

June 15, 2021

Honorable Nury Martinez  
LA City Council, President  
200 N Spring St, Ste 470,  
Los Angeles, CA 90012

**SUBJECT: Flavored Tobacco and Hookah Ban - Opposed.**

We are writing you on the behalf of the Los Angeles County Business Federation, a grassroots organization of 216 business organizations representing 450,000 employers with 4 million employees throughout LA County region. We are writing you today to strongly urge the Los Angeles City Council not to adopt a flavor ban in the City of Los Angeles which would include hookah. We represent hundreds of local retailers throughout the City and a flavor ban will hurt many small business owners who follow the rules and regulations of selling tobacco products to adults of legal age.

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.

**Regardless, Hookah Should Be Exempted:** Furthermore, SB 793 exempts hookah. As you may be aware, the National Hookah Community Association (NHCA) worked closely with members of the California Legislature on statewide legislation (SB 793) that successfully exempted hookah from a flavor ban. Hookah is not a vape or a cigarette. **We urge the City Council to exempt hookah.** See the below language highlighting hookah exemption in SB 793:

(c) Subdivision (b) does not apply to the sale of flavored shisha tobacco products by a hookah tobacco retailer if all of the following conditions are met:

(1) The hookah tobacco retailer has a valid license to sell tobacco products issued pursuant to Chapter 2 (commencing with Section 22971.7) of Division 8.6 of the Business and Professions Code.

(2) The hookah tobacco retailer does not permit any person under 21 years of age to be present or enter the premises at any time.

(3) The hookah tobacco retailer shall operate in accordance with all relevant state and local laws relating to the sale of tobacco products.

(4) If consumption of tobacco products is allowed on the premises of the hookah tobacco retailer, the hookah tobacco retailer shall operate in accordance with all state and local laws relating to the consumption of tobacco products on the premises of a tobacco retailer, including, but not limited to, Section 6404.5 of the Labor Code.


**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.

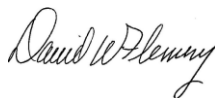
Los Angeles retail members share everyone's interest in keeping tobacco and electronic nicotine vapor products out of the hands of persons under 21 years old, but banning all these flavored products makes no sense from a health standpoint or economic point of view.

BizFed urges the Los Angeles City Council not to move forward with the proposed ordinance.

Thank you for your consideration.



Donna Duperron  
BizFed Chair  
Torrance Area Chamber



David Fleming  
BizFed Founding Chair



Tracy Hernandez  
BizFed Founding CEO  
IMPOWER, Inc.



## BizFed Association Members

7-Eleven Franchise Owners Association of Southern California  
Action Apartment Association  
Alhambra Chamber of Commerce  
American Beverage Association  
American Institute of Architects - Los Angeles  
Apartment Association of Greater Los Angeles  
Apartment Association, CA Southern Cities, Inc.  
Arcadia Association of Realtors  
AREAA North Los Angeles SFV SCV  
Armenian Trade and Labor Association  
Associated Builders & Contractors, Inc. Southern California Chapter  
Association of Club Executives  
Association of Independent Commercial Producers  
Azusa Chamber of Commerce  
Bell Gardens Chamber of Commerce  
Beverly Hills Bar Association  
Beverly Hills Chamber of Commerce  
Black Business Association  
BNI4SUCCESS  
Bowling Centers of Southern California  
Boyle Heights Chamber of Commerce  
Building Industry Association - Baldyview  
Building Industry Association - LA/Ventura Counties  
Building Industry Association - Southern California  
Building Owners & Managers Association of Greater Los Angeles  
Burbank Association of REALTORS  
Burbank Chamber of Commerce  
Business and Industry Council for Emergency Planning and Preparedness  
Business Resource Group  
CA Natural Resources Producers Assoc  
CalAsian Chamber  
Calabasas Chamber of Commerce  
California Apartment Association- Los Angeles  
California Asphalt Pavement Association  
California Bankers Association  
California Business Properties Association  
California Business Roundtable  
California Cannabis Industry Association  
California Cleaners Association  
California Construction Industry and Materials Association  
California Contract Cities Association  
California Fashion Association  
California Gaming Association  
California Grocers Association  
California Hispanic Chamber  
California Hotel & Lodging Association  
California Independent Oil Marketers Association (CIOMA)  
California Independent Petroleum Association  
California Life Sciences Association  
California Manufacturers & Technology Association  
California Metals Coalition  
California Restaurant Association  
California Retailers Association  
California Small Business Alliance  
California Self Storage Association  
California Society of CPAs - Los Angeles Chapter  
California Trucking Association  
Californians for Balanced Energy Solutions  
Carson Chamber of Commerce  
Carson Dominguez Employers Alliance  
CDC Small Business Finance  
Central City Association  
Century City Chamber of Commerce  
Cerritos Regional Chamber of Commerce  
Chatsworth/Porter Ranch Chamber of Commerce  
Citrus Valley Association of Realtors  
Claremont Chamber of Commerce  
Coalition for Renewable Natural Gas  
Coalition for Small Rental Property Owners  
Commercial Industrial Council/Chamber of Commerce  
Construction Industry Air Quality Coalition

Construction Industry Coalition on Water Quality  
Council on Trade and Investment for Filipino Americans  
Covina Chamber  
Crescenta Valley Chamber of Commerce  
Culver City Chamber of Commerce  
Downey Association of REALTORS  
Downey Chamber of Commerce  
Downtown Center Business Improvement District  
Downtown Long Beach Alliance  
El Monte/South El Monte Chamber  
El Segundo Chamber of Commerce  
Employers Group  
Encino Chamber of Commerce  
Engineering Contractor's Association  
EXP  
F.A.S.T.- Fixing Angelenos Stuck in Traffic FilmLA  
Friends of Hollywood Central Park  
FuturePorts  
Gardena Valley Chamber  
Gateway to LA  
Glendale Association of Realtors  
Glendale Chamber  
Glendora Chamber  
Greater Antelope Valley AOR  
Greater Bakersfield Chamber of Commerce  
Greater Lakewood Chamber of Commerce  
Greater Leimert Park Village Crenshaw Corridor Business Improvement District  
Greater Los Angeles African American Chamber  
Greater Los Angeles Association of REALTORS  
Greater Los Angeles New Car Dealers Association  
Greater San Fernando Valley Regional Chamber  
Harbor Association of Industry and Commerce  
Harbor Trucking Association  
Historic Core BID of Downtown Los Angeles  
Hollywood Chamber  
Hong Kong Trade Development Council  
Hospital Association of Southern California  
Hotel Association of Los Angeles  
Huntington Park Area Chamber of Commerce  
Independent Cities Association  
Industrial Environmental Association  
Industry Business Council  
Inland Empire Economic Partnership  
International Cannabis Business Women Association  
Irwindale Chamber of Commerce  
La Cañada Flintridge Chamber  
LA Fashion District BID  
LA South Chamber of Commerce  
Lancaster Chamber of Commerce  
Larchmont Boulevard Association  
Latin Business Association  
Latino Food Industry Association  
Latino Restaurant Association  
LAX Coastal Area Chamber  
League of California Cities  
Long Beach Area Chamber  
Long Beach Economic Partnership  
Los Angeles Area Chamber  
Los Angeles County Board of Real Estate  
Los Angeles County Waste Management Association  
Los Angeles Gateway Chamber of Commerce  
Los Angeles Gay & Lesbian Chamber of Commerce  
Los Angeles Latino Chamber  
Los Angeles Parking Association  
MADIA Tech Launch  
Malibu Chamber of Commerce  
Marketplace Industry Association  
Motion Picture Association of America, Inc.  
MoveLA  
Multicultural Business Alliance  
NAIOP Southern California Chapter  
Nareit  
National Association of Tobacco Outlets

National Association of Waterfront Employers  
National Association of Women Business Owners - CA  
National Association of Women Business Owners - LA  
National Federation of Independent Business  
National Hookah Community Association  
National Latina Business Women's Association  
Orange County Business Council  
Pacific Merchant Shipping Association  
Pacific Palisades Chamber  
Panorama City Chamber of Commerce  
Paramount Chamber of Commerce  
Pasadena Chamber  
Pasadena Foothills Association of Realtors  
PHRMA  
Planned Parenthood Affiliates of California  
Pomona Chamber  
Propel LA  
Rancho Southeast Association of Realtors  
ReadyNation California  
Recording Industry Association of America  
Regional Black Chamber-San Fernando Valley  
Regional Hispanic Chamber of Commerce  
Regional San Gabriel Valley Chamber  
Rosemead Chamber  
San Dimas Chamber of Commerce  
San Gabriel Chamber of Commerce  
San Gabriel Valley Economic Partnership  
San Pedro Peninsula Chamber  
Santa Clarita Valley Chamber  
Santa Clarita Valley Economic Development Corp.  
Santa Monica Chamber of Commerce  
Sherman Oaks Chamber  
South Bay Association of Chambers  
South Bay Association of Realtors  
South Gate Chamber of Commerce  
Southern California Contractors Association  
Southern California Golf Association  
Southern California Grantmakers  
Southern California Leadership Council  
Southern California Minority Suppliers Development Council Inc.  
Southern California Water Coalition  
Southland Regional Association of Realtors  
Sunland/Tujunga Chamber  
Sunset Strip Business Improvement District  
Torrance Area Chamber  
Town Hall Los Angeles  
Tri-Counties Association of Realtors  
United Cannabis Business Association  
United Chambers - San Fernando Valley & Region  
United States-Mexico Chamber  
Unmanned Autonomous Vehicle Systems Association  
US Green Building Council  
US Resiliency Council  
Valley Economic Alliance, The  
Valley Industry & Commerce Association  
Vermont Slauson Economic Development Corporation  
Vernon Chamber  
Veterans in Business Network  
Vietnamese American Chamber  
Warner Center Association  
West Hollywood Chamber  
West Hollywood Design District  
West Los Angeles Chamber  
West San Gabriel Valley Association of Realtors  
West Valley/Warner Center Chamber  
Western Electrical Contractors Association  
Western Manufactured Housing Association  
Western States Petroleum Association  
Westside Council of Chambers  
Whittier Chamber of Commerce  
Wilmington Chamber  
World Trade Center