

Communication from Public

Name: National Association of Tobacco Outlets
Date Submitted: 06/15/2021 10:51 AM
Council File No: 18-1104
Comments for Public Posting: Dear Mayor and Councilmembers, The National Association of Tobacco Outlets is against agenda item #28 opposing the flavor tobacco ban and has attached a letter for your review. Thank you.
NATO



June 14, 2021

Mayor Eric Garcetti
Members of the Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

RE: Proposed Flavored Tobacco Products Ban

Dear Mayor Garcetti and Councilmembers:

As the Executive Director of the National Association of Tobacco Outlets (NATO), a national retail trade association that represents more than 60,000 retail stores throughout the country including hundreds of Los Angeles retail store members, I am writing to submit our comments and concerns regarding the proposed ban on all flavored tobacco products, including the sale of menthol cigarettes, mint and wintergreen smokeless tobacco products, flavored cigars, flavored pipe tobacco and flavored electronic cigarettes. We would ask that the city council not adopt this ban for the reasons explained below.

Prohibition Would Be Detrimental to Public Health: A local flavored product ban would move all flavored traditional tobacco products and flavored electronic nicotine vapor products out of the city's current regulated retail environment and into an illicit market that would grow exponentially. Why? Because prohibition has been enacted in this country before and it has proven to be a failed policy. Legal age adults who currently buy these products will simply find other sources. One such source will be the unregulated, illicit market which will expand to respond to the increased demand for flavored products. In addition, Los Angeles residents will purchase products in a neighboring city and, at the same time, purchase gasoline and other products to the detriment of Los Angeles' retailers.

The result is that the health-related purposes of the ordinance will be undermined because adults will continue to use these products. In short, the adoption of a citywide flavor ban would be detrimental from a public policy standpoint because the outcome would be directly contrary to overall health-related goals.

Flavored Tobacco Product Bans Increase Cigarette Smoking, Including Among Youth: A study published June 2020 in *Science Direct-Addictive Behavior Reports* regarding the City of San Francisco flavor ban ordinance found that after the ban was in force for nearly a year, flavored tobacco product use was reduced, but *cigarette smoking among 18-24-year-olds increased by over 35%*. The study also found that most consumers of flavored tobacco products find alternative sources for these products. A link to the study is below:

(<https://www.sciencedirect.com/science/article/pii/S2352853220300134?via%3Dihub>)

A second study published in May 2021 in *JAMA Pediatrics* of the effects of San Francisco's flavored tobacco ban ordinance compared youth smoking rates among high school students in the San Francisco School District to the smoking rates of high school students in seven other metropolitan school districts located in cities that did not have a flavored tobacco ban. That study concluded:

San Francisco's ban on flavored tobacco product sales was associated with increased smoking among underage high school students relative to other school districts. While the policy applied to all tobacco products, its outcome was likely greater for youths who vaped than those who smoked due to higher rates of flavored tobacco use among those who vaped. This raises concerns that reducing access to flavored electronic nicotine delivery systems may motivate youths who would otherwise vape to substitute smoking.

(https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248?utm_source=twitter&utm_campaign=content-shareicons&utm_content=article_engagement&utm_medium=social&utm_term=052421&s=03#.YKwb0ZyP66Y.twitter)

The author cautioned that “Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health.”

<https://news.yale.edu/2021/05/25/ban-flavored-vaping-may-have-led-teens-cigarettes-study-suggests>

Low and Declining Use Rates of Traditional Tobacco Products Require Caution in Flavor Bans:

According to the 2020 National Youth Tobacco Survey published by the Centers for Disease Control (CDC), current tobacco product use rates among high school students nationwide are:

Cigarettes:	4.6%	Cigars:	5.0%
Pipe Tobacco:	0.7%	Smokeless Tobacco:	3.1%

As the author of the previous study concluded, policies that lead to increases in youth use of traditional tobacco products are a threat to the public health. A discussion about banning all flavored tobacco products needs to take this threat into account. As the CDC data demonstrates, youth use of these traditional tobacco products is at historic lows and decreasing. This means that the empirical data showing very low and declining underage use rates does not support the wholesale banning of all traditional flavored tobacco products that legal age adults prefer to purchase and use.

FDA and Congressional Actions on Electronic Cigarettes and Nicotine Vapor Products: If the genesis of the ordinance was the underage use of electronic cigarettes and nicotine vaping products, council members need to be aware that, according to the CDC, youth usage of electronic cigarettes has also decreased by 33% from 2019 to 2020. Moreover, the U.S. Food and Drug Administration and Congress have taken significant actions that have resulted in the removal of a substantial number of flavored electronic nicotine vapor products from the market and curbed youth accessibility via the Internet. These strong measures should be allowed to work to further reduce youth access to and use of electronic nicotine vapor products.

Specifically, in February 2020, the FDA adopted a ban on the sale of all flavored cartridge-based and pod-based electronic cigarettes, except for tobacco and menthol flavored products. This action removed hundreds of electronic nicotine products from the market. The agency took this action because these

kinds of electronic cigarettes were appealing to underage youth. At the same time, the FDA permitted tobacco and menthol flavored electronic cigarettes to remain on the market because youth usage of these two flavors was very low and because menthol electronic cigarettes may assist adults in transitioning away from smoking.

In addition, the FDA required that manufacturers of all electronic cigarette products file what is known as a pre-market tobacco product application with the agency by September 9, 2020 to keep their products on the market. Since some manufacturers did not file these applications, even more electronic nicotine products were removed from the market. Also, the FDA has one year to review each application and must decide whether an electronic nicotine vapor product is “appropriate for the protection of the public health” to authorize the continued marketing of the product.

Just a few weeks ago, the FDA announced that the agency would be issuing a new federal rule that would ban the sale of menthol cigarettes and flavored cigars. With such a sweeping regulation, the City should pause and allow the FDA to proceed with its proposed rule which focuses on some of the same flavored tobacco products that would be prohibited under the proposed ordinance.

Prohibition of Flavored Modified Risk Tobacco Products: FDA regulations also allow a manufacturer to file what is known as a “modified risk tobacco product” application to seek a determination that a tobacco product has a reduced risk or reduced level of exposure when an individual uses the product. Two sets of products have received this special modified risk designation by the FDA, including Swedish Match General Snus (a moist, powered tobacco in a pouch) and Philip Morris IQOS (a heat, not burn, tobacco product). Both products come in flavored versions and their modified risk designation is very important from a health perspective to those individuals who use these products. A flavor ban ordinance would prohibit the sale of all flavored versions of these modified risk products, to the detriment of the public health.

Voters Want to Decide Whether Flavor Bans Make Sense: SB793, which would have banned most flavors statewide, has been referred to the voters, with well over the required 600,000 plus voters having signed a referendum petition. Voters want their say on flavor bans. We respectfully suggest that deferring action until the voters have spoken is in the best interest of Los Angeles and its retailers.

Pandemic Impact and Economic Crisis Will Be Magnified by a Flavored Tobacco Product Ban: During the wake of the COVID-19 pandemic is not the time for the city council to consider prohibiting the sale of legal tobacco products. Our convenience store members have experienced losses of up to 45% in gasoline sales and 20% or more in grocery, snack, beverage, and tobacco product sales, significant numbers because convenience stores usually rely on tobacco product sales for approximately 36% of in-store sales. In addition, tobacco specialty stores that rely on tobacco product sales for up to 90% of total sales will be devastated by the loss of hundreds of products.

Retailers have done everything possible to survive the pandemic, but if Los Angeles retailers must remove hundreds of flavored products from their shelves, it will be very difficult to compete with retailers in neighboring localities, and employee layoffs and even store closures are real possibilities.

NATO and its Los Angeles retail members share everyone's interest in keeping tobacco and electronic nicotine vapor products out of the hands of persons under 21 years old, but banning all these flavored products makes no sense from a health standpoint or economic point of view.

We urge the Los Angeles City Council not to move forward with the proposed ordinance. Thank you for your consideration.

Sincerely,

Thomas A. Briant

NATO Executive Director

Communication from Public

Name:

Date Submitted: 06/15/2021 11:10 AM

Council File No: 18-1104

Comments for Public Posting: June 14, 2021 The Honorable Nury Martinez, President Members of the Los Angeles City Council Los Angeles City Council 200 North Spring Street Los Angeles, CA 90012 RE: Council File 18-1104 Agenda item 28 in City Council, June 16, 2021 Ban on sale of all flavored tobacco products – SUPPORT Dear Council President Martinez and Members of the City Council: Kaiser Permanente applauds the City of Los Angeles' efforts to control the sale of tobacco products to minors. For the vote before the Council on Wednesday, we urge the City to continue its leadership role and enact a ban on the sale of all flavored tobacco products, without exemptions for menthol flavoring or hookah products, as recommended by clinical and public health experts and the City Attorney: "The City Attorney's Office recommends nothing short of a Citywide ban on the sale of all flavored tobacco products, without exception, as the best option to protect our current generation of youth and the generations to follow from the negative health consequences associated with use of tobacco products." POLICY OPTIONS FOR BANNING OR RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS TO YOUTH; SURVEY OF LEGISLATIVE REGULATIONS IN OTHER JURISDICTION report R19-0305 dated, 9/18/2019 We ask that the Council amend the current proposal that will be before you in Wednesday's Council meeting. There are no public policy reasons to exempt menthol tobacco products, as these products pose the same health risks as all other tobacco products. Each day, hundreds of children in the United States try their first cigarette. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke. Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens. Vaping poses many risks for teens and young adults: inhaling nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products; vaping has known short-term negative health effects and unknown long-term effects; and flavoring and other ingredients may be toxic. Moreover, vaping has negative second-hand smoke effects. Teen vaping is an epidemic that now affects millions of underage users of e-cigarettes. E-cigarettes are

the top high-risk substance used by teenagers, according to the latest U.S. figures, which show that e-cigarettes and vaporizers have quickly outpaced cigarettes, alcohol, marijuana, and other substances that have been tracked over more than four decades. Kaiser Permanente supports the City Attorney's recommendation because it is consistent with our policies that encourage our 9 million-plus California members, and the public, to not use tobacco products. Our experience with COVID-19 has underscored the lasting damage and health complications that result from tobacco usage. Prohibiting the sale of all flavored tobacco products is a positive step to preventing another generation of young people from living with a lifetime of addiction. We urge the City Council to focus on the health of current and future residents of all ages, and vote to support a ban on all flavored tobacco products. Sincerely, John M. Yamamoto
Vice President, Community Health and Government Relations
Kaiser Permanente Southern California

June 14, 2021

The Honorable Nury Martinez, President
Members of the Los Angeles City Council
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

RE: Council File 18-1104
Agenda item 28 in City Council, June 16, 2021
Ban on sale of all flavored tobacco products – SUPPORT

Dear Council President Martinez and Members of the City Council:

Kaiser Permanente applauds the City of Los Angeles' efforts to control the sale of tobacco products to minors. For the vote before the Council on Wednesday, we urge the City to continue its leadership role and enact a ban on the sale of all flavored tobacco products, without exemptions for menthol flavoring or hookah products, as recommended by clinical and public health experts and the City Attorney: *"The City Attorney's Office recommends nothing short of a Citywide ban on the sale of all flavored tobacco products, without exception, as the best option to protect our current generation of youth and the generations to follow from the negative health consequences associated with use of tobacco products."* POLICY OPTIONS FOR BANNING OR RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS TO YOUTH; SURVEY OF LEGISLATIVE REGULATIONS IN OTHER JURISDICTION report R19-0305 dated, 9/18/2019

We ask that the Council amend the current proposal that will be before you in Wednesday's Council meeting. There are no public policy reasons to exempt menthol tobacco products, as these products pose the same health risks as all other tobacco products.

Each day, hundreds of children in the United States try their first cigarette. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke. Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens.

Vaping poses many risks for teens and young adults: inhaling nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products; vaping has known short-term negative health effects and unknown long-term effects; and flavoring and other ingredients may be toxic. Moreover, vaping has negative second-hand smoke effects.

Teen vaping is an epidemic that now affects millions of underage users of e-cigarettes. E-cigarettes are the top high-risk substance used by teenagers, according to the latest U.S. figures, which show that e-cigarettes and vaporizers have quickly outpaced cigarettes, alcohol, marijuana, and other substances that have been tracked over more than four decades.

Kaiser Permanente supports the City Attorney's recommendation because it is consistent with our policies that encourage our 9 million-plus California members, and the public, to not use tobacco products. Our experience with COVID-19 has underscored the lasting damage and health complications that result from tobacco usage. Prohibiting the sale of all flavored tobacco products is a positive step to preventing another generation of young people from living with a lifetime of addiction.

We urge the City Council to focus on the health of current and future residents of all ages, and vote to support a ban on all flavored tobacco products.

Sincerely,

A handwritten signature in blue ink, appearing to read "John M. Yamamoto". The signature is fluid and cursive, with the first name "John" being the most prominent part.

John M. Yamamoto
Vice President, Community Health and Government Relations
Kaiser Permanente Southern California

Communication from Public

Name: Tyrone Thompson

Date Submitted: 06/15/2021 12:13 PM

Council File No: 18-1104

Comments for Public Posting: LA City Council my name is Tyrone Thompson, and I am a community member and a member of the Out Against Big Tobacco Los Angeles coalition. I urge you to stand up to Big Tobacco by approving a comprehensive ordinance that ends the sale of flavored tobacco products with NO exemptions for menthol and hookah. Menthol is the most insidious among the flavors. It masks the harshness of tobacco making it easier for our LGBTQ+ young people to try deadly and addictive tobacco products. On top of that, a typical one-hour session smoking hookah is like inhaling smoke from a hundred cigarettes. I am also an uncle of 15 beautiful nieces and nephews, and they are being influence the tobacco industry's advertisements and activity trying their products out. My siblings have found vape-pens, the plastic hookah tips along with other tobacco products in their belongings. So, this fight is personal for me. Help me save my family from addiction, health issues, and death from tobacco related products. I have already lost my grandfather and both of my grandmothers to cancer from smoking and chewing tobacco. The cycle will only end when we all stand together and end it. LA City Council you have the power to do that now. Offering exemptions for hookah and menthol only increases young people's access to these dangerous and addictive products. Please take prompt action to protect Los Angeles young people from a lifetime of addiction. Thank you.

Communication from Public

Name: Jaklin Java

Date Submitted: 06/15/2021 01:16 PM

Council File No: 18-1104

Comments for Public Posting: Dear Mayor Garcetti, Councilwoman Monica Rodriguez, and Members of the Los Angeles City Council: My name is Jaklin Java. Seventeen years ago, my brother and I opened the doors of our C&S Shell gas station and convenience store in Mission Hills. As a first generation American, I feel great pride in owning a business here in Los Angeles and creating jobs for my community. Despite increasing resale taxes on gasoline and the continual increase in the cost of doing business in my new hometown, my brother and I have managed to keep our business open, supporting our families, and the families of our employees. As it is with many convenience store owners in LA, I work long days greeting my customers who fuel up their cars, grab snacks, and purchase critical supplies like toilet paper, soap, eggs, bread, and milk. When COVID-19 forced people to hunker down, convenience store owners like myself and our employees embraced the City's and State's designation of our stores as "essential businesses." Today, however, I and the hundreds of other small business owners across the city are worried. That's because those of you who leaned on us during the most significant health and economic crisis of the century are now bowing to political pressure from anti-tobacco groups that would bring my business to its knees. Although you may be well-meaning by banning the sales of flavored tobacco products, you will see there are more reasons why it is not a good idea. First, we are partners in the fight to keep kids from using tobacco. We obey the law. We don't sell tobacco products to minors. Tobacco is a regulated product. I must have a license to sell it. Current law already stipulates that tobacco retailers like me must verify customers are 21 or older before we sell these products, otherwise we face a big fine. I have a 100% compliance rate with verifying the ages of my customers. Not only is it the right thing to do, it makes business sense. Young people are not getting their tobacco from me. Enforce the laws that are already on the books and punish those who sell tobacco to minors. Second, youth and adults who use tobacco products will turn to the unregulated illicit market or they will simply go to another store in another city or state which allows these products to be sold. Prohibiting the sales of menthol and flavored e-cigarettes and cigarettes will not stop people from using them. Prohibiting the sales of these products in LA,

however, will send money straight to the pockets of criminals, to online stores, and to competitors in other cities. Third, my customers need my store to stay open. Every day, I serve the needs of my community by providing them a convenient place to get food, gas, hygiene items, and cleaning supplies – essentials for daily living. If you take away 30% of my revenues which come from tobacco sales, you also take away the ancillary sales that go with tobacco sales, therefore taking away my business. This ordinance threatens my livelihood and those of my employees. I am a law-abiding small business owner who is asking you not to prohibit the sales of certain tobacco products. If my pleas fall on deaf ears today, I hope that you hear that I will need as much time as possible to sell off the inventory that I have already purchased – legally. Don't hurt small businesses just because banning tobacco feels politically correct. Thank you, Jaklin Java Owner, Shell Gas Station 10661 Sepulveda Mission Hills, California 91345 cscarwash@aol.com 818-974-5420

Communication from Public

Name:

Date Submitted: 06/15/2021 01:28 PM

Council File No: 18-1104

Comments for Public Posting: Dear Council President Martinez and Members of the City Council: Kaiser Permanente applauds the City of Los Angeles' efforts to control the sale of tobacco products to minors. For the vote before the Council on Wednesday, we urge the City to continue its leadership role and enact a ban on the sale of all flavored tobacco products, without exemptions for menthol flavoring or hookah products, as recommended by clinical and public health experts and the City Attorney: "The City Attorney's Office recommends nothing short of a Citywide ban on the sale of all flavored tobacco products, without exception, as the best option to protect our current generation of youth and the generations to follow from the negative health consequences associated with use of tobacco products." POLICY OPTIONS FOR BANNING OR RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS TO YOUTH; SURVEY OF LEGISLATIVE REGULATIONS IN OTHER JURISDICTION report R19-0305 dated, 9/18/2019 We ask that the Council amend the current proposal that will be before you in Wednesday's Council meeting. There are no public policy reasons to exempt menthol tobacco products, as these products pose the same health risks as all other tobacco products. Each day, hundreds of children in the United States try their first cigarette. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke. Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens. Vaping poses many risks for teens and young adults: inhaling nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products; vaping has known short-term negative health effects and unknown long-term effects; and flavoring and other ingredients may be toxic. Moreover, vaping has negative second-hand smoke effects. Teen vaping is an epidemic that now affects millions of underage users of e-cigarettes. E-cigarettes are the top high-risk substance used by teenagers, according to the latest U.S. figures, which show that e-cigarettes and vaporizers have quickly outpaced cigarettes, alcohol, marijuana, and other substances that have been tracked over more than four decades. Kaiser Permanente supports the City

Attorney's recommendation because it is consistent with our policies that encourage our 9 million-plus California members, and the public, to not use tobacco products. Our experience with COVID-19 has underscored the lasting damage and health complications that result from tobacco usage. Prohibiting the sale of all flavored tobacco products is a positive step to preventing another generation of young people from living with a lifetime of addiction. We urge the City Council to focus on the health of current and future residents of all ages, and vote to support a ban on all flavored tobacco product. Sincerely, John M. Yamamoto
Vice President, Community Health and Government Relations
Kaiser Permanente Southern California

June 14, 2021

The Honorable Nury Martinez, President
Members of the Los Angeles City Council
Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

RE: Council File 18-1104
Agenda item 28 in City Council, June 16, 2021
Ban on sale of all flavored tobacco products – SUPPORT

Dear Council President Martinez and Members of the City Council:

Kaiser Permanente applauds the City of Los Angeles' efforts to control the sale of tobacco products to minors. For the vote before the Council on Wednesday, we urge the City to continue its leadership role and enact a ban on the sale of all flavored tobacco products, without exemptions for menthol flavoring or hookah products, as recommended by clinical and public health experts and the City Attorney: *"The City Attorney's Office recommends nothing short of a Citywide ban on the sale of all flavored tobacco products, without exception, as the best option to protect our current generation of youth and the generations to follow from the negative health consequences associated with use of tobacco products."* POLICY OPTIONS FOR BANNING OR RESTRICTING THE SALE OF FLAVORED TOBACCO PRODUCTS TO YOUTH; SURVEY OF LEGISLATIVE REGULATIONS IN OTHER JURISDICTION report R19-0305 dated, 9/18/2019

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Each day, hundreds of children in the United States try their first cigarette. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke. Further, flavored tobacco is extremely prevalent in vaping products, the use of which continues to rise among teens.

Vaping poses many risks for teens and young adults: inhaling nicotine harms brain development and can lead to addiction and the use of more harmful tobacco products; vaping has known short-term negative health effects and unknown long-term effects; and flavoring and other ingredients may be toxic. Moreover, vaping has negative second-hand smoke effects.

Teen vaping is an epidemic that now affects millions of underage users of e-cigarettes. E-cigarettes are the top high-risk substance used by teenagers, according to the latest U.S. figures, which show that e-cigarettes and vaporizers have quickly outpaced cigarettes, alcohol, marijuana, and other substances that have been tracked over more than four decades.

Kaiser Permanente supports the City Attorney's recommendation because it is consistent with our policies that encourage our 9 million-plus California members, and the public, to not use tobacco products. Our experience with COVID-19 has underscored the lasting damage and health complications that result from tobacco usage. Prohibiting the sale of all flavored tobacco products is a positive step to preventing another generation of young people from living with a lifetime of addiction.

We urge the City Council to focus on the health of current and future residents of all ages, and vote to support a ban on all flavored tobacco products.

Sincerely,

A handwritten signature in blue ink, reading "John M. Yamamoto". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

John M. Yamamoto
Vice President, Community Health and Government Relations
Kaiser Permanente Southern California

Communication from Public

Name: American Cancer Society Cancer Action Network

Date Submitted: 06/15/2021 05:16 PM

Council File No: 18-1104

Comments for Public Posting: Madam Council President, this is Primo Castro with the American Cancer Society Cancer Action Network speaking on Item 28 of the agenda. We ask the council to direct the City Attorney to draft a comprehensive ordinance to end the sale of all flavored tobacco, with no exceptions. Menthol, and other candy and fruit-flavored tobacco products are a key part of the tobacco industry's strategy to bait youth and communities of color into a potential lifetime of addiction as smoking increases the risk of at least 13 different types of cancer. We need to rid shelves of flavored tobacco products. Only comprehensive restrictions on the sale of flavored tobacco will be effective in addressing the public health crisis we face. That means restricting the sale of menthol and all other flavored tobacco products including e-cigarettes, cigars, cigarillos, chewing tobacco and hookah. Ending the sale of all flavored tobacco, without exceptions, is a critical step to reduce the burden of cancer. Thank you.

Communication from Public

Name: Hollywood Chamber of Commerce

Date Submitted: 06/15/2021 05:24 PM

Council File No: 18-1104

Comments for Public Posting: Hookah consumption can be dated back thousands of years by many different communities across the world. Hookah is not just the consumption of tobacco, but a cultural staple. Hookah has huge cultural significance for many minority communities throughout Los Angeles and Hollywood. We must work to protect small businesses which employ Angelenos and provide opportunities for our communities to come together. The Hollywood Chamber of Commerce asks that you exempt hookah establishments from the ban on flavored tobacco ordinance.



June 16, 2021

Honorable Councilpresident Nury Martinez
200 North Spring Street
Los Angeles, California 90012

Re: Exemption for Hookah in Flavored Tobacco Ban: Council File 18-1104

Dear Councilpresident Martinez:

On behalf of the Hollywood Chamber of Commerce and over 800 member organizations who employ over 115,000 individuals, we would like to ask for an exemption for hookah establishments as you consider a ban on flavored tobacco in the City of Los Angeles. Understanding the intent of the flavored tobacco ban which is to protect youth who are targeted by certain products, hookah should be exempted because this does not fall within the same category.

Hookah is smoked through a large pipe which could be up to 3 feet high and is not portable, cannot be concealed or carried. Hookah establishments are required to ID their patrons and often are small businesses which provide countless jobs to Angelenos and economic development. Hookah is not a product which is portable and used daily like other flavored tobacco products. The products are not advertised to children and cannot be accessed by minors. As businesses are looking towards recovery, we must work to minimize unintended consequences leading to the closing of small businesses across Los Angeles.

Hookah consumption can be dated back thousands of years by many different communities across the world. Hookah is not just the consumption of tobacco, but a cultural staple. Hookah has huge cultural significance for many minority communities throughout Los Angeles and Hollywood. We must work to protect small businesses which employ Angelenos and provide opportunities for our communities to come together. **The Hollywood Chamber of Commerce asks that you exempt hookah establishments from the ban on flavored tobacco ordinance.**

If you have any questions, please contact Diana Yedoyan, Vice President of Public Policy and Economic Development via email at diana@hollywoodchamber.net or via phone at (323)468-1380 ext 140.

Sincerely,

Rana Ghadban
President & CEO

Communication from Public

Name: Money Samra

Date Submitted: 06/15/2021 08:53 PM

Council File No: 18-1104

Comments for Public Posting: Dear Mayor Garcetti and Members of the Los Angeles City Council: On behalf of the American Petroleum and Convenience Store Association (APCA) and the Los Angeles Metro Hispanic Chamber of Commerce, we urge you to remove traditional flavored tobacco products from any ordinance that aims to ban the sales of certain tobacco products in our city. A flavored tobacco sales ban will hurt local businesses and the communities they serve and it will not achieve the desired outcomes. Just as thousands of small business owners across the state are starting to see light at the end of the pandemic, so are the hundreds of convenience store owners across our city. Unfortunately, now they are worried about what their city leaders who depended on them during the pandemic are proposing today. Although your efforts may be well-intentioned, we ask you to speak with those who would be most affected by a ban, the convenience store owners and their employees who are on the front lines every day doing their part to ensure minors don't get tobacco products from them. Not only is selling adult products to young people not right, it's against the law and it's bad for business. The National Association of Convenience Stores reports in 2020 that tobacco products accounted for 27.8% of inside store sales. Of those sales, retailers estimate 75% came from the legal sales of flavored tobacco products. The tobacco customer's ancillary purchases, like groceries and gas, kept doors open, sustained and created jobs, and kept taxes flowing to pay for critical government services. Prohibiting the sales of these adult products in the city will, at best, lead to job cuts, and at the worst, shutter businesses. Furthering the damage to the local economy, this ordinance, if passed, would send sales tax dollars to neighboring cities and states where there are no such bans. A new study published in JAMA Pediatrics is believed to be the first to assess how complete flavored tobacco sales bans like the one being considered in LA and other California municipalities affect youth smoking habits. The analyses by Yale School of Public Health's Abigail S. Friedman, PhD, found that, after San Francisco banned the sales of flavored tobacco products including e-cigarettes, the city's high school students' odds of smoking conventional cigarettes actually doubled. That's right. Many teens reported that they stopped vaping and started smoking and some bypassed

vaping altogether and went straight to smoking. The author said about her research, “Even if it is well-intentioned, a law that increases youth smoking could pose a threat to public health.” Laws already on the books require tobacco retailers to verify customers are 21 or older before they sell these products. Tobacco is a regulated product that is sold by licensed sellers who face hefty fines if they don’t card. According to the FDA, retailers in Los Angeles have a 98% compliance rate with age-verification laws. They support strict enforcement of current laws and see themselves as partners in the fight to keep teens from vaping and smoking. If you prohibit the sales of these products by licensed retailers, people who enjoy tobacco products will turn to the unregulated market. You can bet these tobacco dealers aren’t carding, and they’re certainly not paying taxes. The Centers for Disease Control’s 2020 National Youth and Tobacco Survey confirms that teens turn to tobacco products to impress their friends and look “cool.” You might say, “Nothing’s changed. It was the same when I was growing up.” The fact is things have changed. The tobacco industry was banned 30 years ago from advertising cigarettes. In 2019, California reported its lowest high school cigarette use rate at 2%, down from 15% in 2002. Years of tobacco education campaigns appear to be making an impact. Both youth and adults users of traditional flavored products is at historic lows. The number of teens nationwide using e-cigarettes (vaping) is decreasing on both a national and state level. Of course, there is still plenty of work to do and that’s where responsible retailers come in. Those who want to keep tobacco out of the hands of teens should consider law-abiding businesses as gatekeepers on the front lines, not enemies trying to impede their efforts. California voters, through the democratic process, will decide the fate of flavored tobacco in a November 2022 referendum on SB 793. Interest groups will tell you this issue is about destroying “Big Tobacco”, but the real victims are the hundreds of family owned businesses in Los Angeles and the millions of residents, many with low incomes, who rely on them. COVID-19 has caused financial hardships for retailers who have worked very hard to remain open to serve their customers. Flavored tobacco bans don’t work. They hurt businesses, they infringe on civil liberties, and research shows they may have the opposite intended effect.

Communication from Public

Name: Eddie Martinez, Coalition Chair of OUT Against Big Tobacco

Date Submitted: 06/15/2021 04:08 PM

Council File No: 18-1104

Comments for Public Posting: Re: Flavored and Menthol Tobacco Sales Dear Mayor Garcetti and City of Los Angeles Councilmembers, The OUT Against Big Tobacco Coalition supports restricting the sale of all flavored tobacco products without exception to protect our communities. We are an alliance of LGBTQ+ individuals, allies, and community organizations collectively working to address tobacco control and tobacco-related health inequity within Los Angeles County's LGBTQ+ community. Our coalition strongly supports a restriction on the sale of all flavored tobacco products with no exemptions in the City of Los Angeles. We urge the Council to pass a comprehensive ordinance that ends the sale of flavored tobacco, including menthol flavored tobacco products and without exemptions for hookah or adult only tobacco shops. The FDA has recently announced plans to end the sale of menthol nationally, but this process can take years to implement. Menthol is the flavor that is used most heavily within communities of color and by 70% of LGBTQ+ young people. This flavor is known to increase addiction to tobacco and increase the harms from the use of tobacco products. Tobacco companies have gotten away with this sort of targeting for decades, and since 2009, Congress and the FDA have allowed menthol sales to continue, even as they banned other flavored cigarettes. In 2020, California attempted to correct this federal oversight and passed a bill to restrict the sale of flavored tobacco products. But Big Tobacco stepped in to protect their profits over the health of the people by forcing a 2-year delay. This delay will make them a billion dollars in Menthol product sales alone! We deserve better. Our lives should not be traded for a profit margin. Restricting the sale of flavored tobacco ensures that tobacco users who want to quit are set up for success. Flavors not only mask the harsh taste and feel of a tobacco product, but they also increase tobacco addiction. Removing them from the shelves also adds an additional barrier to non-tobacco users by no longer allowing Big Tobacco to hide their dangerous products behind pleasant tastes and smells. Nearly 24% of California's LGBTQ+ population uses tobacco products, compared to just 17% of adults who don't identify as LGBTQ+. Estimates of smoking rates among LGBTQ+ youth range from 38% to 59%, compared to just 28% to 35% of youth generally. Local research from Los Angeles County indicates that up to 38%

of the local LGBTQ+ community are tobacco users, including up to 80% of transgender women. Tobacco advertisements leverage LGBTQ+ values (e.g. pride, freedom, acceptance) and cultural elements (e.g. rainbow flag, same sex couples, drag queens, etc.) in order to appeal to LGBTQ+ people and make us feel like using tobacco is a key part of our LGBTQ+ identity. Big Tobacco funds AIDS/HIV and LGBTQ+ nonprofit organizations and sponsors pride celebrations and events at gay bars to portray themselves as “friends” of our community — even as they harm our health and undermine our progress. These messages, in combination with tactics that appeal to younger members of the LGBTQ+ community, like promotions in bars and clubs, have placed LGBTQ+ youth and young adults at higher risk than their non-LGBTQ+ counterparts. In fact, understanding this trend led the FDA to develop This Free Life, the first national LGBTQ+ tobacco prevention campaign to educate LGBTQ+ young adults about living a tobacco-free life. Restricting the sale of all flavors in all tobacco products will protect upcoming generations of LGBTQ+ people by removing the products from the market that hook them in the first place. Big Tobacco's marketing team doesn't miss their target. In the 1960s they targeted the Black community with menthol products and in the 1980s they took aim at the LGBTQ+ community. As a result, we now see that 85% of Black and 70% of young LGBTQ+ people who use tobacco, use menthol flavored products. Now, Big Tobacco is using their own racist and homophobic targeting practices to fight evidence-based public health policy measures. Menthol sales restrictions save lives; Black Lives and LGBTQ+ Lives. Who are you willing to protect? San Francisco, Beverly Hills, West Hollywood, and the County of Los Angeles have already passed city/county wide bans on the sale of flavored tobacco products, including Menthol products. The OUT Against Big Tobacco Los Angeles coalition strongly encourages you to protect the local community in ways that the FDA has been SO slow to, and California was unable to, by restricting the sale of all flavors in all tobacco products. Policies that prohibit the sale of flavored tobacco products, including all menthol products, offer the strongest protection for our young people and our communities from a lifetime of addiction and a preventable premature death. Sincerely, Eddie Martinez Coalition Chair OUT Against Big Tobacco Los Angeles



June 16, 2021

The Honorable Eric Garcetti, Mayor of Los Angeles
The Honorable Mike Feuer, Los Angeles City Attorney
Members of the Los Angeles City Council
Los Angeles City Hall
200 North Main Street
Los Angeles, CA 90012

Re: Flavored and Menthol Tobacco Sales

Dear Mayor Garcetti and City of Los Angeles Councilmembers,

The OUT Against Big Tobacco Coalition supports restricting the sale of all flavored tobacco products without exception to protect our communities. We are an alliance of LGBTQ+ individuals, allies, and community organizations collectively working to address tobacco control and tobacco-related health inequity within Los Angeles County's LGBTQ+ community.

Our coalition strongly supports a restriction on the sale of all flavored tobacco products with no exemptions in the City of Los Angeles. We urge the Council to pass a comprehensive ordinance that ends the sale of flavored tobacco, including menthol flavored tobacco products and without exemptions for hookah or adult only tobacco shops.

The FDA has recently announced plans to end the sale of menthol nationally, but this process can take years to implement. Menthol is the flavor that is used most heavily within communities of color and by 70% of LGBTQ+ young people. This flavor is known to *increase addiction* to tobacco and *increase the harms* from the use of tobacco products. Tobacco companies have gotten away with this sort of targeting for decades, and since 2009, Congress and the FDA have allowed menthol sales to continue, even as they banned other flavored cigarettes.

In 2020, California attempted to correct this federal oversight and passed a bill to restrict the sale of flavored tobacco products. But Big Tobacco stepped in to protect their profits over the health of the people by forcing a 2-year delay. This delay will make them a billion dollars in Menthol product sales alone! We deserve better. Our lives should not be traded for a profit margin.

Restricting the sale of flavored tobacco ensures that tobacco users who want to quit are set up for success. Flavors not only mask the harsh taste and feel of a tobacco product, but they also *increase tobacco addiction*. Removing them from the shelves also adds an additional barrier to non-tobacco users by no longer allowing Big Tobacco to hide their dangerous products behind pleasant tastes and smells.

Nearly 24% of California's LGBTQ+ population uses tobacco products, compared to just 17% of adults who don't identify as LGBTQ+. Estimates of smoking rates among LGBTQ+ youth range from 38% to 59%, compared to just 28% to 35% of youth generally. Local research from Los

OUT Against Big Tobacco

Eddie Martinez
Coalition Chair

Member Organizations:

AMAAD Institute
American Lung Association
APAIT
Gender Justice LA
Health Access
Invisible Men
Latino Equality Alliance
Los Angeles LGBT Center
LA Gay & Lesbian Chamber of Commerce
NAPAFASA
Pueblo Y Salud
Rescue Agency
San Fernando Valley Partnership
San Gabriel Valley LGBTQ Center
Thirdhand Smoke Resource Center
Trans Can Work
VMA Enterprises, Inc.

Members at Large:

Zul Surani
Cedars-Sinai Cancer Institute
Ian Holloway, PhD
UCLA Luskin School of Public Affairs
Michael Browning
Community Member

Staff:

Shannon Kozlovich, PhD
Marisa London
Ryan Oda
Equality California

Angeles County indicates that up to 38% of the local LGBTQ+ community are tobacco users, including up to 80% of transgender women.

Tobacco advertisements leverage LGBTQ+ values [e.g. pride, freedom, acceptance] and cultural elements [e.g. rainbow flag, same sex couples, drag queens, etc.] in order to appeal to LGBTQ+ people and make us feel like using tobacco is a key part of our LGBTQ+ identity. Big Tobacco funds AIDS/HIV and LGBTQ+ nonprofit organizations and sponsors pride celebrations and events at gay bars to portray themselves as “friends” of our community — even as they harm our health and undermine our progress.

These messages, in combination with tactics that appeal to younger members of the LGBTQ+ community, like promotions in bars and clubs, have placed LGBTQ+ youth and young adults at higher risk than their non-LGBTQ+ counterparts. In fact, understanding this trend led the FDA to develop *This Free Life*, the first national LGBTQ+ tobacco prevention campaign to educate LGBTQ+ young adults about living a tobacco-free life. Restricting the sale of all flavors in all tobacco products will protect upcoming generations of LGBTQ+ people by removing the products from the market that hook them in the first place.

Big Tobacco's marketing team doesn't miss their target. In the 1960s they targeted the Black community with menthol products and in the 1980s they took aim at the LGBTQ+ community. As a result, we now see that 85% of Black and 70% of young LGBTQ+ people who use tobacco, use menthol flavored products. Now, Big Tobacco is using their own racist and homophobic targeting practices to fight evidence-based public health policy measures. Menthol sales restrictions save lives; Black Lives and LGBTQ+ Lives. Who are you willing to protect?

San Francisco, Beverly Hills, West Hollywood, and the County of Los Angeles have already passed city/county wide bans on the sale of flavored tobacco products, **including Menthol** products. The OUT Against Big Tobacco Los Angeles coalition strongly encourages **you** to protect the local community in ways that the FDA has been SO slow to, and California was unable to, by restricting the sale of **all** flavors in **all** tobacco products. Policies that prohibit the sale of flavored tobacco products, including all menthol products, offer the strongest protection for our young people and our communities from a lifetime of addiction and a preventable premature death.

Sincerely,



Eddie Martinez
Coalition Chair
OUT Against Big Tobacco Los Angeles

OUT Against Big Tobacco Los Angeles

The OUT Against Big Tobacco Los Angeles, staffed by Equality California Institute, is an alliance of LGBTQ+ individuals, allies and community organizations collectively working to address tobacco control and health inequity issues within Los Angeles County's LGBTQ+ community. We advocate for common sense policies that protect LGBTQ+ people — especially the most vulnerable members of our community — from Big Tobacco's predatory tactics.