



Santa Clara County Office of Education

Mary Ann Dewan, Ph.D.
County Superintendent of Schools

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

June 4, 2021

Dear Council Members Jimenez, Peralez, Cohen, Carrasco, Davis, Esparza, Arenas, Foley, and Mahan,

As the Santa Clara County Superintendent of Schools, I write to urge approval of an ordinance to strengthen tobacco retailer licensing laws and restrict flavored tobacco products in the City of San Jose. I applaud the efforts of San Jose in taking the necessary steps to protect youth from addiction and the dangerous health risks of electronic cigarettes, also known as “vapes.”

On behalf of our community, I urge the San Jose City Council to take action on the existing tobacco retailer licensing policy by voting to ban all flavored tobacco products, including menthol, restrict the density of tobacco retailers near schools and create strong enforcement provisions. These key laws would protect San Jose Youth from predatory marketing practices that endanger their physical and mental health and wellbeing. Tobacco companies are using candy-flavored products to lure young people into a dangerous addiction to nicotine. Most young people who have ever used tobacco started with a flavored product. These products are sleek and appealing and often mimic popular candies, drinks, or snacks in both packaging and flavor, making them particularly more appealing to youth. In Santa Clara County, 82.3% of teens currently using tobacco reported using a flavored product. Eight in ten San Jose tobacco retailers sell fruit or sweet flavored tobacco products. More alarming, 45.4% of teens in Santa Clara County reported purchasing their own e-cigarettes, with over a quarter of this group saying they buy them directly from a local store. Among Santa Clara County teens, 1 in 3 have tried cigarettes and 1 in 8 are currently using them. Brain development continues until the age of 25 and nicotine negatively impacts parts of the brain responsible for attention, learning, and memory, and increases anxiety. There is growing evidence that smokers are at a greater risk of hospitalization and severe illness due to COVID-19. In addition, there is growing evidence that vaping can also harm lung health. These factors put smokers, and “vapers” at greater risk for coronavirus.

It is crucial that action is taken within the City of San Jose to protect youth and have comprehensive policies which restricts the sale of all flavored products, limits tobacco sales near schools and restricts the sale of vaping products. It is our shared responsibility to keep youth safe from harmful tobacco and vape products. Please do your part by supporting a ban of all flavored tobacco products, including hookah, in all San Jose locations, restrict e-cigarette and vape product sales, restrict density of tobacco retailers near schools and existing retailers, and eliminate the adult-only store exemption.

Sincerely,

A large black rectangular redaction box covering the signature of Mary Ann Dewan.

Mary Ann Dewan, Ph.D.
Santa Clara County Superintendent of Schools



June 1, 2021

The Honorable Sam Liccardo
 San Jose City Council
 200 E. Santa Clara St.
 San Jose, CA 95113

Re.: Ending the sale of flavored tobacco in San Jose

Dear Mayor Liccardo and Members of the San Jose City Council:

On behalf of the organizations signed on to this letter we are writing to express our support for a comprehensive policy to end the sale of menthol and all flavored tobacco products without exemption, which will help protect youth from the harms of these addictive and deadly products.

We are in the midst of a youth tobacco use epidemic of unparalleled proportions. Tobacco companies have pushed candy-flavored products into the youth market, quietly hooking kids

into a dangerous addiction to nicotine. Recent events have highlighted these dangers. Being a current or former cigarette smoker increases your risk of severe illness from COVID-19. Smoking increases the risk for respiratory infections, weakens the immune system and is a major cause of a number of chronic health conditions, including chronic obstructive pulmonary disease, heart disease and diabetes. In addition, there is growing evidence that vaping can also harm lung health.

More than 5.3 million youth were current e-cigarette users in 2019, with the overwhelming majority of youth citing use of popular fruit and menthol or mint flavors. Locally, 1 in 3 Santa Clara County teens have tried e-cigarettes and 1 in 8 are currently using them. 82 percent of Santa Clara County teens who have ever used tobacco started with a flavored product. Eight in ten of the 600+ San Jose tobacco retailers sell fruit or sweet flavored tobacco products, and nearly a quarter of surveyed San Jose tobacco retailers sold tobacco to an underage person.

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

Virtually every major jurisdiction in the Bay Area has already ended the sale of flavored tobacco without exemptions. This includes the cities of Alameda, Albany, Berkeley, Burlingame, Cupertino, Dublin, East Palo Alto, Fremont, Half Moon Bay, Hayward, Lafayette, Livermore, Menlo Park, Morgan Hill, Oakland, Palo Alto, Pleasanton, Portola Valley, Richmond, San Carlos, San Mateo, San Pablo, Santa Cruz, Sunnyvale, Watsonville and the Counties of Alameda, Contra Costa, San Mateo, Santa Clara and Santa Cruz and the City and County of San Francisco.

With the surges in youth nicotine usage and associated public health risks, San Jose needs to take swift action. While the governor recently signed SB793 to end the sale of most flavored tobacco products, the tobacco companies spent more than \$20 million in a pandemic to place the law on hold until the next statewide general election. It is up to San Jose to take local action to protect the community now and address the urgent issue of youth tobacco use.

For these reasons, we are proud to support a comprehensive policy that ends the sale of all flavored tobacco products without exemption.

Sincerely,

100 Black Men of Silicon Valley
African American Tobacco Control Leadership Council
American Cancer Society Cancer Action Network
Americans for Nonsmokers' Rights
American Heart Association
American Lung Association

Asian American for Community Involvement (AACI)
BAYMEC Community Foundation
Boys and Girls Club of Silicon Valley
Breathe California of the Bay Area, Golden Gate and Central Coast
Campaign for Tobacco Free Kids
City Year San Jose/Silicon Valley
Health Trust
International Children's Assistance Network (ICAN)
Healthier Kids Foundation
Korean American Community Services
NAACP--San Jose/Silicon Valley
Parents Against Vaping E-Cigarettes
Santa Clara County Dental Society
Santa Clara County Department of Public Health
Santa Clara County Office of Education
Santa Clara Family Health Plan
Silicon Valley Black Chamber of Commerce
Social Equity Initiative
South Bay Labor Council
Teen Success Inc.
Tobacco Free Coalition of Santa Clara County
Valley Medical Center Foundation

Blattman, Rachelle

From: Espejo, Gina
Sent: Wednesday, June 9, 2021 1:22 PM
To: CMOAgendaServices
Subject: FW: We have waited long enough – don't sacrifice our kids!

From: Lori Bremner [REDACTED]
Sent: Tuesday, June 8, 2021 4:40 PM
To: Rios, Angel <Angel.Rios@sanjoseca.gov>
Cc: Kolander, Grace <Grace.Kolander@sanjoseca.gov>; Raania.mosen@sanjoseca.gov; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: We have waited long enough – don't sacrifice our kids!

[External Email]

Dear Mr. Rios

We have waited long enough for San Jose to step up and join the county and countless other nearby communities to protect kids from the predatory practices of the tobacco industry.

We are prepared for our long awaited hearing on ending the sale of flavored tobacco products on June 15th, but we just heard that the hearing may be delayed until after summer.

- *How many more kids will get addicted during that time?
- *How many more serious lung injuries (EVALI) will occur during that time?
- *How many more kids will get COVID from sharing vapes with their friends during that time?

We know that there are many other pressing issues. But what could be more pressing than saving the lives of our children?

The San Jose ordinance does not need to be complicated by exemptions and special circumstances like the staff has proposed in the draft ordinance. In fact, we can only support the draft ordinance with significant modifications.

But you can make it really simple.

Just match the existing county ordinance like Santa Clara is poised to do. Give our kids in San Jose the exact same protections enjoyed in the unincorporated County, and soon in Santa Clara, and get it passed on the first reading on June 15th.

Please do not delay this urgent need. Our kids are counting on you.

Lori Bremner

California Grassroots Coordinator

--



Lori Greenstein Bremner
Parents Against Vaping E-Cigarettes



This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Blattman, Rachelle

From: Espejo, Gina
Sent: Wednesday, June 9, 2021 1:22 PM
To: CMOAgendaServices
Subject: FW: Please do not delay the tobacco ordinance

From: Maren Lopez <[REDACTED]>
Sent: Wednesday, June 9, 2021 1:13 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: Please do not delay the tobacco ordinance

[External Email]

Dear Mr. Rios

As a San Jose resident, parent, and teacher, I implore you to keep the Tobacco ordinance on the agenda for June 15th. I do not understand why it has already taken so long for our kids in San Jose to enjoy the same protections from the tobacco industry's targeting that the kids in the county and many other cities have.

Don't make us wait any longer. The lives of our children are at stake. Keep our issue on the agenda, and urge the staff to simplify the ordinance by just matching it to the one already passed by the unincorporated County.

Our kids deserve nothing less . . . and they deserve it now!

Thank you,

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Blattman, Rachelle

From: Espejo, Gina
Sent: Wednesday, June 9, 2021 1:22 PM
To: CMOAgendaServices
Subject: FW: Please keep flavored tobacco on June 15 agenda

From: Liz Williams [REDACTED] >
Sent: Tuesday, June 8, 2021 5:35 PM
To: Rios, Angel <Angel.Rios@sanjoseca.gov>
Cc: Espejo, Gina <Gina.Espejo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Kolander, Grace <Grace.Kolander@sanjoseca.gov>; Raania.mosen@sanjoseca.gov
Subject: Please keep flavored tobacco on June 15 agenda

[External Email]

Good evening,

I'm writing to urge you to keep the issue of regulating the sale of flavored tobacco products on the June 15 City Council agenda.

San Jose should take action this month to join more than 60 cities and counties in California that have already enacted laws to end the sale of all flavored tobacco products—including menthol cigarettes, flavored vaping devices, and hookah—in all retailers.

We know that the tobacco companies continue to aggressively target and market their flavored products specifically at youth and young adults, African Americans, low-income neighborhoods, and the LGBTQ+ community.

Delaying taking action on this important public health issue protects the profits of tobacco companies and retailers at the expense of the health of San Jose residents. The City Council should not delay taking action.

I hope you address the issue on June 15 and stand with parents, students, community leaders, and health professionals to create a healthier environment for all San Jose residents.

Sincerely,

Liz Williams | Project & Policy Manager
[Americans for Nonsmokers' Rights | nonsmokersrights.org](https://nonsmokersrights.org)
[American Nonsmokers' Rights Foundation | no-smoke.org](https://no-smoke.org)



Blattman, Rachelle

From: Espejo, Gina
Sent: Wednesday, June 9, 2021 1:21 PM
To: CMOAgendaServices
Subject: FW: Letter not to delay flavored tobacco policy (Agenda Item 7.1 for June 15)
Attachments: Tobacco Free Coalition Letter re TRL Flavors Delay Jun 2021.pdf; Tobacco Free Coalition Letter re TRL Flavors Delay Jun 2021.pdf

From: Vanessa Marvin [REDACTED] >
Sent: Tuesday, June 8, 2021 4:24 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: Fwd: Letter not to delay flavored tobacco policy (Agenda Item 7.1 for June 15)

[External Email]

Whoops I typo in your email address!

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Begin forwarded message:

From: Vanessa Marvin [REDACTED]
Subject: Letter not to delay flavored tobacco policy (Agenda Item 7.1 for June 15)
Date: June 8, 2021 at 4:22:47 PM PDT
To: angel.rios@sanjoseca.gov, chappie.jones@sanjoseca.gov
Cc: gina.espejo@sanoseca.gov, grace.kolander@sanjoseca.gov, Raania.mosen@sanjoseca.gov, Caroline Baker [REDACTED]

Dear Deputy City Manager Rios and Vice Mayor Jones,

The Tobacco-Free Coalition of Santa Clara County is urging you NOT to delay a vote planned to strengthen your tobacco retailer licensing law and restrict flavored tobacco products in the City of San Jose scheduled for June 15, 2021 (Agenda Item 7.1).

We urge you to move forward on June 15 with a strong ordinance that protects our residents from all flavored tobacco products, including menthol cigarettes and hookah products.

Attached is our letter on the issue.

Thank you for your consideration.

Vanessa Marvin
Carol Baker
Coalition Co-Chairs



TOBACCO-FREE COALITION

of Santa Clara County

1775 Story Road, Suite 120
San Jose, CA 95122

San Jose City Council
200 E. Santa Clara St.
San José, CA 95113

June 8, 2021

Dear Deputy City Manager Rios and Vice Mayor Jones,

The Tobacco-Free Coalition of Santa Clara County is urging you **NOT to delay** a vote planned to strengthen your tobacco retailer licensing law and restrict flavored tobacco products in the City of San Jose (**Agenda Item 7.1 scheduled for June 15, 2021**).

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

In addition, menthol cigarettes pose a tremendous public health threat - blacks smoke menthol cigarettes at high rates and quit smoking at lower rates.

A possible delay is dangerous because every day that these products remain on the market is one more day that another young person can get hooked and a smoker doesn't quit this deadly product.

Consider that:

- Nearly a quarter of surveyed **San Jose** tobacco retailers sold tobacco to an underage person. 11% of these illegal tobacco sales came from a tobacco/vape shop.
- More than a quarter of **San Jose** tobacco retailers are located within 1,000 feet of a school.
- In a survey, 13.2 percent of **Santa Clara County** teens reported using e-cigarettes in the past month, double the amount reported in the previous survey
- 82.3 percent of **Santa Clara County** teens currently using tobacco report using a flavored product.

We urge you to move forward on June 15 with a strong ordinance that protects our residents from all flavored tobacco products, including menthol cigarettes and hookah products.

Virtually every major jurisdiction in the Bay Area has already ended the sale of flavored tobacco without exemptions, including San Francisco, Oakland, and many here in Santa Clara County.

This is no time to delay. We urge the City of San Jose to recognize the urgency of this issue and strengthen your tobacco retailer licensing law on June 15.

Sincerely,

Vanessa Marvin, Co-Chair

Carol Baker, Co-Chair