Resolution supporting California State Senate Bill No. 793, authored by Senator Jerry
Hill and co-authored by Senators Steve Glazer, Mike McGuire, Richard Pan, Nancy
Skinner, and Scott Wiener, to restrict sales of flavored e-cigarettes and all other
flavored tobacco products to combat use by youths.

WHEREAS, Existing law, the Stop Tobacco Access to Kids Enforcement Act, prohibits
a person from selling or otherwise furnishing tobacco products, as defined, to a person under
21 years of age; and

WHEREAS, Despite the progress reducing smoking, tobacco use remains the leading
cause of preventable death in the United States, killing more than 480,000 people each year
in many forms of cancer, heart disease and respiratory diseases, among other health
disorders which are more than AIDS, alcohol, car accidents, illegal drugs, murders and
suicides combined; and

WHEREAS, Studies have shown that nicotine exposure during adolescence can harm
the developing brain impacting learning, memory, attention and increasing the addition to
other drugs; and

WHEREAS, In addition to nicotine, the aerosol that users inhale and exhale from e-
cigarettes can potentially expose both themselves and bystanders to other harmful
substances, including heavy metals, volatile organic compounds, and ultrafine particles that
can be inhaled deeply into the lungs; and

WHEREAS, Electronic cigarettes (or “e-cigarettes”) entered the marketplace around
2007, and since 2014, they have been the most commonly used tobacco product among
youth in the United States; and
WHEREAS, E-cigarettes are frequently marketed in a variety of flavors with obvious appeal to youth, such as fruit, gummy bear, cotton candy, chocolate, vanilla, honey, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice; and

WHEREAS, Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products; and

WHEREAS, As tobacco companies well know, menthol, in particular, cools and numbs the throat to reduce throat irritation and make the smoke feel smoother, making menthol cigarettes an appealing option for youth who are initiating tobacco use; and

WHEREAS, It is therefore unsurprising that young people are much more likely to use menthol-, candy- and fruit-flavored tobacco products, including not just cigarettes but also e-cigarettes, cigars, cigarillos, and hookah tobacco, than adults; and

WHEREAS, According to the Centers for Disease Control and Prevention, the number of middle and high school students who reported being current users of tobacco products increased 36% - from 3.6 million to 4.9 million students - between 2017 and 2018; and

WHEREAS, The tobacco industry has a well-documented history of developing and marketing flavored tobacco brands to racial and ethnic minorities and youth; and

WHEREAS, A high percentage of children aged 12-17 years, including Asian American, Latino/Hispanic, African American, and white high school-aged teens who smoke use menthol cigarettes; and

WHEREAS, A high percentage of Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) smokers, particularly youth, smoke menthol cigarettes; and

WHEREAS, Each day, about 2,500 children in the United States try their first cigarette; and another 400 children under 18 years of age become new regular, daily smokers; 81% of
youth who have ever used a tobacco product report that the first tobacco product they used
was flavored; and

WHEREAS, A 2016 study found that 78.2% of middle and high school students - 20.5
million youth - had been exposed to e-cigarette advertisements from at least one source, an
increase from 68.9% only two years before, in 2014; and

WHEREAS, Flavored tobacco products are commonly sold by California tobacco
retailers; for example: 97.4% of stores that sell cigarettes sell menthol cigarettes; 94.5% of
stores that sell little cigars sell them in flavored varieties; 84.2% of stores that sell electronic
smoking devices sell flavored varieties; and 83.8% of stores that sell chew or snus sell
flavored varieties; and

WHEREAS, In 2017, to address the appeal of flavored tobacco products to youth, the
City enacted Ordinance No. 140-17, prohibiting tobacco retail establishments from selling
flavored tobacco products and as a result of the referendum process, the ordinance was
placed before the voters, who approved the ordinance in June 2018 (Proposition E) by a
majority of 68.39%; and

WHEREAS, In 2019, the City enacted Ordinance No. 122-19 amending the Health
Code to prohibit the sale by tobacco retail establishments of electronic cigarettes that do not
have approval from the Food and Drug Administration (FDA) and as a result of the
referendum process, the tobacco industry tried to overturn the ordinance through the
November 2019 election (Proposition C) where voters overwhelmingly voted against the
tobacco industry's agenda by a majority of 81.81%, upholding the ordinance; and

WHEREAS, Senate Bill No. 793 will expand these efforts to prohibit the sale of flavored
tobacco products statewide; now, therefore, be it

RESOLVED, That the City and County of San Francisco Board of Supervisors urges

the California Assembly Health Committee to pass this Resolution; and, be it
RESOLVED, That the City and County of San Francisco Board of Supervisors urges the California Legislature and Governor Gavin Newsom to support and pass California State Senate Bill No. 793; and, be it

FURTHER RESOLVED, That the City and County of San Francisco Board of Supervisors hereby directs the Clerk of the Board to send a copy of this Resolution to the Governor of the State of California, California State Assembly, California State Senate, California State Assembly Health Committee Chair Assembly Member Jim Wood and California Senator Jerry Hill.
Resolution supporting California State Senate Bill No. 793, authored by Senator Jerry Hill and co-authored by Senators Steve Glazer, Mike McGuire, Richard Pan, Nancy Skinner, and Scott Wiener, to restrict sales of flavored e-cigarettes and all other flavored tobacco products to combat use by youths.

July 07, 2020 Board of Supervisors - ADOPTED
Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 7/7/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

07/17/2020

London N. Breed
Mayor

Date Approved

07/17/2020

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board

07/17/2020

Date