)	No	Adopted: March 7, 2018 Effective: April 6, 2018 Enforcement: July 30, 2018	<p>Menthol flavored tobacco products are not included in the policy</p> <p>Tobacco retailers may sell flavored tobacco products if:</p> <ol style="list-style-type: none"> The tobacco product consists of a package of cigars containing at least five cigars or little cigars The tobacco product is a single cigar for which the retail price exceeds \$5.00 The tobacco product consists of pipe tobacco The package of chewing tobacco or snuff contains at least five units 	<p>No tobacco retailer shall sell to a consumer:</p> <ol style="list-style-type: none"> A package of cigarettes at a price that is less than \$7.00 per package of twenty 20 cigarettes, including all applicable taxes and fees A package of little cigars that is less than \$7.00 per package of five little cigars, including all applicable taxes and fees A package of cigars that is less than \$7.00 per five cigars, including all applicable taxes and fee. A package of chewing tobacco or snuff that is less than \$7.00 per package of five units <p>It shall be a violation of this chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration:</p> <ol style="list-style-type: none"> Any single cigar or little cigar, whether or not packaged for individual sale; Any number of cigars or little cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; Any package of cigars or little cigars containing fewer than five cigars. Any package of chewing tobacco or snuff containing fewer than five units. <p>*This section shall not apply to the sale or offer for sale of a single cigar for which the retail price exceeds \$5.00</p> <p>No license may be issued to authorize tobacco retailing within 1,000 feet of a school (unless the retailer was operating before the date of the ordinance codified in this chapter)</p> <p>Limits the eligibility of retailers permitted to apply for a tobacco retail license</p>	<p>The policy will be enforced by the County of Sonoma Department of Health Services</p> <p>Penalties for violations of this ordinance within a 60-month period include:</p> <ol style="list-style-type: none"> The suspension of a license for 30 days for a first violation The suspension of a license for 90 days for a second violation The suspension of a license for one year for a third violation The revocation of a license for four or more violations 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 2/25/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
<p>Yolo County Ordinance No. 1474 Municipal Code 6-15.10</p>	<p>Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the County</p>	<p>All flavored tobacco products, including e-cigarettes and menthol flavored tobacco products</p>	<p>Yes</p>	<p>Adopted: October 2016 Effective: May 1, 2017</p>	<p>None</p>	<p>Only existing tobacco retailers are eligible for a tobacco license</p>	<p>Yolo County District Attorney is authorized to perform stings for any violations of the TRL</p> <p>Penalties for violations of this ordinance within a 60-month period include:</p> <ol style="list-style-type: none"> 1. A fine not less than \$250 and not exceeding \$1,000 and the suspension of a license for no less than 30 days for a first violation 2. A fine not less than \$1,000 and not exceeding \$2,500 and the suspension of a license for no less than 90 days for a second violation 3. A fine not less than \$2,500 and not exceeding \$5,000 and the suspension of a license for no less than five years for a third or subsequent violation <p>In addition to any other penalty authorized by law, a license shall be revoked if any court of competent jurisdiction determines, or if the Director finds after the Tobacco Retailer or Permittee is afforded notice and an opportunity to be heard, that the Tobacco Retailer or Permittee, or any of the Tobacco Retailer's or Permittee's officers, agents or employees, has violated any of the requirements, conditions, or prohibitions of this Chapter</p>	<p>No</p>

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Date: March 27th, 2019

Re: Item No. 18-1104 - a proposed strategy to restrict the sale of flavored tobacco products to youth and young adults

Position: Oppose

To: Health, Education, Neighborhoods, Parks, Arts, and River Committee

Distinguished members of the Committee,

Thank you for the opportunity to submit testimony. My name is Terry Blevins, and I was a police officer for twelve years and am a representative of the Law Enforcement Action Partnership ([LEAP](#)), a nonprofit of law enforcement officers working to improve the criminal justice system. I am also a resident and business owner in Los Angeles.

While I applaud the committee's intention of trying to improve the health of young people, my concern with this legislation is that it's not going to eliminate the market for menthol cigarettes and enforcing this law will waste precious police time and resources, impacting our ability to solve and prevent more serious crimes.

In addition, I fear this will only create more antagonism between police and the communities we're sworn to protect and serve. The more encounters we initiate, the more opportunity there is for hostility, and the less effective we are at our jobs. This is especially true because black people are more likely to smoke menthol cigarettes and we already have strained relations with many people of color. If they don't trust us, they don't work with us to solve crimes, and we can't do our jobs.

Thank you for your time.


Terry Blevins