

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