

Communication from Public

Name:

Date Submitted: 05/12/2021 09:59 AM

Council File No: 18-1104

Comments for Public Posting: Dear Mayor and City Council Members, I have attached a USC Flavor and E-Cigarette Information Sheet summarizing some of our flavor and e-cigarette research. In addition, this message contains additional information for your consideration regarding hookah. For each of these data points, I have included a copy of the PDF article with important data points highlighted. Please let me know if you have any questions. Hookah considerations: Hispanic/Latinx adolescents are more susceptible to hookah and 44% more likely reported current hookah use. One out of four college nicotine users started with hookah. We hope that this research can educate and inform your decisions. Please let me know if you have any questions our team may be able to answer. Thank you, Yaneth L. Rodriguez Insitute fro Prevention Research Keck School of Medicine of USC Examining Hookah as an Introduction to Nicotine Products among College Students, Subst Use Misuse. 2018 Sep 19;53(11):1869-1877. doi: 10.1080/10826084.2018.1441308. PMID: 29533684: One out of four nicotine users started with hookah, pg 1869, 1870, 1872, 1874 Hookah use is second to cigarette smoking as the first tobacco product used, pg 1869-1870, 1872 Hispanic/Latinx adolescents 44% more likely reported current hookah use. Pg 1873 Measurement and predictive value of susceptibility to cigarettes ecigarettes cigars and hookah among Texas adolescents, Addict Behav Rep. 2018 Aug 18;8:95-101. doi: 10.1016/j.abrep.2018.08.005. PMID: 30140729 Free PMC article.: Hispanic/Latinx adolescents are more susceptible to hookah, pg 96

Keck School of Medicine of USC

Flavor and Menthol Tobacco Products and E-cigarettes

Since e-cigarettes have come to the Southern California market, the University of Southern California's expert faculty and research staff at the Keck School of Medicine have focused on exploring the potential impacts of e-cigarettes and flavored tobacco products on the general population as well as vulnerable populations, such as adolescents and young adults.

E-cigarettes are drawing in new youth smokers who would have otherwise been unlikely to smoke combustible cigarettes.

- Two studies examining trends in tobacco use over time have shown that youth with no history of cigarette use and who are otherwise unlikely to have smoked combustible cigarettes are initiating e-cigarettes (1, 2).
- Cartoon images and non-traditional flavors and unique flavor names are appealing to youth and increase youth interest in e-cigarettes; most youth report initiation and continued use with flavored e-cigarettes (3-7).*
- A study from Southern California youth reported that the most common reason for use of e-cigarettes are the availability of e-cigarettes in a wide variety of flavors (i.e. fruit, dessert, mint, etc.) (7, 8).
- E-cigarette companies actively market and re-post flavor-related information on social media at a much higher rate than non-flavor related posts (9).
- The availability of flavored e-cigarettes has been tied not only to initiation but also to continued use among youth, and a majority of youth reported that they would no longer use e-cigarettes if flavors were not available (6, 11).†
- JUUL and other low profile products that resemble computer flash drives thwart efforts to enforce smoking policy by providing easy concealment from authorities (3).
- A content analysis of customer reviews of 103 vape shops revealed that the most important attribute of a shop was related to their flavor selection (10).
- 17.3% of California high school students reported being a current user of an electronic vapor product, versus 13.2% national (12). †

There are clear health-related consequences of e-cigarette use among youth.

- Youth who use e-cigarettes are 3 times as likely as those who have never used e-cigarettes to begin smoking combustible cigarettes (13-19)*.
- Youth who use e-cigarettes and subsequently begin smoking cigarettes follow a similar trajectory into more frequent cigarette smoking as their peers who began smoking cigarettes without using e-cigarettes first (1, 2).
- A study among Southern California Hispanic young adults reported that using e-cigarettes increased the likelihood of transitioning from a non-user to user of cigarettes or marijuana and was not associated with smoking cessation (38).
- Level of nicotine in e-cigarettes has been associated with higher frequency of subsequent cigarette smoking (36).
- Exposure to nicotine in e-cigarettes is addictive (14-19)*.
- E-cigarettes can have adverse respiratory effects (20)*.
- E-liquids contain many harmful chemicals (i.e. acetals, formaldehyde, cinnamaldehyde, diacetyl, benzaldehyde, etc.) that are used to create the wide variety of flavors (21, 22). †

Keck School of Medicine of **USC**

Flavor and Menthol Tobacco Products and E-cigarettes

There is inconsistent evidence regarding the use of e-cigarette as a cessation tool among youth, young adult, and adult smokers.

- Studies have shown that many cigarette smokers, after using e-cigarettes, are likely to remain cigarette smokers rather than transitioning to e-cigarettes or quitting smoking (19, 23-25)*.
- More recently, a single clinical trial has shown that regular e-cigarette use alongside counseling services increased cessation relative to other cessation products among participants in England; similar findings have not been observed in the US to date (37).[†]

Menthol products makes smoking cessation more difficult and are disproportionately marketed to vulnerable populations such as ethnic minorities.

- Among adult smokers in California, 18% of white cigarette smokers smoke menthol cigarettes where as 70% of African American cigarette smokers use menthol. Additionally, almost 50% of LGB smokers use menthol cigarettes compared to 28% of straight smokers (31).[†]
- Among Hispanic/Latino current adult smokers in the US, 46% smoke menthol cigarettes (27).[†]
- Among Hispanic/Latino young adult current smokers (aged 18-25) in the US from 2008 to 2010, 47.3% smoked menthol cigarettes (28).[†]
- Between 2008-2010 and 2012-2014, the largest increase in menthol cigarette use among race/ethnic groups was in found in Hispanic smokers (rising 9.8 percentage points) (29).[†]
- The use of flavored products, such as menthol cigarettes, makes cessation more difficult (26).[†]
- Studies have displayed negative associations among menthol cigarette use and successful cessation in Hispanic communities (30).[†]
- Approximately 90% of all cigarettes have menthol in them regardless of if they are advertised as menthol cigarettes or not (34).[†]

Implementing enforceable regulations can prevent youth initiation of e-cigarettes and other tobacco products.

- In Southern California, strong enforcement preventing sales to minors was associated with lower rates of youth and adult initiation of combustible and e-cigarette use (35). Communities that had tobacco retail licenses with sufficient fees to conduct enforcement efforts (e.g., sting operations) had lower rates of youth cigarette and e-cigarette use.
- A retail license ordinance to regulate e-cigarettes, flavored, and menthol tobacco products in Los Angeles County has tremendous potential to substantially reduce youth-use of tobacco products including e-cigarettes (35).
- The availability of e-cigarettes in flavors, and current location of retailers in close proximity to areas where youth congregate increases use of these products among young people (35); policies to reduce availability of these products across the community will likely have a substantial impact on youth use of tobacco products.

Current research suggests that it is important to consider the overall impact of e-cigarettes on all segments of the population; however, the weight of the evidence points to a far more detrimental effect on youth. We hope that this research can educate and inform future decision-makers.

For additional information, contact Yaneth Rodriguez at ylr@usc.edu

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Communication from Public

Name: Campaign for Tobacco Free Kids

Date Submitted: 05/12/2021 11:58 AM

Council File No: 18-1104

Comments for Public Posting: Dear Mayor Garcittie and Los Angeles City Council Members, Bellow is some information for all of you to consider regarding a comprehensive ordinance ending the sale of flavored tobacco products and menthol cigarettes across L.A. City. Please feel free to contact me if you have additional questions. Flavored Tobacco Products (General) Flavored Tobacco Products Attract Kids: <https://www.tobaccofreekids.org/assets/factsheets/0383.pdf> Brief Version: <https://www.tobaccofreekids.org/assets/factsheets/0399.pdf> States and Localities that Have Restricted the Sale of Flavored Tobacco Products Fact Sheet: <https://www.tobaccofreekids.org/assets/factsheets/0398.pdf> Flavored Tobacco Products: Promising Evidence for Reducing Youth Access and Tobacco Use: <https://www.tobaccofreekids.org/assets/factsheets/0409.pdf> E-Cigarettes E-cigarette Overview: <https://www.tobaccofreekids.org/assets/factsheets/0379.pdf> Brief Version: <https://www.tobaccofreekids.org/assets/factsheets/0396.pdf> E-Cigarettes and Youth: <https://www.tobaccofreekids.org/assets/factsheets/0382.pdf> Flavored E-Cigarettes Hook Kids: <https://www.tobaccofreekids.org/assets/factsheets/0407.pdf> E-Cigarettes Are Reversing Progress in Reducing Youth Tobacco Use: <https://www.tobaccofreekids.org/assets/factsheets/0408.pdf> Where Do Youth Get Their E-Cigarettes: <https://www.tobaccofreekids.org/assets/factsheets/0403.pdf> JUUL and Other High-Nicotine Cigarettes are Addicting a New Generation of Youth: <https://www.tobaccofreekids.org/assets/factsheets/0405.pdf> Youth Access and Exposure to E-Cigarettes at the Point of Sale: <https://www.tobaccofreekids.org/assets/factsheets/0412.pdf> Menthol Cigarettes Impact of Menthol Cigarettes on Youth Smoking Initiation and Health Disparities: <https://www.tobaccofreekids.org/assets/factsheets/0390.pdf> Marketing Menthol: A History of Tobacco Industry Targeting of African Americans: <https://www.tobaccofreekids.org/assets/factsheets/0400.pdf> Other Tobacco Products Hookah is Not Harmless:

<https://www.tobaccofreekids.org/assets/factsheets/0384.pdf> The
Rise of Cigars and Cigar Smoking Harms:
<https://www.tobaccofreekids.org/assets/factsheets/0333.pdf> Thank
you, Annie Tegen, MPH Advocacy Director, Western U.S.
Campaign for Tobacco-Free Kids // Tobacco-Free Kids Action
Fund Mobile: (206)235-3665 | Email:
ategen@tobaccofreekids.org www.tobaccofreekids.org

Communication from Public

Name: American Cancer Society Cancer Action Network
Date Submitted: 05/17/2021 09:35 AM
Council File No: 18-1104
Comments for Public Posting: Dear Council, Please find our official position on the following council file.



May 17, 2021

The Honorable Nury Martinez
Council President, City of Los Angeles
200 N. Main Spring Street, Ste. 470
Los Angeles, CA 90012

RE: Council File # 18-1104

Dear Madam Council President Martinez and Council:

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 the Council to move forward in drafting and 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 draft and 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 council 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: Rima S. Khoury
Date Submitted: 05/17/2021 01:34 PM
Council File No: 18-1104

Comments for Public Posting: Dear LA City Council, Before inadvertently banning the 1,000 year cultural tradition of hookah practiced by Arabs, Armenians, Persians, Turks, Indians and other minority groups, please consider mirroring SB793 which addresses youth access and usage of flavored tobacco products while also preserving the rich cultural tradition of hookah. Hookah only comes in flavors, therefore a flavor ban is a de facto hookah ban. Don't let our cultural tradition become collateral damage while resolving a problem that does not involve hookah. There is no youth hookah epidemic. Hookahs are 3 feet tall (difficult to conceal), take 30 minutes to set up and all the ten parts and components costs over \$200, which is out of reach for most minors. The recommended LA City flavor ban and hookah lounge exemption as currently stated exempts lounges but limits sales to on-site consumption only, no retail. This is contrary to state law that requires smoking lounges to have a retail component to qualify for a smoking lounge exemption. In addition, no new lounges are allowed thereby grandfathering current lounges and restricting transferability of those lounges, even to family members. This not only diminishes the value of a business that cannot be sold and the investment realized, but minority business owners cannot bequeath their children their business which is traditionally the case. In one generation, all hookah lounges in LA will be gone. Furthermore, the hookah lounge exemption does not take into consideration the importance of retail outlets that many elderly people utilize to enjoy their hookah in the comfort and safety of their homes. Especially now due to COVID-19, many lounges have closed and people more than ever enjoy their hookah at home. Please see below video link of Gov. Gavin Newsom stating at his Executive Order Address referencing SB793, that "hookah is not the problem in classrooms". Hookah is not the problem. <https://youtu.be/XWjL4r8TWaU> Don't let the decimation of our cultural tradition become an unintended consequence in LA City's proposed flavored tobacco regulation. We respectfully ask that you consider the language in SB793 which balances the interest in protecting the youth in LA City while also protecting our culture. This will create consistency with the state flavor ban if/when it passes a vote in the November 2022 general election. See SB793 hookah exemption language below: (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. As you can see from the SB793 hookah exemption language, hookah sales are restricted to 21 and over establishments and requires these establishments to conform to local and state laws. It is already illegal to sell to minors. By mirroring SB793 and focusing on enforcement and education, LA City will effectively address youth access and usage of flavored tobacco products without the need to eliminate the rich cultural tradition of hookah. Thank you.

On behalf of the organizations signed on to this letter we are writing to express our support for SB 793, which will help protect youth from the harms of flavored tobacco products.

We are in the midst of an e-cigarette epidemic of unparalleled proportions. Tobacco companies have pushed candy-flavored products into the youth market, quietly hooking kids into a dangerous addiction to nicotine.

Current events have highlighted these dangers. There is growing evidence that smokers are at a greater risk of hospitalization and severe illness due to COVID-19, placing smokers in the high-risk category. Smoking increases the risk for respiratory infections, weakens the immune system and is a major cause of a number of chronic health conditions, including chronic obstructive pulmonary disease, heart disease and diabetes. In addition, there is growing evidence that vaping can also harm lung health. These factors put smokers, and in all likelihood vapers as well, at greater risk when confronted with the coronavirus.

Long before this novel coronavirus arrived, California youth were being sentenced to a lifetime of addiction as the skyrocketing youth use of e-cigarettes swept the nation. In November 2018, the U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention (CDC) reported a dramatic increase in youth nicotine use, leading the Surgeon General and the FDA to declare youth e-cigarette use an epidemic in the United States. The disturbing rates of teen e-cigarette use continued to rise in 2019, with more than 1 in 4 high school students and more than 1 in 10 middle school students using e-cigarettes. Altogether, more than 5.3 million youth were current e-cigarette users in 2019, with the overwhelming majority of youth citing use of popular fruit and menthol or mint flavors.

81 percent of young people who have ever used tobacco started with a flavored product. These products often mimic popular candies, drinks, or snacks in both packaging and flavor, making them particularly appealing to youth. A variety of flavored tobacco products like cotton candy, bubble gum, and mango are widely available on retail shelves. 72 percent of youth tobacco users have used a flavored tobacco product in the past month and at least two-thirds of youth tobacco users report using tobacco products “because they come in flavors I like.”

With the surges in youth nicotine usage and associated public health risks, California needs to take swift action. While the FDA recently announced a partial ban on certain flavored electronic cigarette products, the policy does not go far enough to protect the health and safety of California children by making dangerous exemptions. It is time for California to lead the nation by passing SB 793 to end the sale of all flavored tobacco products.

For these reasons, we are proud to support SB 793.

Sincerely,

African American Tobacco Control
Leadership Council

African Communities Public Health Coalition

Alameda County Tobacco Education
Coalition

American Academy of Pediatrics, California
Chapter

American Cancer Society Cancer Action
Network

American Heart Association

American Lung Association	California Society of Addictive Medicine
Americans for Nonsmokers' Rights	California State Parent Teacher Association
Anti-Vaping Alliance	CALPIRG
Association of California Healthcare Districts	Campaign for Tobacco Free Kids
Association of California School Administrators	Change for Justice
Association of Northern California Oncologists	City of Berkeley
Bay Area Community Resources	City of Oakland
Black Arts Los Angeles, Inc	City of Palo Alto
Black Caucus of Health Workers	City of San Jose
Breast Cancer Prevention Partners	City of San Leandro
BREATHE California of the Bay Area, Golden Gate, and Central Coast	City of San Pablo
BREATHE California of Los Angeles County	Coalition for a Tobacco-Free Imperial County
BREATHE California, Sacramento Region	Coalition of Lavender-Americans on Smoking and Health
Cal Poly Center for Health Research	Coastal Communities Drug Free Coalition
California Academy of Family Physicians	Common Sense Kids Action
California Alliance of Boys and Girls Clubs	Community Action Service Advocacy
California Black Health Network	Community Alliance for Fontana Students
California Chapter American College Of Cardiology	Community Coalition
California Children's Hospital Association	Community Health for Asian Americans
California Dental Association	County Health Executives Association of California
California Optometric Association	County of Contra Costa
California Pan-Ethnic Health Network	County of Santa Clara
California School Nurses Organization	CVS Health
California School-Based Health Alliance	Cynthia Perry Ray Foundation

Emergency Nurses Association, California
State Council

Emphysema Foundation of America

Equality California

First 5 Association of California

Flavors Addict Kids – Livermore

G.R.E.E.N. Foundation

Greentech Education and Employment

Health Access

Health Officers Association of California

Indio WIN Center

International Youth Tobacco Control

Kaiser Permanente

L.A. Families Fighting Flavored Tobacco

Latino Coalition for a Healthy California

Lifelong Medical Tobacco Treatment
Training Program

Los Angeles Unified School District

Lucile Packard Children's Hospital Stanford

Mental Health Systems

OUT Against Big Tobacco

Parents Against Vaping E-Cigarettes

Parents Opposing Addictive Drug
Advertising

Providence St. Joseph Health

Public Health Advocates

Public Health Institute

Riverside County Black Chamber of
Commerce

San Bernardino County District Advocates
for Better Schools

San Bernardino County Superintendent of
Schools

San Diego Unified School District

San Francisco Bay Area Pediatric Nurse
Practitioner Association

San Francisco Tobacco Free Coalition

San Luis Obispo County Tobacco Control
Coalition

San Marcos Prevention Coalition

San Mateo County Tobacco Education
Coalition

Santa Clara County Office of Education

Santa Cruz County Tobacco Education
Coalition

Save a Girl, Save a World

Sierra Club California

State Superintendent of Public Instruction,
Tony Thurmond

The Aegle Project

Thirdhand Smoke Resource Center

Tobacco and Vape Free OC Coalition

Tobacco-Free Coalition of Santa Clara
County

United Food and Commercial Workers
Western States Council

Vista Community Clinic

Wellness & Prevention Center

Youth Leadership Institute