



1400 EYE STREET, N.W. • SUITE 1200 • WASHINGTON, DC 20005
PHONE (202) 296-5469 • FAX (202) 296-5427

October 15, 2018

Mayor David Terrazas and Santa Cruz City Council
City Hall
809 Center Street, Room 10
Santa Cruz, CA 95060

Dear Mayor Terrazas and Santa Cruz City Council:

The Campaign for Tobacco-Free Kids Action Fund supports the proposed ordinance to end the sale of all flavored tobacco products, including menthol cigarettes, in the City of Santa Cruz.

Prohibiting the sale of flavored tobacco, including menthol cigarettes, is an important step in protecting Santa Cruz children from the unrelenting efforts of the tobacco industry to hook them to a deadly addiction. For decades, tobacco companies have used flavorings to improve the taste and reduce the harshness of their products to make them more appealing to new users, almost all of whom are under age 18. The evidence is clear that menthol cigarettes and flavored tobacco products have a direct appeal to youth and make it easier for them to start smoking. Prohibiting the sale of menthol cigarettes and other flavored tobacco products will help reduce tobacco use and its devastating toll.

In recent years, there has been an explosion of sweet-flavored tobacco products, especially e-cigarettes and cigars. These products are available in a wide assortment of flavors that seem like they belong in a candy store or ice cream parlor – like gummy bear, cotton candy, wild berry and lemonade. As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.¹ News stories, school administrators, and government officials have documented the growing popularity of the JUUL e-cigarette among youth, attributing its appeal to its sleek design, high nicotine content and availability of flavors. Sales of flavored cigars, meanwhile, have increased by nearly 50 percent since 2008, and flavored cigars made up more than half (52.1 percent) of the U.S. cigar market in 2015, according to Nielsen convenience store market scanner data.²

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. Nationally, cigar use is as popular as cigarette use among high school students, and e-cigarettes are the most commonly used tobacco product among youth in the US and in California.³ The FDA Commissioner recently stated that “E-cigarettes have become an almost ubiquitous – and dangerous – trend among youth that we believe has reached epidemic proportions.”⁴ Research shows that flavors play a key role in these trends. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product. Youth also cite flavors as a major reason for their current use of non-cigarette tobacco products, with 81.5 percent of youth e-cigarette users and 73.8 percent of youth cigar users saying they used the product “because they come in flavors I like.”⁵ Menthol cigarettes are also more popular among younger populations: over half of youth smokers ages 12-17 use menthol cigarettes, compared to less than one-third of smokers ages 35 and older.⁶ Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Tobacco companies have a long history of targeting and marketing flavored tobacco products to specific populations and subgroups. Tobacco industry marketing, often targeted at minority communities, has been instrumental in increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and

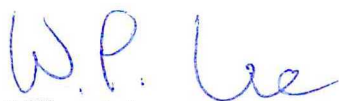
youth. As a result, 85 percent of African-American smokers smoke menthol cigarettes, compared to 29 percent of white smokers. Menthol cigarettes are particularly popular among youth: more than half of youth smokers use menthol cigarettes, including seven out of ten African-American youth smokers.⁷ The FDA's Tobacco Products Scientific Advisory Committee (TPSAC) estimated that by 2020, 4,700 excess deaths in the African-American community will be attributable to menthol in cigarettes, and over 460,000 African Americans will have started smoking because of menthol in cigarettes. TPSAC further concluded that "removal of menthol cigarettes from the marketplace would benefit public health in the United States."⁸

There is also a long history of the tobacco industry targeting the LGBTQ population. For more than 20 years, the tobacco industry has targeted the LGBTQ market through direct advertisements, sponsorships and promotional events.⁹ The most infamous example of this targeted marketing of the LGBTQ community is "Project SCUM" (subculture urban marketing), a 1995 marketing plan developed by R.J. Reynolds to target the gay community in the Castro District of San Francisco.¹⁰

The scientific evidence leaves no doubt that flavored tobacco products – including menthol – have a profound adverse impact on public health in the United States, resulting in more tobacco use and subsequently more death and disease. The research also demonstrates that the tobacco industry is responsible for the health disparities caused by menthol cigarettes because of its targeted marketing to children and African-American communities. Prohibiting the sale of flavored tobacco products, including menthol cigarettes, will help counter these industry tactics.

By ending the sale of flavored tobacco products and ensuring that all tobacco retailers are licensed, you will place the health of Santa Cruz's children before tobacco industry profits. Thank you for your leadership protecting Santa Cruz youth from the harmful effects of tobacco use.

Sincerely,



William P. Lee

Executive Vice President, US Programs

¹ Zhu, S-H, et al., "Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites," *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.

² Delnevo, CD, et al., "Changes in the mass-merchandise cigar market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1): S8-S16, 2017.

³ CDC, "Youth Risk Behavior Surveillance—United States, 2017," *MMWR*, 67(8), June 15, 2018. CDC, "Tobacco Use Among Middle and High School Students—United States, 2011-2017," *MMWR*, 67(22): 629-633, June 7, 2018.

⁴ FDA News Release, "FDA launches new, comprehensive campaign to warn kids about the dangers of e-cigarette use as part of the agency's Youth Tobacco Prevention Plan, amid evidence of sharply rising use among kids," September 18, 2018, <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm620788.htm>.

⁵ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.

⁶ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016

⁷ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.

⁸ FDA Tobacco Products Scientific Advisory Committee (TPSAC), Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations, July 21, 2011 <https://wayback.archive-it.org/7993/20170405201731/https://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>

⁹ Goebel, K, et al., "Lesbians and gays face tobacco targeting," *Tobacco Control*, 3: 65-67, 1994.

¹⁰ RJ Reynolds. Project SCUM. Legacy Tobacco Documents Library. December 12, 1995. Access Date: October 19, 2002. Bates No. : 518021121/1129. <http://legacy.library.ucsf.edu/tid/mum76d00>.

Rosemary Balsley

From: Casey KirkHart <ckirkhart@shealthcenters.org>
Sent: Wednesday, October 17, 2018 3:39 PM
To: City Council
Cc: Tara.Leonard@santacruzcounty.us
Subject: Santa Cruz Community Health Centers supports restricting flavored tobacco
Attachments: SCCHC supports restricting flavored tobacco.pdf

Dear Santa Cruz City Council Members,

I am writing to express support for restrictions on the sale of flavored tobacco products, including electronic cigarettes.

As a doctor and Medical Director of the Santa Cruz Community Health Centers, I have seen first-hand the devastating effects of tobacco use and nicotine addiction on children, adults, and families. Exposure to any tobacco product, including flavored products, can lead to long-term nicotine addiction, increasing the risk of lung disease, cancer, and heart disease, the leading cause of death in the United States. My patients struggle to quit. Even they know that the best way to quit smoking is to never start.

During this process, you will likely hear from people who have used flavored e-cigarettes as a quit device. I have spent countless hours counseling patients to quit; we all know how difficult it is to break the cycle of nicotine addiction. While personal stories are compelling, public health decisions need to be based on evidence, not anecdote. E-cigarettes have not been endorsed by the FDA as a quit device; other effective options are available at any medical facility or health center. Currently the research is mixed on whether e-cigarettes help people stop using traditional cigarettes. We have seen, though, a disturbing trend in enticing a new generation to start smoking. In fact, the growing popularity of flavored tobacco products threatens to undo decades of work in lowering tobacco use rates locally and throughout California. This is a public health cost we cannot afford to pay.

As you may know, the Santa Cruz Community Health Centers is a nonprofit provider of high-quality, comprehensive health services to all, regardless of their ability to pay. We operate two clinics, the Santa Cruz Women's Health Center and the East Cliff Family Health Center. Our mission is to improve the health of our patients and the community and advocate the feminist goals of social, political, and economic equality.

With this mission in mind, I strongly urge the City of Santa Cruz to restrict the sale of flavored tobacco products.

Sincerely,

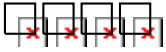


Casey KirkHart, DO

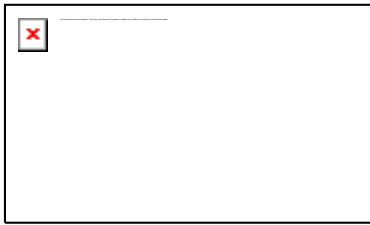
Medical Director

Santa Cruz Community Health Centers

125 Water Street
Santa Cruz, CA 95060
831-427-3500, office
ckirkhart@schealthcenters.org
www.SHealthcenters.org



*Our mission is to improve the health of our patients and the community,
and advocate the feminist goals of social, political, and economic equality.*



Our Mission - To improve the health of our patients and the community and advocate the feminist goals of social, political, and economic equality.

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October 17, 2018

Dear Santa Cruz City Council Members,

I am writing to express support for restrictions on the sale of flavored tobacco products, including electronic cigarettes.

As a doctor and Medical Director of the Santa Cruz Community Health Centers, I have seen first-hand the devastating effects of tobacco use and nicotine addiction on children, adults, and families. Exposure to any tobacco product, including flavored products, can lead to long-term nicotine addiction, increasing the risk of lung disease, cancer, and heart disease, the leading cause of death in the United States. My patients struggle to quit. Even they know that the best way to quit smoking is to never start.

During this process, you will likely hear from people who have used flavored e-cigarettes as a quit device. I have spent countless hours counseling patients to quit; we all know how difficult it is to break the cycle of nicotine addiction. While personal stories are compelling, public health decisions need to be based on evidence, not anecdote. E-cigarettes have not been endorsed by the FDA as a quit device; other effective options are available at any medical facility or health center. Currently the research is mixed on whether e-cigarettes help people stop using traditional cigarettes. We have seen, though, a disturbing trend in enticing a new generation to start smoking. In fact, the growing popularity of flavored tobacco products threatens to undo decades of work in lowering tobacco use rates locally and throughout California. This is a public health cost we cannot afford to pay.

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With this mission in mind, I strongly urge the City of Santa Cruz to restrict the sale of flavored tobacco products.

Sincerely,

A handwritten signature in black ink that reads "Casey KirkHart".

Dr. Casey KirkHart
Medical Director
Santa Cruz Community Health Centers

Rosemary Balsley

From: Amanda Gutzwiller <Amanda.Gutzwiller@lung.org>
Sent: Wednesday, October 24, 2018 9:11 AM
To: City Council
Cc: andrea.solano@santacruzcounty.us
Subject: Support For Ordinance Restricting Flavored Tobacco Products
Attachments: Santa Cruz Flavor Ban Support.pdf

Dear Santa Cruz City Council,

On behalf of the American Lung Association, I am writing to express our support for strong policies that provide consistent protections for youth in banning flavored tobacco.

Please see our attached letter of support. We encourage Santa Cruz to move forward and follow what other communities, like San Francisco and San Mateo County, have done and adopt a citywide ban of flavored tobacco products.

Let me know if you have questions. Thank you!

Best,
Amanda

Amanda Gutzwiller
Advocacy Manager | Greater Bay Area
American Lung Association in California
333 Hegenberger Rd, Suite 450 | Oakland, CA 94621
O: 510-982-3053
Lung HelpLine: 1-800-LUNGUSA
Lung.org | Amanda.Gutzwiller@Lung.org

November 13, 2018

Santa Cruz City Council
809 Center St
Santa Cruz, CA 95060

Dear Santa Cruz City Council Members:

On behalf of the American Lung Association in California, the leading public health organization fighting to reduce and prevent the harmful effects of tobacco use, I am writing to express our support for strong policies that provide consistent protections for youth in banning flavored tobacco city wide, including menthol.

Each year in California, nearly 40,000 adults die from smoking-related causes and 10,900 kids become new daily smokers. According to a 2012 Report of the U.S. Surgeon General, tobacco companies have a long history of using flavored products to entice new, younger customers. Eight out of ten youth smokers report that they initiated tobacco use with a flavored tobacco product, and the younger a person is the more likely they will be to use a flavored tobacco product. Despite the FDA's 2009 ban on the sale of flavored cigarettes, the market for other types of flavored tobacco products such as cigars and e-cigarettes is growing rapidly. Additionally, menthol flavors were excluded from the FDA ban despite the evidence that menthol is also driving factor in tobacco initiation.

Very little is known about the health effects of electronic cigarettes and of the aerosol that they release, or what the health consequences of them might be. There is no evidence that shows the aerosol emitted by e-cigarettes is safe for non-users to inhale. What we do know is that these products are especially enticing to youth, who have begun using them at alarming rates. E-cigarette use among middle and high school students is higher than that of traditional tobacco products. But effective policies to include electronic cigarettes in our tobacco control laws can curb that trend.

We appreciate the effort your community of Santa Cruz has taken to protect youth and urge you to move forward and follow what other communities around you have done and adopt a citywide ban of flavored tobacco products.

Sincerely,



Amanda Gutzwiller
Advocacy Manager, Greater Bay Area

Rosemary Balsley

From: Gina Cole <gina.cole@pvpsa.org>
Sent: Monday, October 29, 2018 9:17 AM
To: City Council
Cc: Rachel Kippen; Tara Leonard
Subject: Santa Cruz County Tobacco Education Coalition Supports Restrictions on Flavored Tobacco Products
Attachments: TEC co-chairs support letter flavors final.pdf

Dear Mayor Terrazas, Vice Mayor Watkins, Councilmembers Brown, Chase, Krohn, Mathews, and Noroyan:

On behalf of the Santa Cruz County Tobacco Education Coalition, please find attached our letter in support of restrictions on the sales of flavored tobacco products in the City of Santa Cruz.

With kind regard,

Gina G. Cole

Gina Gallino Cole

Coalition Co-Chair

Rachael Kippen

Coalition Co-Chair



October 26, 2018

Santa Cruz City Council
809 Center Street, Room 10
Santa Cruz, CA 95060

◆
Chairpersons

Gina Cole

Rachel Kippen



American Cancer Society

American Heart Association

American Lung Association

Cabrillo College

City of Santa Cruz Parks
and Recreation

Dominican Hospital

Live Oak School District

Pajaro Valley Prevention
& Student Assistance, Inc.

Planned Parenthood

Salud Para La Gente

Santa Cruz City
School District

Santa Cruz County
Health Services Agency

Santa Cruz County
Juvenile Justice Delinquency
Prevention Commission

Santa Cruz County
Office of Education

Santa Cruz County
Sheriff's Department

Alcohol & Drug Advisory Committee

Santa Cruz County
Friday Night Live

Santa Cruz County Head Start

UCSC Student Health
(SHOP)

The Diabetes Health Center



Community Members

at Large



Honorable Santa Cruz City Mayor and City Council Members,

Gummy Bear, Sour Patch, Cotton Candy, Caramel... The list of candy-flavored tobacco products goes on and on! Why does a deadly, addictive product that is supposed to be for adults, look and smell like a child's treat? Because Big Tobacco is out to hook our kids! Please tell them our children's health is not for sale by restricting the sale of flavored tobacco products.

The availability and use of flavored tobacco and nicotine products has skyrocketed in recent years, including little cigars, cigarillos, smokeless tobacco, and the latest public health threat, electronic cigarettes or vapes. As co-chairs of the Tobacco Education Coalition, we hear from teachers and administrators looking for anti-flavored tobacco resources for students as young as fourth grade. Recently, a 12-year-old girl told us that she "vapes her dessert" to lose weight! Surprised? Just look up the hashtag #DI4J and see for yourself.

Studies show that eighty percent (80%) of current teen smokers started with a flavored tobacco product. The research and evidence are clear: flavored tobacco products have a profound adverse impact on public health, resulting in more smoking and subsequently more death and disease from tobacco use. We need to act now to prevent the onset of serious chronic illnesses like heart disease, cancer, stroke, and asthma. The cost, in health care dollars and in lives lost, is too high.

Despite the research finding, tobacco retailers argue that the solution to youth tobacco use is to focus on education. Believe me, we do. However, multiple studies have shown that youth exposed to a constant barrage of tobacco products and advertising in every gas station and convenience store report a lower sense of the harm of tobacco and an increased likelihood to experiment with a tobacco product. Communities need more solutions to protect youth from the predatory marketing and enticing flavors used by the tobacco industry.

Children like candy. Big Tobacco likes profits. Please protect our youth by restricting the sale of flavored tobacco products in the City of Santa Cruz.

Sincerely,

Gina Cole
Coalition Co-Chair

Rachel Kippen
Coalition Co-Chair

Rosemary Balsley

From: James Dyer <jamesdyer@aol.com>
Sent: Wednesday, October 31, 2018 4:06 PM
To: City Council
Cc: tara.leonard@santacruzcounty.us
Subject: Please Consider - Tobacco Retail Restrictions

October 31, 2018

Dear Santa Cruz City Council Members,

I am writing to you as a concerned parent in support of the tobacco retail restrictions you are considering at your November 14, 2018 meeting.

As the parent of both 6th and 8th graders at Mission Hill Middle School I am hearing from them that kids are beginning to use vaporizers on campus during school hours in restrooms and, in some cases, even while in the classroom during instruction. This is a real concern to me as sweet-flavored tobacco products are being marketed and advertised to this age group. Electronic cigarette companies such as Juul have even designed products to hide the use of these delivery-devices by making them look like other products such as data flash-drives to trick the unaware. Tobacco companies simply aim to generate new revenue while assuring a future market of addicted young people and as aging adults. It's deceptive, wrong, hazardous to one's health, and highly addictive.

Please consider a city-wide ban on e-cig products (juices/liquids and delivery devices) at retailers other than tobacco-only stores. While a 1000-foot sales buffer from K-12 schools seems like a reasonable distance, it's really the same distance from the City Hall curb on Center St. to the Boys & Girls Club just two-blocks away, it's not far enough. It's also not far enough to only have a ban within the City of Santa Cruz, it should be county-wide. While the unincorporated areas are not your jurisdiction, the city is a starting point that may influence the county board of supervisors to consider the same.

Best regards,

James Dyer
West side resident

Rosemary Balsley

From: Naomi Epps <naomiepps@berkeley.edu>
Sent: Monday, November 05, 2018 12:42 PM
To: City Council
Cc: tara.leonard@santacruzcounty.us
Subject: Re: Letter RE: Nov 13th Tobacco Policy
Attachments: CityCouncilLetter11.5.18.pdf

Hello again,

It was pointed out that a sentence was cut off in my previous letter. I'd like to submit this edited version.

Thank you!

Naomi

On Mon, Nov 5, 2018 at 11:30 AM Naomi Epps <naomiepps@berkeley.edu> wrote:

Dear City Council Members,

I'd like to submit this letter regarding the restriction of flavored tobacco products in Santa Cruz.

Sincerely,

Naomi Archer Epps

Dear City Council Members,

I was born and raised in Santa Cruz and I attended Santa Cruz High. I am now a third year at UC Berkeley, majoring in Statistics and Public Health. I'd like to explain the impact that flavored tobacco products had on my and my peers' development here in Santa Cruz.

During high school, use of flavored tobacco products in the form of e-cigarettes was widespread and encouraged. Our parents and teachers had convinced us of the dangers of cigarettes, but we were not warned about "vaping," because it emerged rapidly. Tobacco sellers controlled the narrative on e-cigs and took advantage of us while we were navigating new social pressures. My peers told me things like "It's not toxic like cigarettes," "It's not addictive because it has less nicotine," "It's not bad for your lungs because it's just vapor," and "It feels good and it's fun to try new flavors." Peer pressure to use e-cigs far exceeds that of drinking or using drugs. Pressure to vape occurs all week, anytime of day, and in most casual social situations.

By sophomore year, a majority of my friends were regularly vaping. Because e-cigs are so discrete, some students even vaped in Santa Cruz High classrooms without the teachers' knowledge. The amount of nicotine in my friends' e-cig solution insidiously increased, as well. The low nicotine content was initially a selling point, but soon, they were all buying the 5% nicotine pods from the Swift Street 7/11. One of these pods would last them several days, and are equivalent to one whole pack of cigarettes.

What I witnessed at Santa Cruz High was consistent with research that shows kids who use flavored tobacco products are four times more likely to smoke cigarettes. Before we entered high school, we would never consider trying cigarettes, but by the time we were graduating, a majority of my close peers smoked regularly. Since then, I've watched some of them struggle to quit, and blame themselves if they give in to their addiction. I don't judge my friends for smoking; I don't judge them for not being able to stop. I blame the tobacco industry for targeting us at our most vulnerable time in development, promoting mistruths, sucking us in with candy-like flavors, and misleading us to believe we were inhaling vapor, when in fact, we were inhaling aerosol, which contained chemicals that are known to be toxic.

It's too late for my friends and graduating class, but please protect incoming Santa Cruz High students and other youth in the community by restricting the sale of these predatory products as much as possible. It has taken decades of health advocacy and policy reform to reduce tobacco use in youth. I fear that if flavored tobacco products are not restricted immediately, tobacco use will skyrocket again, and my generation will suffer the consequences.

Sincerely,

Naomi Archer Epps

Rosemary Balsley

From: Francisco Estrada <festrada@pvhealthtrust.org>
Sent: Monday, November 05, 2018 2:58 PM
To: City Council
Cc: Andrea Solano (Andrea.Solano@santacruzcounty.us)
Subject: Letter of Support - Pajaro Valley Community Health Trust
Attachments: letterofsupportPVCHT.pdf

Dear Santa Cruz City Council:

On behalf of Caitlin Brune, CEO of the Pajaro Valley Community Health Trust, we would like to submit a letter of support for the restriction of the sale of flavored tobacco products in the city of Santa Cruz, to be included in the next city council agenda.

Please do not hesitate to contact me if you have any questions or concerns.

Warm regards,

Francisco Estrada

Program Officer
Pajaro Valley Community Health Trust
85 Nielson St. Watsonville, CA 95076
Phone: 831.761.5695
Fax: 831.763.6084
Web: www.pvhealthtrust.org





P A J A R O V A L L E Y
COMMUNITY HEALTH TRUST

Monday, November 5, 2018

Dear Santa Cruz City Council Members,

On behalf of the Pajaro Valley Community Health Trust, I am writing in support of a flavored tobacco restriction in the City of Santa Cruz.

Our program has a long history of working with the community to support programs, activities, and policies that promote health, wellness and disease prevention. We see first-hand how smoking can impact health outcomes. Smoking is proven to be an independent risk factor for diabetes and among those living with diabetes, it increases the risk of complications. These include heart disease, stroke and circulation problems.

We are concerned that flavored tobacco products such as e-cigarettes can increase nicotine addiction among young people and may lead them to try other tobacco products, including conventional cigarettes. That's why it's so important to pass legislation like the proposals before you, that work "upstream" to prevent health problems before they occur or worsen.

The tobacco industry has a long history of deceiving the public and targeting kids, with devastating consequences for the nation's health. Effective regulation is essential to ensure that history does not repeat itself with a new generation of tobacco products.

I strongly urge the City of Santa Cruz to join the growing list of communities across the state in restricting the sale of flavored tobacco products.

Sincerely,

Caitlin Brune, MPH
Chief Executive Officer
Pajaro Valley Community Health Trust

Rosemary Balsley

From: theresa@saludycarino.org
Sent: Monday, November 05, 2018 9:22 PM
To: City Council
Cc: Tara Leonard
Subject: Re: Flavored Tobacco Bans
Attachments: CityCouncil Letter_SyC.pdf

Please find my letter of support for the flavored tobacco bans attached.

Thank you,
Theresa

Theresa M. Cariño, M.Ed.
Co-founder/Volunteer Executive Director
[Salud y Cariño](#), Inc. 501c3

Commissioner District 1
Co-Chair, Santa Cruz Women's Commission

Our Vision:
Each female, no matter her age, race or background living her best life now: healthy, happy and whole.





November 2, 2018

Re: Flavored Tobacco Restriction in the City of Santa Cruz

Dear Santa Cruz City Council Members,

I am writing to you as a concerned parent, director of a local non-profit that serves young girls, and as a former smoker. I have been tobacco free now for 15 years and quitting tobacco use was one of the most difficult things I have ever done. That is why I am so passionate about keeping our youth tobacco free!

I am writing in support of the flavored tobacco retail restrictions before you. I can tell you firsthand that flavored tobacco products such as e-cigarettes, vape pens and new electronic products such as Juul devices, have proven especially popular with teens due to their small size and sleek techy appearance. Kids are able to easily hide these devices in their pockets and backpacks without their parents or teachers ever suspecting.

I know of incidences in our local elementary and middle schools where students are vaping on campus (in bathrooms) or after school at local parks. One student shared with us that her friend brought a flavored vape pen to school and said she wanted to see if it really tasted like cotton candy. She was embarrassed as she shared the story but I assured her that the tobacco companies spend lots of money to make their products seem enticing and enjoyable. It is no wonder our youth are experimenting with flavored nicotine products at an alarming rate.

According to youth I've spoken to in the last week:

- Kids at Harbor and Soquel HS are vaping in the classroom when teachers aren't looking! They inhale and either hold it in until it dissipates (reabsorbs?) or they blow the vape down their shirt or in their sleeve.
- Kids sell flavored vape pens/juice on social media. They show video in their snap chat or Instagram stories advertising them. Vape pens can go for \$35 or more.
- Middle and high school kids are addicted to nicotine -- the girls wonder what will happen (as far as withdrawals) when/if the access to them decreases.

On a personal note, my son is 19 years old and much to my dismay has been vaping on and off since he was 17 years old. According to him, there are numerous smoke shops throughout Santa Cruz County that sell to underage kids. He has tried to quit and has been successful for weeks or months at a time but has yet to kick the habit completely.

Please, I urge you and the City of Santa Cruz to support the restriction of flavored tobacco products.

Respectfully,

Theresa Cariño

Theresa M. Cariño, M.Ed.

Co-founder/Director

Salud y Cariño

Co-Chair, Santa Cruz Women's Commission (District 1)

www.saludycarino.org

Rosemary Balsley

From: Gina Cole <gina.cole@pvpsa.org>
Sent: Tuesday, November 06, 2018 12:54 PM
To: City Council
Cc: Erica Padilla-Chavez; Andrea Solano
Subject: PVPSA Supports Restricting Sales of Flavored Tobacco Products
Attachments: Flavors Restriction Support 11-5-2018.pdf

Dear Mayor Terrazas, Vice Mayor Watkins, and Council Members Brown, Chase, Krohn, Noroyan, and Mathews,

Pajaro Valley Prevention and Student Assistance, Inc., is proud to stand with the Santa Cruz County Tobacco Education Coalition in urging you to adopt restrictions on the sales of flavored tobacco products. Please find attached our letter supporting protections for the youth of Santa Cruz.

Gina Gallino Cole

Senior Policy Analyst

Pajaro Valley Prevention & Student Assistance, Inc.

335 E. Lake Avenue

Watsonville, CA 95076

(831) 728-6445 Office

(831) 761-6011 Fax

(831) 840-1884 Mobile

www.pvpsa.org



Together, We Change Lives

November 5, 2018

Dear Mayor Terrazas, Vice Mayor Watkins, and Council Members Brown, Chase, Krohn, Noroyan, and Mathews,

Pajaro Valley Prevention and Student Assistance, Inc., (PVPSA) has a long history of youth tobacco use prevention work. PVPSA has been an active member of the Santa Cruz County Tobacco Education Coalition since its inception and has continued to support the County of Santa Cruz Tobacco Education and Prevention Program in their efforts in promoting and advocating a tobacco-free lifestyle and tobacco-free environment in our County, especially when youth are concerned.

Pajaro Valley Prevention and Student Assistance is proud to stand with the Tobacco Education Coalition in urging you to adopt restrictions on the sale of flavored tobacco products such as electronic cigarettes (vapes, Juul), cigarillos, and chewing tobacco. As you may already know, these products are increasingly popular among youth. Thousands of kid-friendly flavors, including chocolate and gummy bear, mask the harsh taste of tobacco, making it easier for youth to initiate tobacco use and stay with it until they're hooked. In fact, studies have shown that 80% of young people who have ever used tobacco, started with a flavored product.

We know that there are many layers of prevention measures already in place, for example, California's Tobacco 21 Law and Proposition 56, which increased the tax on a pack of cigarettes as a deterrent. Sadly, flavored tobacco products, such as cigarillos, were not subject to increased taxes. Many of these products are sold individually or in packets of 2 or 3. They often cost less than a candy bar. To counter this, several of our California Cities and Counties have enacted local ordinances which restrict the sales of flavored tobacco products in their jurisdictions. San Francisco, Berkeley, Richmond, Hayward, El Cerrito, Santa Clara, Oakland, Manhattan Beach, San Leandro and Sonoma and Contra Costa and Yolo Counties have taken the threat of flavored tobacco products seriously. We encourage the City of Santa Cruz to offer the same protections for Santa Cruz youth.

Respectfully,

Erica Padilla-Chavez, MPA
CEO, PVPSA

Pajaro Valley Prevention & Student Assistance
335 East Lake Avenue, Watsonville, CA 95076
831.728.6445 • www.pvpsa.org

November 5th, 2018

Dear Mayor Terrazas and Santa Cruz City Council Members,

I am writing to you today as a 28-year resident of the city of Santa Cruz, as a parent who has raised two children here, and as a public health professional of 28 years in this county. I am asking you to please pass a complete ban on all flavored tobacco products including menthol. In 1994, I worked with the County of Santa Cruz Health Services Agency as a Health Educator. During that time, I helped pass the first indoor smoking ordinance in the City of Santa Cruz. It disheartens me that here we are 24 years later, battling the tobacco industry again in order to protect the health of our youth.

The use of flavored tobacco products and vaping devices among young people is a public health crisis. Back in September, Commissioner Scott Gottlieb, the head of the Federal Drug Administration (FDA), declared youth vaping an “epidemic.” The FDA partners with the Centers for Disease Control and Prevention to conduct the National Youth Tobacco Survey; the new data show that from 2017-2018, e-cigarette use increased by 75% among high school students, and by 50% among middle school students. On November 2nd, when announcing the study, Gottlieb stated that “Now we have the hard data to support that public health tragedy that is now underway.” He fears that those numbers may even be *too low*, because they might not adequately account for the exceedingly high usage of JUUL devices, the most popular vaping device among youth.^{1 2 3 4}

For those of us who are parents, this is frightening. For those of us who have worked in public health for decades, this is extremely alarming. We have seen cigarette smoking and tobacco usage rates among young people decline for the past 30 years; now it seems that the progress we have made is being undone, shockingly fast. The victories we won in California against tobacco usage, and underage smoking in particular, were hard fought, but successful. At one point, it seemed that we had been so successful in our public health efforts that we had worked ourselves out of a job. But suddenly, we are facing a reversal and an erasure of our victories. This is a grave situation—one that literally ends in early graves for these young people. *Everyone* is affected by this epidemic, by this change in youth behavior, because young people are our collective future. We need to keep protecting our young people from the tobacco industry that seeks to exploit, addict, and harm them.

Restricting access to the flavored tobacco products is the fundamental first step in saving young lives and improving health outcomes. We do not know yet all of the long-term effects that e-cigarettes and vaping will have on population health and mortality rates, but we have certainly identified how young people are initiating and continuing their usage. Because of the flavors, they are beginning to vape flavored nicotine products earlier and earlier; the products have high concentrations of nicotine, and they use them heavily and frequently. During this critical time of brain development, when young people are most neurologically vulnerable to addiction, they are getting hooked. Their nicotine addiction then drives them to try

¹ Paul, Kari (2018, November 2) *Teen vaping is a public health tragedy, and the FDA has a plan to stop it*. Retrieved from marketwatch.com

² Azar, Alex M & Gottlieb, Scott (2018, October 11) *We cannot let e-cigarettes become an on-ramp for teenage addiction*. Retrieved from washingtonpost.com

³ Gottlieb, Scott M.D. (2018, November 2) *Statement from FDA Commissioner Scott Gottlieb M.D. on the agency’s continued efforts to address growing epidemic of e-cigarette use, including potential new therapies on cessation*. Retrieved from fda.gov

⁴ National Youth Tobacco Survey 2017-2018, study still pending publication by the FDA and CDC

conventional cigarettes, even though they began by vaping flavored products, and had previously thought of cigarettes as toxic and disgusting. Numerous studies have proven this transition among teen vapers to conventional cigarettes. One such study came out earlier this year in *The American Journal of Medicine*, and determined that youth who vaped were four times more likely to start smoking cigarettes within 18 months; most commonly, they became dual users.⁵ This study confirmed the extent to which our youth are now at risk for abusing tobacco, and the extent to which our public health victories over tobacco are now also at risk. In October, new research found that daily e-cigarette users are “twice as likely” to suffer heart attacks, and that “Dual use of e-cigarette and conventional cigarettes—the most common pattern among e-cig users—is more dangerous than using either product alone.”⁶ This month, the journal *Pediatrics* further established the transition patterns and heavy dual usage of teen vapers, from a longitudinal study in California and Connecticut.⁷ The scientific research will continue; the legislative protections and preventative measures need to catch up.

The time to act is now. Even as the FDA considers its next moves for federally regulating e-cigarette companies and restricting flavored products, individual jurisdictions such as the City of Santa Cruz have the opportunity to implement their own policies and protections, demonstrating that we value the health and future of our youth over the profits and motives of the tobacco industry. With this policy, the Santa Cruz City Council has the chance to lead our county on this, furthering its history of political trailblazing. I ask the city of Santa Cruz to join the growing list of jurisdictions across the state restricting the sale of flavored tobacco products, and act boldly in response to this epidemic. Please pass a complete ban on all flavored tobacco products including menthol.

Sincerely,



Leslie Goodfriend

⁵ Primack BA, Shensa A, Sidani JE, et. al Initiation of Traditional Cigarette Smoking after Electronic Cigarette Use Among Tobacco-Naïve US Young Adults. *The American Journal of Medicine*. 2018;131(4):e201711005

⁶ Alzahrani T, Pena I, Temesgen N, & Glantz SA. Association Between Electronic Cigarette Use and Myocardial Infarction. *The American Journal of Preventative Medicine*. 2018; 55(4):e201805004

⁷ Barrington-Trimis JL, Kong G, Levanthal AM, et. al E-cigarette Use and Subsequent Smoking Frequency Among Adolescents. *Pediatrics*. 2018;142(6):e20180486

Rosemary Balsley

From: Christina Borbely <christina@retpartners.com>
Sent: Wednesday, November 07, 2018 9:55 AM
To: City Council
Cc: Jenna Shankman; jobrienrojo@studentsupportcard.com
Subject: Santa Cruz City Council 11/13 agenda packet: Tobacco Flavors Ban
Attachments: Santa Cruz City Flavors Ban Letter_2.pdf

Hello,

Please accept the attached letter from the Community Prevention Partners of Santa Cruz County. We respectfully request it be included in the 11/13/19 agenda packet for the Santa Cruz City Council. Please let me know if you have any questions.

Thank you,
Christina

Christina Borbely, PhD
415-683-0073



Community Prevention Partners of Santa Cruz County
A Drug Free Communities Coalition

**BRIDGING DRUG AND ALCOHOL PREVENTION
EFFORTS FOR A SAFER COMMUNITY**

November 6, 2018

Dear City Council Members:

On behalf of the Santa Cruz County Community Prevention Partners (CPP), a countywide, cross-sector coalition committed to public health and youth substance use prevention, we express our strong support for restricting the availability of flavored tobacco products in Santa Cruz.

Flavored tobacco products are attractive to youth, and are fostering a new generation of tobacco users. This undermines public health and increases smoking rates. Flavored products like chocolate, caramel, bubblegum, and fruit flavors, sound like, look like, and taste like candy, but are life threatening and highly addictive tobacco. In 2014 there were 7,765 e-cigarette flavors on the market and this number has likely continued to grow.¹ It is no wonder that 80% of teen smokers report starting with a flavored tobacco product.

The FDA banned the sale of flavored cigarettes (other than menthol) in 2009, but flavored e-cigarette, e-liquids, cigars, hookah, and chewing tobacco continue to be sold. The sweet flavors mask the harshness of nicotine and make the product more appealing to youth. Restricting the sale of flavored tobacco products is critical in preventing another generation of young people from living with a lifetime of tobacco addiction.

Right now, cherry cigarillos, cotton candy e-juice, and chocolate hookah, are widely available throughout Santa Cruz. Restricting access to harmful substances has been a successful prevention strategy for reducing youth substance use in our community. For instance, in the California Healthy Kids Survey, the percentage of Santa Cruz High 11th graders who reported using alcohol in the past 30 days decreased from 46% in 2011 to 34% in 2017.

This Council has always been a champion for our youth and their wellbeing, and we encourage you to vote to restrict access to flavored tobacco products. Healthy youth are more likely to be successful students and develop the foundation for success as an adult. Flavored tobacco products hook youth on tobacco and compromise their health. You have the power to tackle this growing public health issue, and thereby improve health outcomes, reduce healthcare costs and advance health equity for many future generations to come.

Sincerely,

Jen O'Brien Rojo, Community Prevention Partners Chair

Christina Borberly, Community Prevention Partners Chair

¹ Zhu S, Sun JY, Bonnevie E, *et al* Four hundred and sixty brands of e-cigarettes and counting: implications for product regulation *Tobacco Control* 2014;**23**:iii3-iii9. https://tobaccocontrol.bmj.com/content/23/suppl_3/iii3

Rosemary Balsley

From: Coronado, Gonzalo x1268 <CoronadoG@co.monterey.ca.us>
Sent: Wednesday, November 07, 2018 12:34 PM
To: City Council
Cc: Andrea Solano; Estrada, Andrea x4382
Subject: CAUTION: Verify Sender Before Opening! Letter of Support for Flavored Tobacco Products
Attachments: Letter of Support for Santa Cruz City Flavored Tobacco Ordinance Nov.14, 2018.docx

Dear Mayor and City Council,

Please accept this letter of support from Monterey County Collaborates in regards to proposed ordinance to ban flavored tobacco products. Feel free to contact us with any questions.

Thank you,

Gonzalo Coronado, MBA
Monterey County Collaborates
1441 Schilling Place
Salinas, CA 93901
(831) 796-1268

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MONTEREY COUNTY
COLLABORATES



"Individuals and organizations advocating for a safe and healthy Monterey County"

November 6, 2018

Dear Mayor and City Council Members,

As Co-Chairs for Monterey County Collaborates, we want to express our support for the proposed ordinance that would end the sale of flavored tobacco products. We appreciate your bold leadership and applaud you for continuing to prioritize the health and safety of Santa Cruz youth.

Monterey County Collaborates has a long history of working with youth to prevent tobacco use and promote health and safety. We are aware of the devastating impact tobacco has on families, health, and overall wellbeing. According to Centers for Disease Control, ninety (90) percent of smokers start smoking by age of 18, and 98% first tried smoking by age 26. Nicotine use before 25 years of age has long-lasting negative impacts on youth brain development.

Flavored tobacco is training wheels for new smokers. It makes it much easier to tolerate the harsh taste of tobacco, making it easier to start and harder to quit. A government study found that 81 percent of youth who have ever used tobacco products started with a flavored product. It's clear that prohibiting the sale of these flavored products will help reduce tobacco initiation.

Researchers at UCSF estimated the cost of smoking in Santa Cruz County amounted to over \$136 million per year, including direct health care costs and indirect costs from lost productivity due to illness and premature death. Bottom line is this ordinance will save lives and money.

This ordinance would add to Santa Cruz's history of advanced tobacco policies which protect our youth from a lifetime of addiction, poor health, and possibly premature death and ensure the health of future generations. For these reasons, we support the proposed ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Hillard". The signature is fluid and cursive.

Dale Hillard
Co-Chair

A handwritten signature in black ink, appearing to read "Andrea Lopez". The signature is fluid and cursive.

Andrea Lopez
Co-Chair

Rosemary Balsley

From: Katherine O'Dea <katherine@saveourshores.org>
Sent: Wednesday, November 07, 2018 5:32 PM
To: City Council
Cc: Andrea Solano; Tara Leonard; Rachel Kippen; Diana Hodge
Subject: Letter support a ban on sale of flavored tobacco products
Attachments: SaveOurShores_anti-flavored tobacco products letter to SC City Council_11.7.2018.pdf

Dear Santa Cruz City Council Members,

Please find attached a letter from Save Our Shores urging you to consider restricting the sale of flavored tobacco products in our city.

Regards,

Katherine



Katherine O'Dea

Executive Director, Save Our Shores

Office: 1.831.462.5660 x8

Mobile: 1.401.640.8213

Website: www.saveourshores.org

Address: 345 Lake Ave, Suite A. Santa Cruz, CA 95062



Save Our Shores
345 Lake Avenue, Suite A
Santa Cruz, CA 95062-4600
(831) 462-5660

November 7, 2018

Santa Cruz City Council
809 Center Street, Room 10
Santa Cruz, CA 95060

Honorable Santa Cruz City Mayor and City Council Members,

Save Our Shores has long supported measures to curb cigarette litter and pollution in our community and along our shores. We are now concerned about the candy-flavored tobacco products that are proliferating in the marketplace. These flavored products, which range from little cigars and cigarillos to electronic cigarettes or vapes are clearly being produced to be attractive to and entice children, which is – in a word - outrageous.

Research unequivocally shows that flavored tobacco products have a profound adverse impact on public health, resulting in more smoking and subsequently more death and disease from tobacco use. It is therefore imperative, that our community acts now to prevent our youth from serious chronic illnesses like heart disease, cancer, stroke, and asthma. Clearly, the cost, in terms of both health care dollars and in lives lost, is too high.

Children and teenagers love to push the limits, experiment and try new things. They are under tremendous peer pressure and want to fit in. The way electronic cigarettes are marketed gives them false assurance that they are safe way to avoid adverse effects of traditional cigarette smoking. We have to fight back and find more solutions to protect our young people from such predatory product positioning

When business and industry won't act responsibly and continue to prey on children, we can't sit idle and turn the other way. It is immoral to allow companies to enjoy record profits by exploiting our youth. Please act by prohibiting the sale of flavored tobacco products in our city.

Sincerely,

Katherine O'Dea
Executive Save Our Shores



Rosemary Balsley

From: Carlos Cruz <cienciamajica@gmail.com>
Sent: Wednesday, November 07, 2018 4:11 PM
To: City Council
Subject: Flavored tobacco products
Attachments: flavored tobacco products.pdf

Attached: Letter addressing the Mayor, Terrazas, and Santa Cruz City Council Members.

Regards,

Carlos

--

Carlos Cruz
Santa Cruz California

November 7th, 2018

Dear Mayor, Terrazas and Santa Cruz City Council Members,

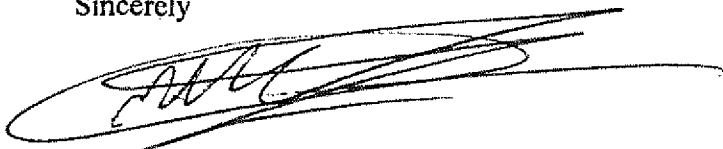
I am writing to you today as a longtime (28 years) resident of Santa Cruz; as a therapist, who has worked for the last 11 years with at-risk youth in this county; and as a parent of two children mostly raised in this city. My family is from Mexico, California, and Australia, and I have lived in all three places. In Australia, the laws regarding e-cigarettes, vaping devices, and flavored tobacco products are complex, but most widely, any e-cigarette or device designed to vape liquid nicotine is illegal, because nicotine is classified as a dangerous poison there. Any flavored tobacco or nicotine product that might encourage a minor to smoke is also banned. As a family member and as a father, I have seen loved ones struggle with addiction, including nicotine addiction, and I have seen how abusing nicotine leads to abusing other substances. Nicotine is one of *the* hardest drugs to quit, because it is one of the most addictive drugs out there. I therefore urge you to pass the complete ban of all flavored tobacco products, including menthol, within the city of Santa Cruz and throughout the Santa Cruz County.

With bright, colorful packaging, with names that are innocent and fun-sounding, the tobacco industry has creatively found a way to reinvent itself and its products, and hugely attract teens and young people. We have now known for 20 years why the tobacco industry targets our young people—it's because, to the industry, young people are nothing more than "the only source for replacement smokers."¹ E-liquids are available in over 16,000 flavors already, with hundreds more being added every month. E-liquids almost always contain nicotine, in varying concentrations, even when their labeling claims they do not. This has been proven with randomized product testing. No one can trust what the bottles say, not even adults, but young people are especially susceptible to believing the bottles. They are also frequently and deliberately misled by the fact that e-liquid is often called "e-juice", which sounds almost safe. Furthermore, the vaping and tobacco industry strategically uses blatant copyright infringement, by replicating the familiar packaging and brand logos of juice, candy, cereal, and snack food for their own flavored products. The product packaging issue has resulted in big food and candy brands taking legal action to protect their copyright. But it's also resulted in thousands of young people having already tried those products, precisely because of brand recognition, and because the products are enticingly cheap. Flavored products are an endless source for youth experimentation, during the years that youth are most curious and prone to experimentation, and most vulnerable to addiction. Despite how blatant their advertising and targeting tactics are, the tobacco and vaping industry has defended its flavored products by saying that they were never trying to market them to children, but were designing them to appeal to adults' nostalgia.² A study published in August found that adolescents and young adults "overwhelmingly indicated" that they knew that the flavors ads were intended for them³, and multiple previous studies have confirmed that "youth prefe[r] the sweet and fruit flavors and [are] more open to the unique and exotic flavors, compared to adults."⁴ ⁵ Our middle schoolers and high schoolers are starting to use nicotine, and are becoming addicted, because of the flavored products and the industry's exploitative marketing. This is now undeniable, and it is frankly indefensible.

The tobacco industry has a long, documented, and *despicable* history of profiting off of people's lives. I know that collectively we are struggling to find the answers to many problems, but I ask you not to forget the devastating impact that tobacco has on youth, on health, and ultimately on our communities. Our young people always deserve protection. Those of us who work with youth take our responsibility to them and to their futures very seriously, but for young people and their futures to truly be protected, our work needs to be supported by policy makers. Restricting youth access to these flavored products is the most important and effective first step that we can take together to address this growing problem in our community.

To protect the health, safety, and futures of Santa Cruz's young people, please pass a complete ban on all flavored tobacco products. Please join other policy makers around the state who are passing such bans and be the first jurisdiction within our county to protect our youth in this way.

Thank you,
Sincerely



Carlos Cruz

¹ February 29, 1984 RJ Reynolds report, "Young Adult Smokers: Strategies and Opportunities". Bates No. 501928462-8550. Cited on "Tobacco Company Quotes On Marketing To Kids." Published on 05-14-01 by Campaign For Tobacco-Free Kids. Retrieved from tobaccofreekids.org

² Thomas, Katy "Vaping Products That Look Like Juice Boxes and Candy Are Target of Crackdown." *The New York Times* 1 May, 2018. Retrieved from nytimes.com

³ McKelvey K et al., (2018). Youth say ads for flavored e-liquids are for them. *Addictive Behaviors*, 08/29/2018.

⁴ Feirman SP et al., (2016). Flavored tobacco products in the United States: A systemic review assessing use and attitudes. *Nicotine & Tobacco Research*, (18)5, 739-749.

⁵ Klein SM et al., (2008). Use of flavored cigarettes among older adolescent and adult smokers: United States, 2004-2005. *Nicotine & Tobacco Research*, (10)7, 1209-1214.

Rosemary Balsley

From: Rebecca Verlaque <Rebecca.Verlaque@santacruzcounty.us>
Sent: Thursday, November 08, 2018 11:06 AM
To: City Council
Cc: Andrea Solano
Subject: Letter from Santa Cruz County FNL Youth Council
Attachments: SCCYC Tobacco Flavor Ban Letter, Nov 2018.pdf

Hello,

Attached please find a letter from the Santa Cruz County Friday Night Live Youth Council, voicing support for restricting the sale of flavored tobacco products. We would like this letter to be included in the agenda packet for the 11/13/2018 City Council meeting.

Thank you,

Becca

Rebecca Verlaque
Health Program Specialist

Substance Use Disorder Services
County of Santa Cruz Health Services Agency
[1400 Emeline Avenue, Building K](#)
[Santa Cruz, CA 95060](#)
Desk: (831) 454- 5004
Cell: (831) 212- 2385

County of Santa Cruz



HEALTH SERVICES AGENCY

1400 EMELINE AVENUE, BLDG K, SANTA CRUZ, CA 95061-0962
(831) 454-5004 FAX: (831) 454-4747 TDD: (831) 454-4748

November 6, 2018

Dear City Council Members,

On behalf of Santa Cruz County Friday Night Live Youth Council, we are writing to let you know that we are strongly in favor of restricting the sale and availability of flavored tobacco products that are geared toward youth.

Friday Night Live is a program that has a long history of youth and adults working together to help youth make healthy decisions, feel supported and prepared for leadership, and to help our community by preventing alcohol, drug, and tobacco use. Friday Night Live members are from middle schools and high schools across the county.

We see issues related to tobacco in our schools in Santa Cruz County regularly, even though in the past years there has been a huge drop in cigarette/traditional tobacco use by youth. The issues we see now are with flavored tobacco products (especially with e-cigarettes and vaping devices like Juul), because flavored products are easier to get and easier to use than traditional products. In our own schools we have even seen students vaping in class, in the halls, and in bathrooms. Often, we hear people say that "it's just flavor, there's nothing bad in it" or that "it isn't smoking", but we know that this isn't true. Flavored tobacco products are just as dangerous, if not more dangerous, because the flavors appeal to youth and cover up what is really being inhaled.

We learned that in Santa Cruz County, over 60% of tobacco merchants near schools sell flavored tobacco products, and that they come in many forms and thousands of flavors, like "Gummi Bear", "Snickersz" or "Unicorn Poop". Not only do these flavors clearly target youth, but the colorful, candy wrapper-like packaging does too. These products are easily available and are often priced lower than regular tobacco products. These are "starter" products for the tobacco industry that establish smoking habits in youth and can lead to a lifetime of addiction and illness. 80% of youth who have ever used tobacco started with a flavored product!

To help keep youth in Santa Cruz healthy and to prevent a huge spike in tobacco use and related diseases (like heart disease, cancer, stroke, and asthma) in our generation, we encourage you to restrict the sale and availability of flavored tobacco products in Santa Cruz. It's a step in the right direction that several communities across the state are already taking. It's also a step that would help develop what we as youth want in our community- wellbeing, rather than a lifetime of addiction and issues for our friends, classmates, and families.

This City Council has shown its commitment to creating a community where young people can thrive. We ask you to continue prioritizing and protecting youth in our community as you decide on this important health issue.

Thank you,

Santa Cruz County Friday Night Live Youth Council

Two handwritten signatures in black ink. The first signature is "Lube Shellen" and the second is a stylized signature that appears to be "Cory".

Rosemary Balsley

From: Anne Wilkinson Fliesler <awilkinson@sccs.santacruz.k12.ca.us>
Sent: Thursday, November 08, 2018 3:17 PM
To: City Council
Subject: Flavored tobacco products

Dear Santa Cruz City Council Members:

I am writing to express strong support for restricting the availability of flavored tobacco products in Santa Cruz.

Vaping is an increasing problem with our school children in Santa Cruz. Vaping products are marketed to the teen group via candy and fruit flavorings

According to the Kidsdata (Santa Cruz City Schools) from 2017:

6% of all 7th graders have vaped 1-4+ times

23% of 9th graders have vaped 1-4+ times

25% of 11th graders have vaped 1-4+ times

Flavored tobacco products hook youth on tobacco and compromise their health. You have the power to tackle this growing public health issue, and thereby improve health outcomes, reduce healthcare costs and advance health equity for many future generations to come.

Sincerely,

Anne Wilkinson-Fliesler BSN RN PHN, Credentialed School Nurse

--

Anne Wilkinson Fliesler RN PHN
District Nurse Santa Cruz City Schools
Phone (831) 429-3410 X250
FAX (831) 429-3450

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Rosemary Balsley

From: Cassie Ray <cassie.ray@cancer.org>
Sent: Thursday, November 08, 2018 6:42 PM
To: City Council
Subject: CAUTION: Verify Sender Before Opening! Support for a citywide elimination of flavored tobacco
Attachments: santa cruz.docx; PUP laws dissent letter 10.12.18.pdf

Dear Mayor Terrazas and Members of the Santa Cruz City Council:

Attached is a letter supporting the citywide elimination of flavored tobacco sales. We appreciate that this council has moved forward in considering this issue, as the use of these products have become a nationwide pediatric epidemic. This is especially important in a city like Santa Cruz where there are many young people under the age of 21.

I have also attached a joint letter from the American Cancer Society Cancer Action Network, the American Heart Association and the American Lung Association, asking that jurisdictions not include youth possession laws as part of their new policy. While common in older policy, these laws were not effective, and unfortunately, tended to be applied disproportionately in communities of color. We ask that new policies hold retailers responsible for illegal sales, and not the underage purchaser.

We strongly encourage a citywide policy that eliminates the sale of all flavored tobacco, including menthol cigarettes, and we ask that the new policy passed by this council not include the old language that made youth possession illegal.

Sincerely,

Cassie Ray

Northern California Government Relations Director
707.290.0003 | m: 707.290.0003 | f: 916.447.6931

American Cancer Society Cancer Action Network, Inc.
1029 J Street Suite 450
Sacramento, CA 95814
fightcancer.org | 1.800.227.2345



Watch Delmar's Story
Delmar needed a place to stay during treatment.
One of our Hope Lodge® communities became his home away from home.

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November 7, 2018

The Honorable David Terrazas
Members of the Santa Cruz City Council
809 Center Street, Room 10
Santa Cruz, CA 95060

Dear Mayor Terrazas and Members of the Santa Cruz City Council:

The American Cancer Society Cancer Action Network (ACS CAN) is committed to protecting the health and well-being of the residents of Santa Cruz 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 flavored tobacco products is an important part of a comprehensive approach to preventing youth from ever beginning a deadly addiction to tobacco. We support eliminating the sale of all flavored tobacco products, including menthol cigarettes, within the city of Santa Cruz, and without exemptions.

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.

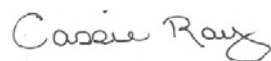
Adolescents are still going through critical periods of brain growth and development and are especially vulnerable to the toxic effects of nicotine. A study published in the journal, *Pediatrics*, found that the earlier youth are exposed to nicotine, the less likely they will be able to quit smoking.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

Postponing youth experimentation and initiation can help reduce the number of youth who will ever begin smoking.

Removing flavored tobacco is also a social justice issue. Tobacco companies have aggressively marketed menthol to youth in African American communities, the LGBT community, and those in low income neighborhoods. More than 80% of African Americans who smoke now use a menthol product, and consequently, African American men have the highest death rates from lung cancer, when compared to other demographic groups. The anesthetizing effects of menthol masks the harshness of tobacco, making it more appealing to beginning smokers, and menthol smokers show greater dependence, and are less likely to quit than non-menthol smokers.

While cigarette smoking has declined in recent years, use of menthol and other flavored products have continued to increase, especially among young people and beginning smokers. We strongly encourage this council to choose the strongest youth protections available by prohibiting the citywide sale of flavored tobacco products. We also ask that the ordinance place responsibility for compliance on the retailers, and not the underage purchaser, by not including a youth possession clause. Taking this important public health step will help to prevent young people in Santa Cruz from ever beginning this deadly addiction, as well as help to support those who are trying to quit.

Sincerely,

A handwritten signature in cursive script that reads "Cassie Ray".

Cassie Ray
Government Relations Director, Northern California
American Cancer Society Cancer Action Network



October 12, 2018

In California in 2016, The American Lung Association in California, the American Heart Association and the American Cancer Society Cancer Action Network made a huge impact on the public health of California residents by changing state law to raise the legal age of sale for tobacco products to 21. Included in that victory was the removal of the state's purchase, use, and/or possession (PUP) law which punished minors for possessing tobacco products. Our organizations did this because civil and criminal penalties for youth purchase, use and/or possession have not proven to be effective enforcement measures and detract from more effective tobacco control strategies. We believe that any penalty (if the law is broken) should be levied only on the retailer and not the underage purchaser.

Big Tobacco has a long history of attracting and addicting youth and young adults with highly-targeted marketing. However, PUP laws do not protect children from the misleading messaging and advertising by the tobacco industry. Getting rid of PUP laws shifts the responsibility back to the tobacco industry and retailers, and away from the vulnerable youth themselves.

PUP laws are also expensive and difficult to enforce. Newer tobacco products such as e-cigarettes and JUUL, which are popular among youth, are designed to be used discreetly. Punishment for their possession and/or use has not proven to reduce repeat violations. Studies also suggest that PUP laws are disproportionately applied to communities of color. This diverts law enforcement's time and money away from effective tobacco control measures.

To best protect youth from the harmful effects of tobacco, it is important that local jurisdictions do not pass new local youth possession laws. **The American Lung Association, American Cancer Society, and American Heart Association oppose any efforts by California localities to reinstate youth tobacco possession laws.** Instead, cities and counties should use proven strategies to prevent youth from obtaining tobacco products. Studies show that strong definitions of tobacco product that include electronic cigarettes, tobacco retail licensure requirements with penalties for store owners, increasing minimum price or pack size, and prohibiting the sale of flavored tobacco products including menthol can all effectively reduce youth access and tobacco use rates.

Together we must continue to work to stop Big Tobacco from attacking and addicting our vulnerable youth.

Sincerely,

American Lung Association in California
American Cancer Society Cancer Action Network
American Heart Association

Rosemary Balsley

From: Meghan Thomas <mmzsrthomas@gmail.com>
Sent: Thursday, November 08, 2018 8:38 PM
To: City Council
Subject: tara.leonard@santacruzcounty.us

Dear Santa Cruz City Council Members,

I am writing as a medical professional to express support for a policy that would restrict the sale of flavored tobacco products, including electronic cigarettes. This is an important step in protecting local youth from the health consequences of a deadly, addictive product.

As a family practice physician, working in Santa Cruz County for 22 years, I have witnessed countless patients with disease and health consequences directly related to smoking and nicotine addiction. I have watched frustrated patients try to quit, without success, due to the powerful addictive properties of nicotine. We need to do all we can to prevent this addiction from occurring in the first place, especially in our younger population.

As a parent I have witnessed groups of kids who are drawn to these new products as something that is cool with the mistaken idea that they are safe. These products are used on campus and in classrooms even. New electronic products such as JUUL devices have proven especially popular with teens due to their compact size (which makes them easy to hide from adults) and “techy” appearance similar to a computer thumb drive.

The growing popularity of flavored tobacco products threatens to undo decades of work in lowering tobacco use rates in California and locally. These products help new users establish habits that can lead to long-term addiction, increasing their risk of cancer, heart disease and other tobacco-related illnesses. We are also learning more every day about the unique dangers of flavored e-liquids, many of which contain the chemical Diacetyl.

Diacetyl is linked to bronchiolitis obliterans or “popcorn lung” which causes irreversible lung damage.

The FDA has already banned the sale of flavored cigarettes (other than menthol) because they appealed to youth. But flavored e-cigarettes, e-liquid, cigars, hookah, and chewing tobacco continue to be sold with greatest appeal to the younger population.

I strongly urge the City of Santa Cruz to join the growing list of communities across the state in restricting the sale of flavored tobacco products.

Sincerely,
Meghan Thomas, MD

Rosemary Balsley

From: Phillip Gardiner <gmoney.gardiner@gmail.com>
Sent: Friday, November 09, 2018 11:48 AM
To: David Terrazas; Martine Watkins; Sandy Brown; Cynthia Chase; Chris Krohn; Cynthia Mathews; Richelle Noroyan; City Council
Cc: Bonnie Bush; Carol McGruder; Yerger, Valerie; andrea.solano@santacruzcounty.us; Phillip Gardiner
Subject: CAUTION: Verify Sender Before Opening! Adopt City-Wide Restrictions on the Sale of Menthol and all Flavored Tobacco Products, Including Flavored E-Juices in the City of Santa Cruz
Attachments: Menthol Restrictions Santa Cruz.docx

Santa Cruz City Council,

Attached is a letter from the African American Tobacco Control Leadership Council strongly encouraging you to adopt city-wide restrictions on menthol and all flavored tobacco products, including flavored e-juices.

We are all counting on you; the public health of Santa Cruz is at stake!

Phillip Gardiner, Dr. P.H.
C-Chair, African American Tobacco Control Leadership Council



The African American Tobacco Control Leadership Council

Friday, November 9, 2018

To: Mayor David Terrazas, Vice Mayor Martine Watkins, Councilmember Sandy Brown, Councilmember Cynthia Chase, Councilmember Chris Krohn,, Councilmember Cynthia Mathews and Councilmember Richelle Noroyan

From: The African American Tobacco Control Leadership Council

Re: Adopt City-Wide Restrictions on the Sale of Menthol and all Flavored Tobacco Products, Including Flavored E-Juices in the City of Santa Cruz

The African American Tobacco Control Leadership Council (AATCLC) strongly encourages the Santa Cruz City Council to restrict the sale of menthol and all flavored tobacco products, including flavored e-juices city-wide in Santa Cruz. We know that the city is considering 3 distinct options; however, restricting the sale city-wide will have the greatest impact on the public's health. We already know that 80% of youth's 12-17 start smoking using flavored cigarettes (Ambrose et al., 2015). If the City Council truly wants a healthier Santa Cruz, and we believe that you do, then it is imperative that menthol and all flavor additives to tobacco products be restricted and recognized as a social justice issue, an issue that disproportionately impacts poorer communities, marginalized group, and communities of color.

This is no minor matter. Menthol and flavored tobacco products are driving tobacco death and disease rates nation-wide; while the use of non-flavored tobacco cigarettes has been decreasing, the use of menthol cigarettes is on the rise, among youth and adults, and among Latinos, Blacks and Whites (Villanti, 2016). Let's be clear, the majority of women smokers, smoke menthol cigarettes; the same is true for youth of all backgrounds; folks from the LGBTQ community disproportionately smoke these products; 47% of Latino smokers prefer menthol cigarettes; 62% of Puerto Ricans prefer menthol; nearly 80% of Native Hawaiians: a majority of Filipinos and a majority people with behavioral health issues, all disproportionately use these "minty" products (CDC, 2010; Fallin, 2015; Forbes, 2013; Delnevo, 2011; Hawaii State Dept. of Health, 2009; Euromonitor, 2008; Hickman, 2015). Moreover, 85% African Americans adults and 94% of Black youth smokers are using menthol products (Giovino, 2013). These striking statistics arise from the predatory marketing of these products in the Black Community, where there are more advertisements, more lucrative promotions and *cheaper prices* for menthol cigarettes compared to other communities (Henriksen et al., 2011; Seidenberg et al., 2010).

And as if to add insult to injury, the Council should be aware that menthol, which masks the harsh taste of tobacco, allows for deeper inhalation of toxins and greater amounts of nicotine and

this is what makes menthol cigarettes harder to quit compared to other cigarettes (Ton et al., 2015; Levy et al., 2011). At bottom, the “cool refreshing taste of menthol” heralded by the tobacco industry, is just a guise; ultimately, menthol allows the poisons in cigarettes and cigarillos to go down easier.

We all have been reading in the papers about the “JUUL Explosion,” where a little thumb drive looking device is being used by more youth than regular cigarettes (CDC, 2018). And one of the main drivers of youth taking up e-cigarettes generally is the fact that they are available in over 15,000 kid friendly flavors! (<https://www.flavorshookkids.org/> 2018). The vaporist community would like you to believe that aerosol inhaled by e-cigarette users is only water vapor, nothing could be further from the truth. The facts are these:

1. E-cigarettes are tobacco products that delivering nicotine, an addictive substance that especially in youth can compromise the brains executive functioning (Report of the Surgeon General, 2014)
2. The Propylene Glycol and Vegetable Glycerin that constitute a large portion of the e-juice and the resulting vapor **are not FDA approved for inhalation**
3. There are as many metals and in some cases more metals are found in the e-cigarette vapor compared to cigarette smoke (Williams et al., 2013)
4. Many of the same toxins and carcinogens found in regular cigarettes, like benzene, formaldehyde, and tobacco specific nitrosamines can be found in e-cigarette vapor (Goniewicz et al., 2013). And yes they are at lower levels than in a regular cigarette, but while this may be safer, this does not mean that this products are safe!
5. The 15,000 + flavors available on the market may be Generally Recognized as Safe (GRAS) for **ingestion** but, they are not GRAS for **inhalation**.
6. E-Cigarette vapor activate platelet formation just like regular cigarettes, the process that leads to arterial blockages (Hom et al., 2016)
7. E-cigarette aerosol consists of ultrafine particles at levels comparable to or higher than cigarettes. These particles can cause cardiovascular and pulmonary disease. In addition, the particle size in e-cigarettes are often smaller than those generated by cigarettes, which are likely more dangerous (Fuoco FC, Buonanno G, Stabile L, Vigo P. 2014)
8. Kids who start with e-cigarettes are more likely to become regular cigarette users and in many cases, dual users (Byrne S et al., 2018)
9. Here is a link to the European Public Health Association: Fact or Fiction on E-cigs: https://eupha.org/repository/advocacy/EUPHA_facts_and_fiction_on_e-cigs.pdf

The AATCLC is calling upon the Santa Cruz City Council to join a growing number of cities and counties around the country that are restricting the sale of menthol and all flavored tobacco products, including e-juices city-wide. Just this past June, San Francisco passed city-wide restrictions on the sale of menthol and all flavored tobacco products, including flavored e-juices, the toughest law in the Country. This was rapidly followed by the City of Richmond in July, passing its own city-wide restrictions. And then in August, Beverley Hills followed suit with their own city-wide restrictions. Just this week, Main County approved a County-wide ban for

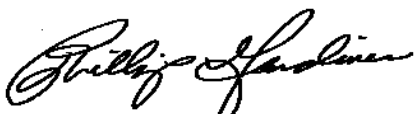
all unincorporated areas of the County and the cities of San Pablo and Alameda both approved city-wide restrictions on the sale of all flavored tobacco products, and e-juices, including menthol, on the first reading of these ordinances. While other cities have buffer zones and or narrower restrictions on flavored products, we are hopeful that the City of Santa Cruz will join this growing movement to remove all flavors, especially menthol, from these deadly and addictive products through a city-wide ordinance.

Formed in 2008, the African American Tobacco Control Leadership Council is composed of a cadre of dedicated community activists, academics, public health advocates and researchers. Even though based in California, we are national in scope and reach. We have partnered with community stakeholders, elected officials, and public health agencies, from Chicago and Minneapolis to Berkeley and San Francisco. This work has help to shape the national discussion and direction of tobacco control policy, practices, and priorities, especially as they affect the lives of Black Americans, African immigrant populations and ultimately all smokers. The AATCLC has been at the forefront in elevating the regulation of mentholated and other flavored tobacco products on the national tobacco control agenda, including testifying at the FDA hearings to remove menthol products from the market place.

We here at the AATCLC recognize that the Council is probably under extraordinary pressure from the tobacco industry and the vaporist community to put profits above human life and limit or curtail restrictions to flavored tobacco products. Please join your sister cities and stand up to the tobacco industry and their allies and call for: **No Selling of Menthol and All Flavor Tobacco Products, including Flavored E-Juices City-Wide in Santa Cruz.** Say No to the continued predatory marketing of flavored tobacco products to our youth, and say Yes, to the health and welfare of the kids, the most vulnerable, nay, all citizens of the City of Santa Cruz.

We are all counting on you!

Sincerely,



Phillip Gardiner, Dr. P.H. Co-Chair AATCLC www.savingblacklives.org



Carol McGruder, Co-Chair AATCLC



Valerie Yerger, N.D., Co-Chair AATCLC

Rosemary Balsley

From: Amanda Gutzwiller <Amanda.Gutzwiller@lung.org>
Sent: Friday, November 09, 2018 4:23 PM
To: City Council
Subject: Concern Regarding Tobacco Ordinance
Attachments: Santa Cruz Youth Possession 11.13.18.pdf

Dear Santa Cruz City Council Members:

While we support the community of Santa Cruz on their efforts to protect youth from flavored tobacco products, including menthol, and the harmful effects of electronic cigarettes, we are concerned about your youth possession penalties.

Civil and criminal penalties for youth purchase, use and/or possession (PUP) have not proven to be effective enforcement measures and detract from more effective tobacco control strategies. We believe that any penalty (if the law is broken) should be levied only on the retailer and not the underage purchaser.

To best protect youth from the harmful effects of tobacco, we urge you to remove the youth possession law in your tobacco retailer license policy. We also encourage you to update your policy to include a citywide ban on flavored products.

Attached is a letter from us as well as our official statement regarding youth purchase, use and/or possession (PUP) laws.

Let me know if you have questions.

Thank you!

Amanda Gutzwiller
Advocacy Manager | Greater Bay Area
American Lung Association in California
333 Hegenberger Rd, Suite 450 | Oakland, CA 94621
O: 510-982-3053
Lung HelpLine: 1-800-LUNGUSA
Lung.org | Amanda.Gutzwiller@Lung.org

November 13, 2018

Santa Cruz City Council
809 Center St
Santa Cruz, CA 95060

Dear Santa Cruz City Council Members:

On behalf of the American Lung Association in California, the leading public health organization fighting to reduce and prevent the harmful effects of tobacco use, I am writing to express our support for strong policies that provide consistent protections for youth in banning flavored tobacco city wide, including menthol.

While we support the community of Santa Cruz on their efforts to protect youth from flavored tobacco products, including menthol, and the harmful effects of electronic cigarettes, we are concerned about your youth possession penalties. In 2016, the American Lung Association in California, along with our public health partners removed the provision in law that created penalties for youth possession of tobacco products. We did this because civil and criminal penalties for youth purchase, use and/or possession (PUP) have not proven to be effective enforcement measures and detract from more effective tobacco control strategies. We believe that any penalty (if the law is broken) should be levied only on the retailer and not the underage purchaser.

Big Tobacco has a long history of attracting and addicting youth and young adults with highly-targeted marketing. However, PUP laws do not protect children from the misleading messaging and advertising by the tobacco industry. Getting rid of PUP laws shifts the responsibility back to the tobacco industry and retailers, and away from the vulnerable youth themselves.

PUP laws are also expensive and difficult to enforce. Newer tobacco products such as e-cigarettes and JUUL, which are popular among youth, are designed to be used discreetly. Punishment for their possession and/or use has not proven to reduce repeat violations. Studies also suggest that PUP laws are disproportionately applied to communities of color. This diverts law enforcement's time and money away from effective tobacco control measures.

To best protect youth from the harmful effects of tobacco, we urge you to remove the youth possession law in this policy and move this policy forward with a strong definitions of tobacco products to include electronic cigarettes, penalties for tobacco retail store owners, increasing minimum price or pack size, and prohibiting the sale of flavored tobacco products including menthol, all can effectively reduce youth access and tobacco use rates.

We appreciate the effort your community of Santa Cruz has taken thus far to protect youth and urge you to move forward and follow what other communities around you have done and adopt a citywide ban of flavored tobacco products, including menthol.

Sincerely,



Amanda Gutzwiller
Advocacy Manager, Greater Bay Area

Rosemary Balsley

From: Bonnie Bush
Sent: Sunday, November 11, 2018 10:23 AM
To: City Council
Subject: Fwd: Support Restrictions on Flavored Tobacco Products

Bonnie Bush, CMC
City Clerk Administrator
831-420-5035

Begin forwarded message:

From: Michael Abler <webmaster@lung.org>
Date: November 11, 2018 at 9:51:30 AM PST
To: Bonnie Bush <bbush@cityofsantacruz.com>
Subject: **Support Restrictions on Flavored Tobacco Products**
Reply-To: Michael Abler <mabler@sbcglobal.net>

Nov 11, 2018

City Clerk Bonnie Bush

Dear City Clerk Bush,

As a resident of Santa Cruz, I urge you to amend the Tobacco Retailer License ordinance to make it more comprehensive by including restrictions on menthol and flavored tobacco-related products. These restrictions will protect our youth and community members.

Tobacco is the leading cause of preventable death in our country. It is time for our community to stand up to big tobacco and follow cities like Richmond, Oakland, and San Francisco.

Stand with Santa Cruz kids and vote YES on a strong tobacco retailer policy that will prohibit the sale of flavored tobacco products citywide.

Thank you for your support.

Sincerely,

Mr. Michael Abler
99 Frederick St
Santa Cruz, CA 95062-3436
(831) 555-5555
mabler@sbcglobal.net