

Communication from Public

Name:

Date Submitted: 03/07/2022 02:38 PM

Council File No: 18-1104

Comments for Public Posting: Attached please find a letter supporting this ordinance from Pueblo Y Salud.



PUEBLO Y SALUD, INC.

Main Office: 1024 N. Maclay Ave., Ste M13, San Fernando, CA 91340-1361 (818) 837-2272 Fax (818) 837-2271

Palmdale Office: 39130 3rd St., East Palmdale, CA 93550 (661) 208-4450 Fax (661) 208-4457 www.pys.org

January 28, 2022

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

Rubén Rodríguez
Executive Director

Re: Council File: 18-1104 Flavored Tobacco Products / Youth Tobacco Use

Dear Mayor Garcetti and City of Los Angeles Councilmembers,

BOARD OF DIRECTORS

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José Hernández, Ph.D.
Member

Our organization Pueblo y Salud, Inc. is among the dedicated number of L.A. Families Fighting Flavored Tobacco coalition members ready to support your efforts to protect Los Angeles's kids by ending the sale of flavored tobacco.

This past September, Los Angeles City Attorney Mike Feuer submitted a draft ordinance to the City Council which proposes ending the sale of tobacco products, including menthol and e-cigarettes. However, it includes an exemption that would still allow the sale of flavored hookah.

Hookah Use Still Presents Problems

Since 2020, we have observed an increase in the number of establishments and locations that are lawfully permitted to sale alcohol and where hookah is consumed and or sold for offsite consumption. These sites appear to have two distinct businesses at what is essentially the same address. One business to sell food or alcohol and the other to sell hookah. This scenario appears to run in contravention to the State Labor code and the need to protect employees from the harm of working environment filled with tobacco smoke.

The best course of action is to remove the exemption for flavored hookah, pass a comprehensive ordinance that is clear in its intent and protects Angelenos from all forms of flavored tobacco inducement.

Protect Our Communities

The tobacco industry has continued to publicly distort the intention of this council and the work of our coalition by inferring that any local tobacco ordinance would 'criminalize the Black community' should the sale of menthol flavored cigarettes be enacted.

Our coalition humbly requests an amendment to the definition of 'tobacco retailer' to more specifically designate the tobacco retailer as an entity lawfully permitted to sale tobacco products or an entity that has a valid tobacco retailer's permit. An amendment of this nature should clarify our intent, which is that the ordinance governing flavored tobacco sales should govern the products offered by tobacco retailers in their establishments. It should be clear that any interpretation, particularly by law enforcement agencies, that the flavored tobacco ordinance is not directed at individual Angelenos.

We urge the City Council to take swift action and schedule a hearing of the ordinance at an upcoming meeting of the Arts, Parks, Health, Education and Neighborhoods committee.

We proudly join the L.A. Families Fighting Flavored Tobacco Coalition in standing up to Big Tobacco to save lives, reduce health risks among some of our most vulnerable populations, and be a model for California and the rest of the country to emulate.

Thank you.

Ruben Rodriguez
Executive Director

Communication from Public

Name:

Date Submitted: 03/07/2022 02:40 PM

Council File No: 18-1104

Comments for Public Posting: Attached please find a letter of support from the Cynthia Perry Ray Foundation



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D.S. Litt., MPH
President

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Secretary

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Thursday, January 27, 2022

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

Re: Council File:
18-1104 Flavored Tobacco Products / Youth Tobacco Use

Dear Mayor Garcetti and City of Los Angeles Councilmembers,

Our organization, Cynthia Perry Ray Foundation is among the dedicated number of L.A. Families Fighting Flavored Tobacco coalition members ready to support your efforts to protect Los Angeles's kids by ending the sale of flavored tobacco.

This past September, Los Angeles City Attorney Mike Feuer submitted a draft ordinance to the City Council which proposes ending the sale of tobacco products, including menthol and e-cigarettes. However, it includes an exemption that would still allow the sale of flavored hookah.

Hookah Use Still Presents Problems

Since 2020, we have observed an increase in the number of establishments and locations that are lawfully permitted to sale alcohol and where hookah is consumed and or sold for offsite consumption. These sites appear to have two distinct businesses at what is essentially the same address. One business to sell food or alcohol and the other to sell hookah. This scenario appears to run in contravention to the State Labor code and the need to protect employees from the harm of working environment filled with tobacco smoke.

The best course of action is to remove the exemption for flavored hookah, pass a comprehensive ordinance that is clear in its intent and protects Angelenos from all forms of flavored tobacco inducement.

Protect Our Communities

The tobacco industry has continued to publicly distort the intention of this council and the work of our coalition by inferring that any local tobacco ordinance would 'criminalize the Black community' should the sale of menthol flavored cigarettes be enacted.

Our coalition humbly requests an amendment to the definition of 'tobacco retailer' to more specifically designate the tobacco retailer as an entity lawfully permitted to sale tobacco products or an entity that has a valid tobacco retailer's permit. An amendment of this nature should clarify our intent, which is that the ordinance governing flavored tobacco sales should govern the products offered by tobacco retailers in their establishments. It should be clear that any

interpretation, particularly by law enforcement agencies, that the flavored tobacco ordinance is not directed at individual Angelenos.

We urge the City Council to take swift action and schedule a hearing of the ordinance at an upcoming meeting of the Arts, Parks, Health, Education and Neighborhoods committee.

We proudly join the L.A. Families Fighting Flavored Tobacco Coalition in standing up to Big Tobacco to save lives, reduce health risks among some of our most vulnerable populations, and be a model for California and the rest of the country to emulate.

Thank you.

Sincerely,

A handwritten signature in black ink, reading "Kathye D. Jenkins". The signature is written in a cursive, flowing style with a large, prominent "K" and "J".

Dr. Kathye D. Jenkins
Founder/President
Cynthia Perry Ray Foundation

Communication from Public

Name: Ana-Alicia Carr
Date Submitted: 03/07/2022 03:12 PM
Council File No: 18-1104
Comments for Public Posting: The American Heart Association supports a comprehensive ordinance which ends the sale of all flavored tobacco products, without exemptions.



March 7, 2022

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

Re: Council File: 18-1104 Flavored Tobacco Products / Youth Tobacco Use

Dear Mayor Garcetti and City of Los Angeles Councilmembers,

The American Heart Association is among the dedicated number of L.A. Families Fighting Flavored Tobacco coalition members ready to support your efforts to protect Los Angeles' kids by ending the sale of flavored tobacco.

In September 2021, Los Angeles City Attorney Mike Feuer submitted a draft ordinance to the City Council which proposes ending the sale of tobacco products, including menthol and e-cigarettes. However, it includes an exemption that would still allow the sale of flavored hookah.

Hookah Use Still Presents Problems

The health harms of smoking hookah cannot be understated. Compared with cigarettes, hookah contains four times more nicotine, five times more cancer-causing agents, 11 times more carbon monoxide, and 100 times more tar. Hookah smoke contains many chemicals that can cause clogged arteries and heart disease. In addition, a hookah user is two times more likely to become a cigarette smoker than someone who does not smoke hookah.

Since 2020, we have observed an increase in the number of establishments and locations that are lawfully permitted to sell alcohol and where hookah is consumed and or sold for offsite consumption. These sites appear to have two distinct businesses at what is essentially the same address. One business to sell food or alcohol and the other to sell hookah. This scenario appears to run in contradiction to the State Labor code and the need to protect employees from the harms of working with environmental tobacco smoke exposure.

The best course of action is to remove the exemption for flavored hookah, pass a comprehensive ordinance that is clear in its intent and protects Angelenos from all forms of flavored tobacco.



Protect Our Communities

The tobacco industry has continued to publicly distort the intention of this council and the work of our coalition by inferring that any local tobacco ordinance would 'criminalize the Black community' should the sale of menthol flavored cigarettes be enacted.

Our coalition humbly requests an amendment to the definition of 'tobacco retailer' to more specifically designate the tobacco retailer as an entity lawfully permitted to sell tobacco products or an entity that has a valid tobacco retailer's permit. An amendment of this nature should clarify our intent, which is that the ordinance governing flavored tobacco sales should govern the products offered by tobacco retailers in their establishments, not individuals. It should be clear that any interpretation, particularly by law enforcement agencies, that the flavored tobacco ordinance is not directed at individual Angelenos.

We urge the City Council to take swift action at the upcoming meeting of the Arts, Parks, Health, Education and Neighborhoods committee on March 8th.

We proudly join the L.A. Families Fighting Flavored Tobacco Coalition in standing up to Big Tobacco to save lives, reduce health risks among some of our most vulnerable populations, and be a model for California and the rest of the country to emulate.

Thank you.

A handwritten signature in black ink that reads "Ana Alicia Carr".

Ana-Alicia Carr, MPH, CHES
Community Advocacy Director

Communication from Public

Name: American Cancer Society Cancer Action Network

Date Submitted: 03/07/2022 03:17 PM

Council File No: 18-1104

Comments for Public Posting: March 7, 2022 The Honorable John Lee Chair, APHEN Committee 200 N. Main Spring Street, Ste. 405 Los Angeles, CA 90012 RE: Council File # 18-1104 Dear Chair Lee: The American Cancer Society Cancer Action Network (ACS CAN) is committed to protecting the health and well-being of the residents of Los Angeles through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports efforts to reduce youth tobacco use and eliminating the sale of ALL flavored tobacco products is an important part of a comprehensive approach to preventing youth from ever beginning a deadly addiction to tobacco. We ask this Committee to move supporting eliminating the sale of all flavored tobacco products, including menthol cigarettes and hookah, within the city of Los Angeles, without exemptions. In 2019, the Los Angeles County Board of Supervisors enacted a comprehensive policy, which applies to unincorporated communities and protecting over one million residents. By moving to enact a citywide policy in the City of Los Angeles, the policy would protect over four million residents. This would be a huge win in the name of public health for Angelenos. Smoking remains the leading preventable cause of death in the U.S. The 2014 U.S. Surgeon General's report found that more than 43 million Americans still smoke. It is estimated that tobacco use will cause 480,000 deaths this year in the U.S. Both opponents of smoking and purveyors of cigarettes have long recognized the significance of adolescence as the period during which smoking behaviors are typically developed. National data show that about 95 percent of adult tobacco users begin smoking before the age of 21, and most begin with a flavored product. In 2009, Congress prohibited the sale of cigarettes with flavors other than tobacco or menthol. Tobacco companies responded by expanding the types of non-cigarette tobacco products they offer, and now make most of those products available in a growing array of kid-friendly flavors. Little cigars, smokeless tobacco, hookah, and e-cigarettes are marketed in a wide variety of candy flavors with colorful packaging and deceptive names that appeal to youth. Adolescents are still going through critical periods of brain growth and development and are especially vulnerable to the toxic effects of nicotine. A study published in the journal, Pediatrics, found that the earlier youth are exposed to nicotine, the

less likely they will be able to quit smoking. Tobacco companies have a long history of marketing to under-resourced communities, and target youth with imagery and by marketing candy and fruit flavored tobacco. The anesthetizing effects of menthol masks the harshness of tobacco, making it more appealing to people who are beginning to smoke, and people who smoke menthol show greater dependence, and are less likely to quit than people who smoke non-menthol. Postponing youth experimentation and initiation can help reduce the number of youths who will ever begin smoking. Ending the sale of flavored tobacco is a social justice issue. Tobacco companies have aggressively marketed menthol to youth in communities of color, the LGBT community, and those in low-income neighborhoods for generations. These are the same communities that already bear a greater burden of health disparities and often have less access to healthcare. Increasing tobacco use in these communities increases the health disparities among the most vulnerable in our communities. Presently, more than 70 California jurisdictions in cities as diverse as Alhambra, El Monte, Beverly Hills, and Oakland have passed strong policies. While cigarette smoking has declined in recent years, use of menthol and other flavored products have continued to increase, especially among young people and people who are beginning to smoke. We strongly encourage this committee to push for the strongest youth protections available by ending the citywide sale of flavored tobacco products, including menthol cigarettes and hookah without exemptions. Taking this important public health step will help to prevent young people in Los Angeles from ever beginning this deadly addiction, as well as help to support those who are trying to quit. Sincerely, Primo J. Castro Director, Government Relations American Cancer Society Cancer Action Network



March 7, 2022

The Honorable John Lee
Chair, APHEN Committee
200 N. Main Spring Street, Ste. 405
Los Angeles, CA 90012

RE: Council File # 18-1104

Dear Chair Lee:

The American Cancer Society Cancer Action Network (ACS CAN) is committed to protecting the health and well-being of the residents of Los Angeles through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. ACS CAN supports efforts to reduce youth tobacco use and eliminating the sale of ALL flavored tobacco products is an important part of a comprehensive approach to preventing youth from ever beginning a deadly addiction to tobacco. **We ask this Committee to move supporting eliminating the sale of all flavored tobacco products, including menthol cigarettes and hookah, within the city of Los Angeles, without exemptions.**

In 2019, the Los Angeles County Board of Supervisors enacted a comprehensive policy, which applies to unincorporated communities and protecting over one million residents. **By moving to enact a citywide policy in the City of Los Angeles, the policy would protect over four million residents. This would be a huge win in the name of public health for Angelenos.**

Smoking remains the leading preventable cause of death in the U.S. The 2014 U.S. Surgeon General's report found that more than 43 million Americans still smoke. It is estimated that tobacco use will cause 480,000 deaths this year in the U.S. Both opponents of smoking and purveyors of cigarettes have long recognized the significance of adolescence as the period during which smoking behaviors are typically developed. National data show that about 95 percent of adult tobacco users begin smoking before the age of 21, and most begin with a flavored product. In 2009, Congress prohibited the sale of cigarettes with flavors other than tobacco or menthol. Tobacco companies responded by expanding the types of non-cigarette tobacco products they offer, and now make most of those products available in a growing array of kid-friendly flavors. Little cigars, smokeless tobacco, hookah, and e-cigarettes are marketed in a wide variety of candy flavors with colorful packaging and deceptive names that appeal to youth.

Adolescents are still going through critical periods of brain growth and development and are especially vulnerable to the toxic effects of nicotine. A study published in the journal, *Pediatrics*, found that the earlier youth are exposed to nicotine, the less likely they will be able to quit smoking. Tobacco companies have a long history of marketing to under-resourced

communities, and target youth with imagery and by marketing candy and fruit flavored tobacco. The anesthetizing effects of menthol masks the harshness of tobacco, making it more appealing to people who are beginning to smoke, and people who smoke menthol show greater dependence, and are less likely to quit than people who smoke non-menthol. Postponing youth experimentation and initiation can help reduce the number of youths who will ever begin smoking.

Ending the sale of flavored tobacco is a social justice issue. Tobacco companies have aggressively marketed menthol to youth in communities of color, the LGBT community, and those in low-income neighborhoods for generations. These are the same communities that already bear a greater burden of health disparities and often have less access to healthcare. Increasing tobacco use in these communities increases the health disparities among the most vulnerable in our communities. Presently, more than 70 California jurisdictions in cities as diverse as Alhambra, El Monte, Beverly Hills, and Oakland have passed strong policies.

While cigarette smoking has declined in recent years, use of menthol and other flavored products have continued to increase, especially among young people and people who are beginning to smoke. We strongly encourage this committee to push for the strongest youth protections available by ending the citywide sale of flavored tobacco products, including menthol cigarettes and hookah without exemptions. Taking this important public health step will help to prevent young people in Los Angeles from ever beginning this deadly addiction, as well as help to support those who are trying to quit.

Sincerely,



Primo J. Castro
Director, Government Relations
American Cancer Society Cancer Action Network

Communication from Public

Name: Sofia C

Date Submitted: 03/07/2022 03:21 PM

Council File No: 18-1104

Comments for Public Posting: Hello members of the Committee. My name is Sofia with LA Youth First Tobacco Coalition. Our organization is a coalition member of L.A. Families Fighting Flavored Tobacco. I'm in full support of a comprehensive ordinance that ends the sale of flavored tobacco, including menthol tobacco and e-cigarettes. This is a long-overdue change in our community. Thank you for standing up to big tobacco and protecting the health of L.A. families and youth!

Communication from Public

Name: Marianna Hernandez

Date Submitted: 03/07/2022 02:51 PM

Council File No: 18-1104

Comments for Public Posting: Hello members of the Committee, My name is Marianna Hernandez with Community Coalition. Our organization is a coalition member of L.A. Families Fighting Flavored Tobacco. We are in full support of a comprehensive ordinance that ends the sale of flavored tobacco, including menthol tobacco and e-cigarettes. This is long overdue especially for Black and Brown residents of South LA who have been disproportionately and historically targeted by the tobacco industry for decades. It is time for the City of LA to align with numerous other cities across the country who have also banned the retail sale of flavored tobacco. LA County approved the ban over 2 years ago. This is your opportunity to safe guard the health and wellness of youth and young adults across the City. Community Coalition along with South LA residents conducted environmental scans in both the City and County over the last 3 years which show that the sale of flavored tobacco in LA City outlets further and negatively exacerbates the lack of public safety, smoke shop property conditions/compliance, and Tobacco marketing practices/products sold when compared to LA County conditions. Please see the attached info graphic for more information. Thank you for stand up to big tobacco and protecting the health of L.A. families and youth!

How Tobacco Disproportionately Affects South LA

South Los Angeles is a low-income, largely African American and Latinx community with high tobacco-related health disparities. Community Coalition (CoCo) and PARC@LMU polling (N=4,287) and focus group (N=79) data examining the social determinants of health in South LA revealed strong community concern related to the interaction of tobacco, cannabis, and alcohol outlets for increased risk of youth tobacco use and exposure to violence.

Flavored tobacco, specifically menthol cigarettes, was a prominent community concern. Their concern is supported by the peer-reviewed scientific literature, which indicates that there is heavy marketing of controlled substances to youth of color and marketing of flavored tobacco/menthol cigarettes to African Americans¹. The literature further supports that young people and African Americans are more likely to smoke menthol cigarettes; according to the Centers for Disease Control and Prevention²:

- **More than half (54%) of youth ages 12-17 years who smoke use menthol cigarettes.**
 - Seven out of 10 African American youth ages 12-17 who smoke use menthol cigarettes.
- **Among smokers who started smoking as young adults (over age 18), a majority started with menthol cigarettes.**
- **The majority of African Americans who smoke use menthol cigarettes.**
 - A higher percentage of black adults who smoke started by using menthol cigarettes (93%) than white adults who smoke (44%).
 - Black adults have the highest percentage of menthol cigarette use compared to other racial and ethnic groups.

Public health professionals know that:

- ✓ the social and economic conditions where people live and work affect individual and community health.

Ultimately, the continued sale of flavored tobacco:

- ✓ compounds existing health issues associated with the *social determinants of health*, issues that also occur within the context of what we refer to as the **Trifecta** and the **Trifecta Effect**.

Flavored Tobacco Contributes to the Trifecta Effect

The Trifecta is the concentrated co-location of liquor stores, smoke shops, and unlicensed marijuana dispensaries (UMDs) to take advantage of the liquor stores' existing, long-term clientele. The Trifecta effect is defined as the tendency of liquor stores to serve as "magnets" that draw in smoke shops and UMDs. In the resulting co-location, these three businesses form "hotspots" that negatively impact the health and well-being of South LA residents. These trifecta hotspots are much denser in South LA than in West LA (see **Figure 1** and **Figure 2**).

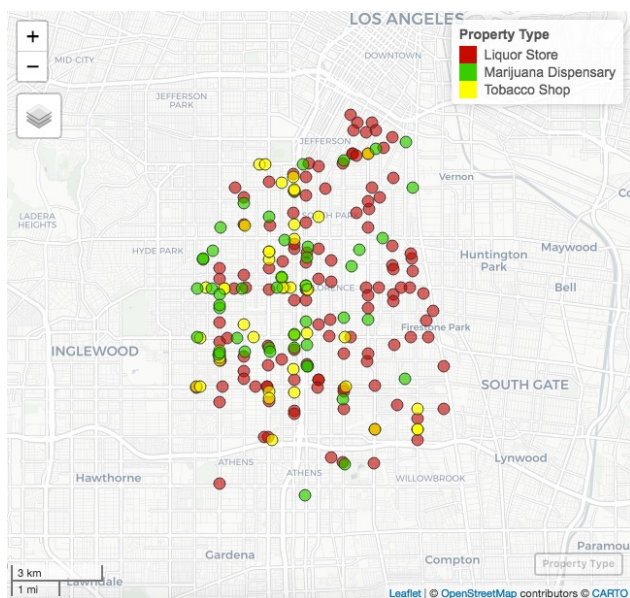


Figure 1. Trifecta hotspots in South LA



Figure 2. Trifecta hotspots in West LA

¹Anderson, S.L. (2011). Marketing of menthol cigarettes and consumer perceptions: A review of tobacco industry documents. *Tobacco Control*, 20, ii20-ii28.

²Centers for Disease Control and Prevention. (n.d). *Menthol and cigarettes*. https://www.cdc.gov/tobacco/basic_information/tobacco_industry/menthol-cigarettes/index.html.

Agency in South LA: Fighting the Trifecta

In order to methodically study trifecta hotspots, CoCo and South LA resident leaders, in partnership with PARC@LMU, conducted structured observations of a **sample of magnet liquor stores** identified as problems by the community. These structured observations, called “environmental scans,” included the documentation of smoke shops and/or UMDs located within a 1000 ft. radius around the sample magnet liquor stores. The environmental scans collect information about liquor stores, smoke shops, and UMDs in three general domains: the neighborhood environment surrounding these nuisance businesses, the property conditions/compliance issues in or outside these nuisance businesses, and the marketing practices/products sold by these nuisance businesses. These comprehensive week-long scans, conducted during June 2020 – February 2021, examined the various ways trifecta hotspots contribute to South LA community’s health and well-being (see **Figure 3**).

Figure 3. How Trifecta Hotspots Affect Community Health in South LA: The figure on the right shows the overwhelming amount of negative environmental factors (which include flavored tobacco) the South LA community is exposed to when trifecta hotspots form.



A Case for the Flavored Tobacco Ban: Possible Evidence

The County of Los Angeles prohibited the sale of flavored tobacco products (including menthol cigarettes) on May 1, 2020. The environmental scan data, collected between 1 to 8 months *after* the County ban, was used to compare a sample of nuisance businesses in LA City (which still sold and still sells flavored tobacco) and unincorporated LA County (which no longer sold and currently does not sell flavored tobacco). **The comparison in the South LA sample suggests that the sale of flavored tobacco in LA City ultimately compounds the trifecta effect and the various negative environmental factors related to the trifecta.** (See **figures 4 and 5**)

South LA Sample: Average Number of Smoke Shops Co-Locating Around a Magnet Liquor Store

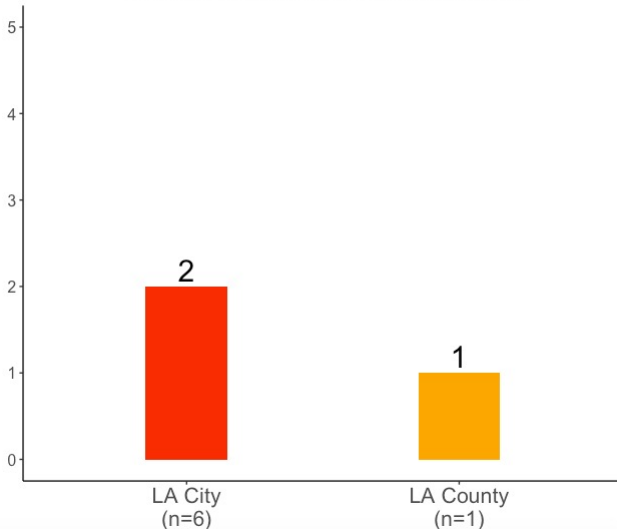


Figure 4

South LA Sample: Average Number of Nuisance Businesses (Smoke Shops, Liquor Stores, and Unlicensed Marijuana Dispensaries) Per Trifecta Hotspot

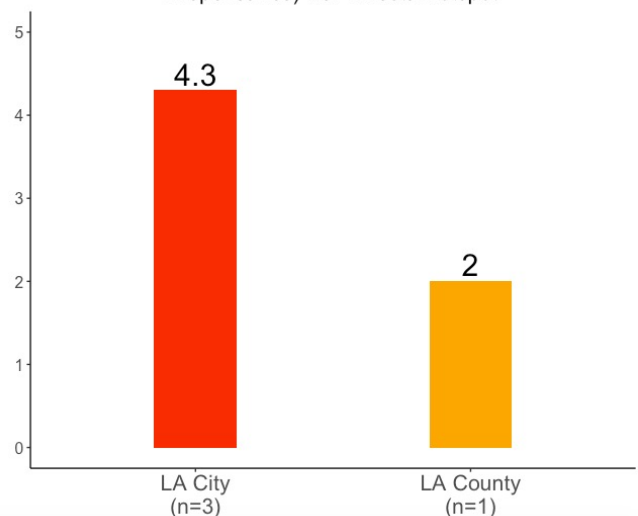


Figure 5

Comparing figure 4 and figure 5, we see that there are:

- 2 times as many smoke shops co-locating around City-based magnet liquor stores than around County-based magnet liquor stores
- 2.2 times more nuisance business per City-based trifecta hotspot than County-based trifecta hotspot

Overall, the data from the South LA sample suggests that the sale of flavored tobacco in LA City outlets exacerbates trifecta conditions across three domains: 1) Neighborhood environment, 2) Property conditions/compliance, and 3) Tobacco marketing practices/products sold.

South LA Sample: Neighborhood Environment Surrounding LA City- vs. LA County Tobacco-Outlets

Figures 6 and 7 show the average levels of visible smoking/evidence of smoking products observed and the average levels of visible drinking/evidence of alcohol observed within a 200 ft. radius of the tobacco outlets sampled in South LA, respectively.

Figure 6.

**There is more active use of smoking products around the LA City-based tobacco retailers ("Moderate/High") than around unincorporated LA County-based tobacco retailers ("None") in South LA.*

***There is more evidence of prior use of smoking products around LA City-based tobacco retailers ("Moderate/High") than unincorporated LA County-based tobacco retailers ("Low/Moderate") in South LA.*

Figure 7.

+Both LA City and LA County-based tobacco retailers have moderate levels of visible alcohol use around their areas in South LA.

++LA City-based tobacco retailers have more evidence of prior alcohol use around them ("Moderate/High") than around LA County-based tobacco retailers in South LA ("Low/Moderate").

Indicator	South LA Sample	
	City-based outlets (n=3)	County-based outlets (n=2)
*Visible use of smoking products	Moderate/High	None
**Other evidence of smoking (e.g., cigarette butts, vape pens, e-cigs, papers, cartridges, etc. on the floor in and around the store)	City-based outlets (n=4)	County-based outlets (n=2)
	Moderate/High	Low/Moderate
Indicator	City-based outlets (n=4)	County-based outlets (n=2)
+Visible use of alcohol	Moderate	Moderate
++Other evidence of alcohol use (e.g., bottles, cans, bottle caps, single cups on the floor in and around the store)	Moderate/High	Low/Moderate

Figures 8 and 9 illustrate the percent of safe and unsafe conditions observed within a 200 ft. radius of the sample of LA City-based tobacco outlets and LA County-based tobacco outlets in South LA. Out of the 17 possible unsafe conditions (e.g., tobacco outlet area is passageway frequented by youth going to a park or recreation center, signs advertising tobacco, presence of drug dealing, etc.), 14 were observed around LA City-based tobacco retailers (82%) in South LA. Six unsafe conditions were observed around the sample of LA County-based tobacco outlets (35%). **In the South LA sample, there were over 2 times as many unsafe conditions observed in the space immediately around tobacco retailers in the City of LA outlets compared to unincorporated LA County outlets.**

South LA Sample: Outdoor Conditions Within 200 Ft. Radius of City-Based Tobacco Outlets (n=5)

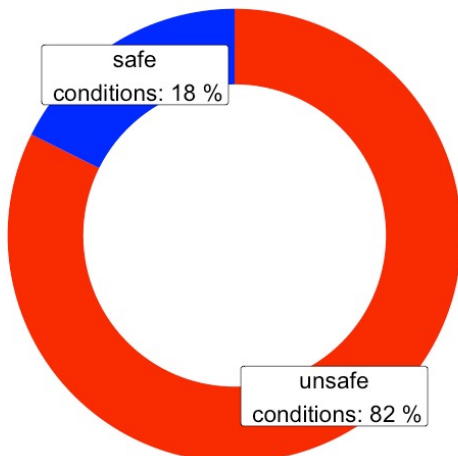


Figure 8

South LA Sample: Outdoor Conditions Within 200 Ft. Radius of County-Based Tobacco Outlets (n=2)

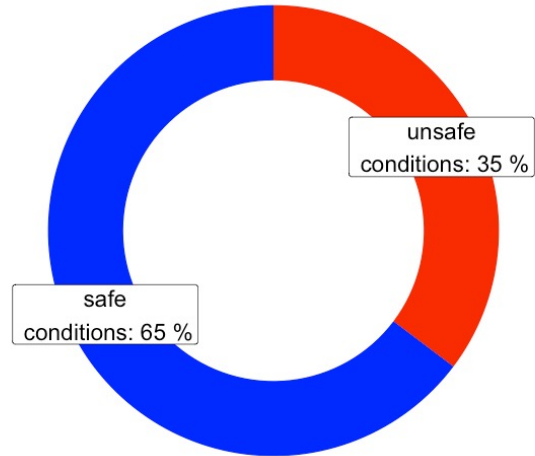


Figure 9

South LA Sample: Property Conditions/Compliance in LA City- vs. LA County Tobacco Outlets

Figures 11 and 12 illustrate the percent of compliance/security violations and adherence observed within a 200 ft. radius around a sample of both South LA City-based tobacco outlets and LA County-based tobacco outlets. Out of the 18 possible compliance/security measures (e.g., “No Public Drinking or Loitering” signs, ID verification for purchase of tobacco/alcohol, security cameras, etc.), LA City-based tobacco outlets violated 17 of them (94%). Conversely, LA County-based tobacco outlets violated 11 (61%). **Overall, LA City-based tobacco outlets violated more compliance/security measures than LA County-based tobacco outlets in South Los Angeles.**

South LA Sample:
Compliance/Security Violations Inside and Outside
of City-Based Tobacco Outlets (n=5)

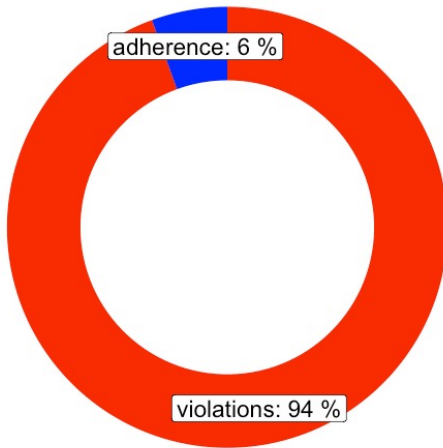


Figure 11

South LA Sample:
Compliance/Security Violations Inside and Outside
of County-Based Tobacco Outlets (n=2)

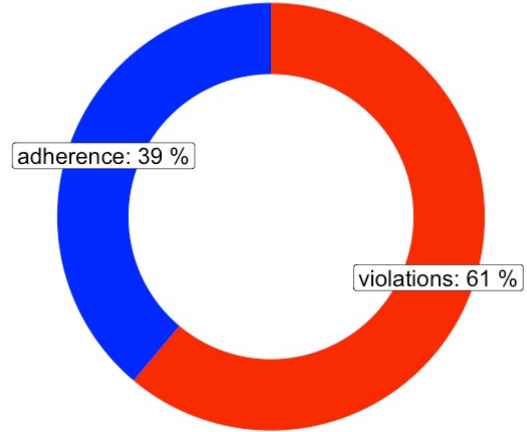


Figure 12

South LA Sample: Marketing & Products Sold in LA City- vs. LA County Tobacco Outlets

Figures 13 and 14 displays the amount of exterior advertisements and the amount of exterior advertisements that are placed at child’s eye level (3 ft.) in the sample of South LA city and county tobacco outlets.

South LA Sample:
Average Number of Exterior Advertisements
at Tobacco Outlets

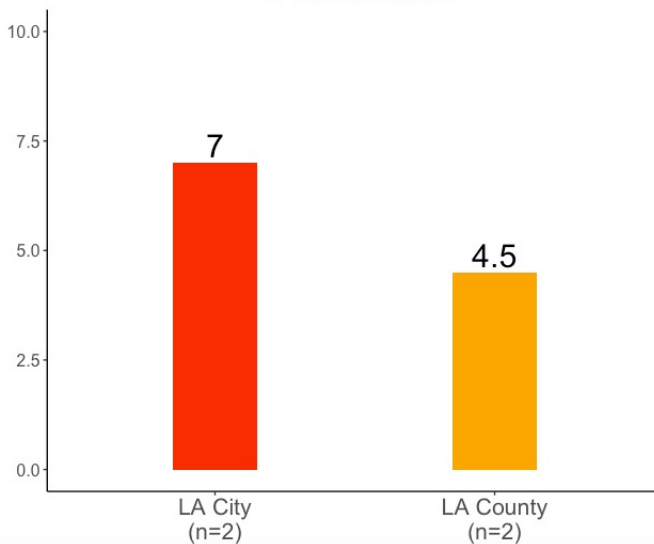


Figure 13

South LA Sample:
Average Number of Exterior Advertisements
Placed at Child’s Eye Level (3 Ft.) at Tobacco Outlets

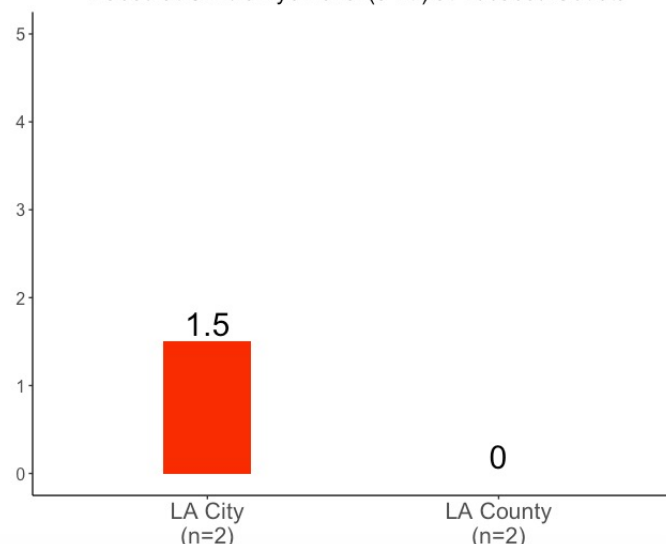


Figure 14

Figures 15 and 16 illustrate the various types of tobacco products sold by the sample of LA City-based tobacco outlets and LA County-based tobacco outlets in South LA.

- In South LA, 7:9 (78%) tobacco products were sold in City-based outlets, while 4:9 (44%) were sold in County-based outlets.

South LA Sample: Tobacco Products Sold in City-Based Tobacco Outlets (n=5)

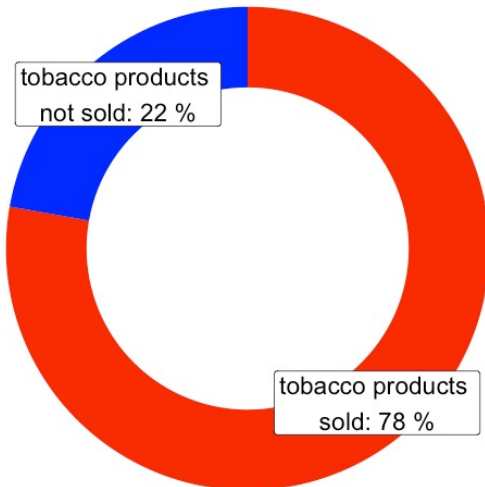


Figure 15

South LA Sample: Tobacco Products Sold in County-Based Tobacco Outlets (n=2)

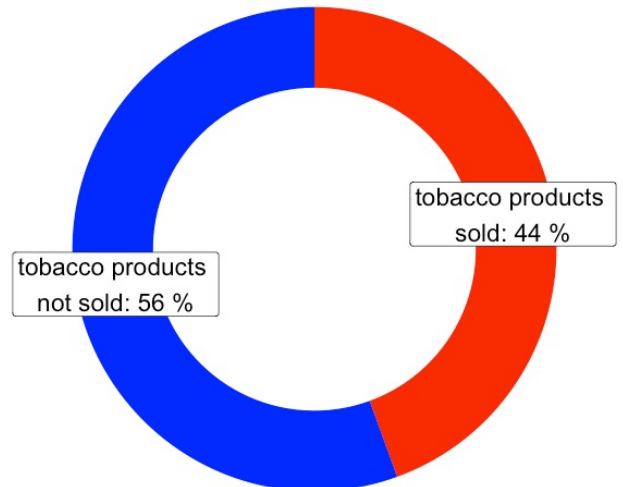


Figure 16

Figures 17 and 18 show the various types of smoking devices sold by the sample of LA City-based tobacco outlets and LA County-based tobacco outlets in South LA.

- In South LA, 5:6 (83%) sold tobacco devices in City-based outlets, while 2:6 (33%) sold tobacco devices in County-based outlets.

South LA Sample: Smoking Devices Sold in City-Based Tobacco Outlets (n=5)

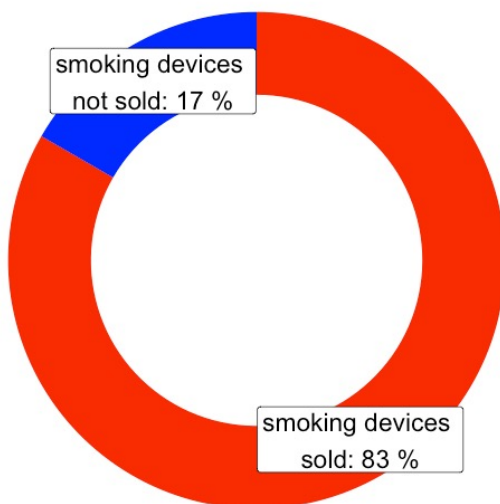


Figure 17

South LA Sample: Smoking Devices Sold in County-Based Tobacco Outlets (n=2)

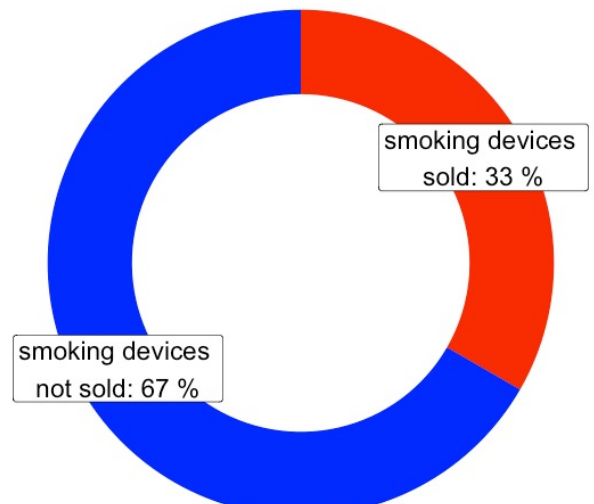


Figure 18

Voting for a Better Future

The overconcentration of nuisance businesses and the tendency of nuisance businesses to form in trifacta hotspot clusters in low-income communities of color negatively affect the surrounding community's health and wellbeing. The preliminary data presented above suggests that the additional sale of flavored tobacco by these nuisance business, namely smoke shops and liquor stores, compounds their negative health effects by their capacity to exacerbate pre-existing health conditions in communities like South LA, causing a myriad of negative health problems such as cancer, cardiovascular and respiratory diseases, and multiple adverse reproductive outcomes.

The sale of menthol is especially harmful. As discussed previously, the tobacco industry has aggressively marketed menthol products to young people and African Americans (to African Americans since the 1960s), especially in urban communities. From their research, tobacco manufacturers knew that young people preferred smaller amounts of menthol in their menthol cigarettes, while older people who smoke preferred more menthol. The tobacco companies purposely lowered the menthol in some of their brands to make young people who smoke and those just starting to smoke want to use them. The FDA banned cigarettes with certain kid-appealing flavors and is considering regulating other flavored tobacco products, including menthol cigarettes. In 2009, the FDA banned flavored cigarettes (e.g., cherry, chocolate), which are known to appeal to youth and young adults. This was an important first regulatory step to protect the American public, particularly children, from the dangers of cigarettes—a product that has contributed significantly to tobacco-related death and disease in the United States (<https://www.fda.gov/tobacco-products/products-ingredients-components/menthol-and-other-flavors-tobacco-products>).

Banning the sale flavored tobacco, including menthol, in the City of Los Angeles will ultimately lead to better health, public safety and life outcomes for Black and Brown residents of South LA and the City at large. In the context of the pandemic, this is the time to prioritize health and wellbeing of residents. The tobacco industry should not continue to profit at the expense of residents most hit by the pandemic.

Communication from Public

Name: Equality California

Date Submitted: 03/07/2022 02:52 PM

Council File No: 18-1104

Comments for Public Posting: We have prepared an educational letter that includes statistics and research findings on the health impacts of flavored tobacco products on the LGBTQ+ community. Thank you.



Arts, Parks, Health, Education, and Neighborhoods Committee for City of Los Angeles
City Hall
200 North Spring St.
Los Angeles, CA 90012

Honorable Council and Committee Members,

Some of the most well-known statistics surrounding tobacco use focus on Big Tobacco's targeted marketing to marginalized communities (Black, Latinx, LGBTQ+, and women) and young people when it comes to flavored tobacco use. Less well known are the effects of these flavors coupled with tobacco on the human body. In this letter we have curated some of the most significant findings of the last decade regarding the impact of tobacco product flavor additives on public health.

We have provided a summary of the findings from each publication. Some of these findings detail the impact that tobacco has on the LGBTQ+ community, including that more than 1 in 5 of LGBTQ+ people use tobacco products, and are up to 4 times more likely to smoke tobacco than our straight and cisgender peers. In addition, tobacco use remains the single largest cause of preventable premature death. Please contact us if you would like pdf files of any of the articles listed.

We appreciate your time and consideration in addressing the impact of flavored tobacco products on the lives of those within each of your districts, especially those who are disproportionately affected using flavored products. Big Tobacco has historically preyed upon communities of color, preyed upon the LGBTQ+ community, and targeted youth and young adults to replace a dying customer base. Many emerging tobacco products have not undergone product safety review by the FDA, including e-cigarettes and oral use products like ZYN. This means that Big Tobacco has been marketing to young people and marginalized communities in an environment where these communities are essentially test subjects for the safety and health impact of these products.

It is imperative that evidence against flavorings be considered when weighing whether to address a clear and present public health crisis that is costing lives: LGBTQ+ lives, Black lives, Latino/a/e lives. Healthy communities protect our most vulnerable lives from Big Tobacco. Make Los Angeles a healthy community.

Sincerely,

Erin Arendse (she/her)
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Equality California Institute
Los Angeles County Tobacco Control Program Team

Equality California Institute is a 501(c)(3) nonprofit organization.

EQCA.ORG

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*Equality California Institute
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Overview of notable research findings:

1. Truth Initiative. Tobacco use in the Hispanic/Latino American Community; May 2020; <https://truthinitiative.org/research-resources/targeted-communities/tobacco-use-hispaniclatino-american-community>

Latino/a/e youth begin using flavored tobacco products as early as **Middle School**, with more than 13% of Latino/a/e middle school students and more than 23% of Latino/a/e high schoolers using flavored tobacco products. Tobacco use is highest among US-born Latino/a/e's and higher in Latino men.

2. Harrell, B. Loukas, A. Jackson, C. Marti, CN. Perry, C. Flavored Tobacco Product Use among Youth and Young Adults: What if Flavors Didn't Exist? <https://pubmed.ncbi.nlm.nih.gov/28775996/>

This report found that **80% of young people** use flavored tobacco, and of young people who use flavored tobacco, up to three in four would **stop using tobacco** if it **wasn't flavored**. The researchers concluded that flavored tobacco sales restriction would **significantly reduce youth tobacco usage**.

3. Food and Drug Administration. Preliminary scientific evaluation of the possible public health effects of menthol versus nonmenthol cigarettes. Government Document. <https://www.fda.gov/media/86497/download>

In 2011, a menthol report was submitted to the FDA. This report did a meta-analysis of available peer-reviewed scientific research on menthol, as well as industry provided research. The scientific review committee concluded that **menthol poses a public health risk greater than non-menthol tobacco products**, finding that menthol products are an entry to a life-long nicotine addiction and continued use of menthol flavored tobacco products makes it harder to quit.

4. Centers for Disease Control and Prevention. Lesbian, Gay, Bisexual, and Transgender Persons and Tobacco Use. <https://www.cdc.gov/tobacco/disparities/lgbt/index.htm>

The CDC regularly compiles study results and updates statistics regarding tobacco usage by the LGBTQ community. **One in 5 lesbian, gay, and bisexual adults use tobacco**, compared to 1 in 6 adults in the general public. These statistics are even worse among transgender adults, 1 in 3 of whom use tobacco products. Approximately 36% of LGBT smokers report smoking menthol cigarettes compared to 29% of heterosexual/straight smokers.

5. Truth Initiative. Tobacco Use in LGBT communities. <https://truthinitiative.org/research-resources/targeted-communities/tobacco-use-lgbt-communities>

LGBTQ+ people are up to **4x more likely to use tobacco** than straight and cisgender people. The tobacco industry has targeted the LGBTQ+ community by sponsoring LGBTQ+ cultural events.

6. Kramlinger VM, von Weyarn LB, Murphy SE. Inhibition and inactivation of cytochrome P450 2A6 and cytochrome P450 2A13 by menthofuran, beta-nicotryne and menthol. *Chem Biol Interact.* 30 May 2012. 197(2-3):87-92. Doi: 10.1016/j.cbi.2012.03.009

This 2012 study uncovers the 'how' behind menthol's ability to increase nicotine addiction. The enzymes studied in this publication are the ones in the lung and liver that turn nicotine into cotinine. Slowing down the activity of these enzymes will slow down the removal of nicotine from the human body when nicotine and menthol are in the same tobacco product. This action **increases nicotine addiction**.

7. St Helen G, Dempsey DA, Havel CM, Jacob P 3rd *et al.* Impact of e-liquid flavors on nicotine intake and pharmacology of e-cigarettes. *Drug Alcohol Depend.* September 2017. doi: 10.1016/j.drugalcdep.2017.05.042

In 2017, it was discovered that flavors in electronic cigarettes influence nicotine exposure. This publication analyzed nicotine levels in people who used both tobacco flavor and strawberry flavored e-liquid. They showed that nicotine levels were higher with the use of strawberry flavored e-liquid. The conclusions were that **flavored tobacco products increase addiction** and may **increase heart disease risk** with long term use.

8. Chaiton MO, Nicolau I, Schwartz R, *et al.* Ban on menthol-flavoured tobacco products predicts cigarette cessation at 1 year: a population cohort study *Tobacco Control* Published Online First: 30 May 2019. doi: 10.1136/tobaccocontrol-2018-054841

In 2019, preliminary research from Ontario, Canada reviewed quit attempts before and after the province-specific menthol ban and were able to show that quit rates increased for daily and occasional menthol smokers one year after the ban was put in-place. Thus, the authors concluded that restrictions on menthol may lead to significant improvements in public health. **Restricting the sale of menthol tobacco products will increase quit rates** among Menthol smokers.

9. Kozlovich S, Chen G, Watson CJW, *et al.* The role of L- and D-menthol in the glucuronidation and detoxification of the major lung carcinogen, NNAL *Drug Metab Dispos* Published Online First: October 2019. doi: 10.1124/dmd.119.088351

This 2019 study uncovers one possible ‘how’ behind the increase in negative health effects from menthol as a tobacco additive. Menthol has been shown to slow down a biological process called detoxification, where the studied enzymes turn the most potent cancer-causing compound in tobacco into a harmless product. Additionally, many of the enzymes studied here also interact with nicotine. Slowing down the activity of these enzymes may increase both addiction and harm from the use of mentholated tobacco products. **Menthol in tobacco products increases the harm tobacco products cause.**

10. Omaie E, McWhirter K, Luo W, *et al.* High-nicotine Electronic Cigarette Products: Toxicity of JUUL Fluids and Aerosols Correlates Strongly with Nicotine and Some Flavor Chemical Concentrations. *Chem Res Toxicol.* 6 January 2019. doi: 10.1021/acs.chemrestox.8b00381

The FDA does not currently require the disclosure of all ingredients in nicotine e-liquids. This 2019 study analyzed eight e-cigarette flavored liquids to identify the flavor additives in popular high-nicotine products. This analysis identified 59 flavor compounds in the e-liquids tested. **Some of the identified flavor additives were shown to kill human cells at the levels found in these e-cigarette aerosols.**

11. Acosta-Deprez V, Gorman F, Ai M, *et al.* Perceptions About Flavored Tobacco Policies and Smoking Behaviors by Age, Gender and Sexual Orientation in the LGBTQ Population in Los Angeles County. *Archives of Healthcare.* 30 January 2020. doi: 10.1057/ahc000005

Equality California conducted public intercept surveys at Los Angeles Pride in **Los Angeles County** in June 2018. Survey analysis found that members of the LGBTQ community smoked at higher rates than their non-LGBTQ counterparts. **Nearly 40% of LGBTQ+ respondents reported using tobacco and 80% of trans women reported using tobacco.**

12. Alexander. L. Research, data on transgender tobacco use needed. 30 December 2020 <https://qvoicenews.com/2020/12/30/research-data-on-transgender-tobacco-use-needed/>

Los Angeles transgender advocate Luckie Alexander wrote an op-ed for Q Voice news, in which he outlines the necessity for sexual orientation and gender identity (SOGI) data collection in all tobacco research. Alexander provides a person account of his exposure to tobacco and journey to quitting. **This article highlights the specific issues and complications faced by the transgender community in relation to tobacco use.**

Communication from Public

Name: Raj Dhillon

Date Submitted: 03/07/2022 04:14 PM

Council File No: 18-1104

Comments for Public Posting: Please see the attached Breathe SoCal's letter that supports ending the sale of flavored tobacco products in the City of Los Angeles.



BreatheSoCal.org

5858 Wilshire Blvd., Suite 300
Los Angeles, CA 90036
P: (323) 935-8050
F: (323) 935-1873

March 7, 2022

Los Angeles City Council
200 North Main Street
Los Angeles, CA 90012

Dear City of Los Angeles Councilmembers,

Breathe Southern California writes to express our support for a policy that ends the sale of flavored tobacco products, including e-cigarettes and menthol-flavored products. Breathe Southern California is a nonprofit organization that promotes clean air and healthy lungs through research, education, advocacy, and technology. For over 50 years, we have been a leader in lung health improvement efforts in California.

The proposed ordinance will save lives and improve health outcomes. Removing flavored tobacco products removes the lure that has seen an epidemic increase in teen and youth usage of tobacco products. Tobacco products, including flavored products, contain nicotine, which is a highly addictive chemical that can cause long-term damage to the adolescent brain.

Per the American Cancer Society Cancer Action Network, tobacco use causes nearly a third of all cancer deaths in California. Smoking cigarettes is the leading cause of preventable death nationally. Cigarette smoking is responsible for more than 480,000 deaths per year in the United States, including more than 41,000 deaths resulting from secondhand smoke exposure. This is about one in five deaths annually, or 1,300 deaths every day. And evidence suggests that young people who vape are more likely to go on to use illicit drugs and tobacco products such as cigarettes, which will lead to a lifetime of lung health issues.

We must stand up to Big Tobacco and protect all Angelenos' health. Should you have any questions regarding this letter, please contact me at RDhillon@breathesocal.org or at (323) 935-8050 x233. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "Raj Dhillon".

Raj Dhillon
Senior Manager, Advocacy & Public Policy