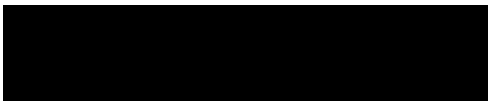


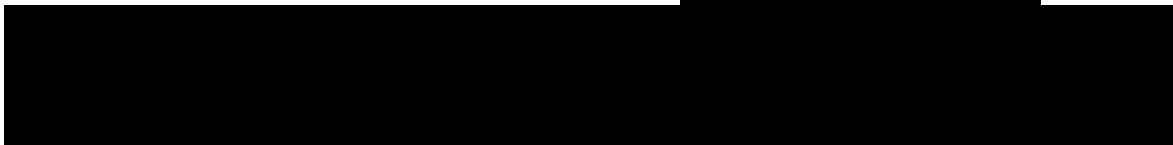
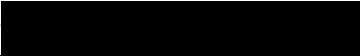
9/28 City Council, Support for agenda item 7.1

Kate Franza, LCSW CADC-II



Thu 9/23/2021 1:10 PM

To: Liccardo, Sam <sam.liccardo@sanjoseca.gov>; Jones, Chappie <Chappie.Jones@sanjoseca.gov>; Jimenez, Sergio <sergio.jimenez@sanjoseca.gov>; Peralez, Raul <Raul.Peralez@sanjoseca.gov>; Cohen, David <David.Cohen@sanjoseca.gov>; Carrasco, Magdalena <Magdalena.Carrasco@sanjoseca.gov>; Davis, Dev <dev.davis@sanjoseca.gov>; Esparza, Maya <Maya.Esparza@sanjoseca.gov>; Arenas, Sylvia <sylvia.arenas@sanjoseca.gov>; Foley, Pam <Pam.Foley@sanjoseca.gov>; Mahan, Matt <Matt.Mahan@sanjoseca.gov>
Cc: Agendadesk <Agendadesk@sanjoseca.gov>; Mark Heringer



[External Email]



The Honorable Sam Liccardo and City Council Members
San Jose City Council
200 E. Santa Clara St. San José, CA 95113
Re: 9/28 City Council Meeting, Support for Agenda Item 7.1
September 22, 2021

Dear Mayor Liccardo and Members of the San Jose City Council, San Francisco Community Health Center is writing to you in support of the draft proposed tobacco retailer licensing law, including the restriction of flavored tobacco products, in the City of San Jose (Agenda Item 7.1). However, we would like to see the changes outlined below. Thank you for considering this important issue. Everyday tobacco companies are using candy[1]flavored products to hook kids into a dangerous addiction to nicotine. Most young people who have ever used tobacco started with a flavored product. These products often mimic popular candies, drinks, or snacks in both packaging and flavor, making them particularly appealing to youth. We appreciate that the ordinance, as drafted, ends the sale of menthol cigarettes, which is a critical step in protecting San Jose residents. However, we would like to see San Jose’s policy match other strong jurisdictions by restricting the sale of ALL flavored tobacco products in ALL locations, including flavored hookah, premium cigars and loose-leaf tobacco.

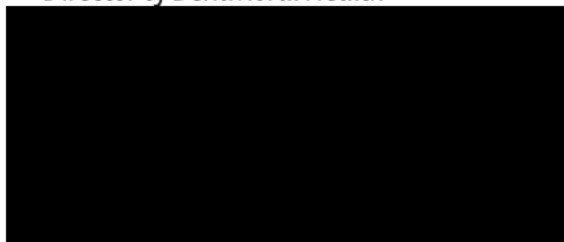
A recent study found that 80 percent of kids who have ever used tobacco products started with a flavored product and the majority of African American smokers start with menthol flavored products. Any exemption in this policy will become a “go-to” product for youth in San Jose. San Jose began exploring this policy in 2019. It is time to act now. We cannot afford to wait for state or federal action, San Jose residents want action. San Jose should look to the strong examples of Oakland, San Francisco and Santa Clara County to adopt a comprehensive policy that includes flavored hookah, strong compliance protocol, and language to reduce exposure to tobacco retail and marketing near youth sensitive areas. This issue is important to our organization because we provide care to some of the most marginalized people, specifically the LGBTQ community and communities of color, and we see the impact that flavored tobacco products have had on their health. We urge Council to adopt the ordinance and close the loopholes. It is time to end the sale ALL flavored tobacco products in San Jose and put public health over tobacco industry profit. Thank you for your strength and commitment to protecting the health of all San Jose resident.

Sincerely,

Kate Franza LCSW, CADC-II

Pronouns: (She/Her/Hers)

Director of Behavioral Health



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Fw: Please vote All Flavors, All Products, All Stores, NO Exemptions

City Clerk <city.clerk@sanjoseca.gov>

Tue 9/28/2021 11:13 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

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From: American Cancer Society Cancer Action Network [REDACTED] on behalf of Rebecca Ten Eyck

Sent: Saturday, September 25, 2021 3:03 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Please vote All Flavors, All Products, All Stores, NO Exemptions

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[External Email]

Sep 25, 2021

City Clerk Toni Taber

Dear City Clerk Taber,

As a resident of San Jose, and your constituent, I urge you to pass a comprehensive flavored tobacco ordinance that ends the sale of ALL flavored tobacco products with no exemptions and a smoke-free multi-unit housing ordinance that defines housing as two of more units.

The proposed flavored tobacco ordinance, as currently written, leaves loopholes that will allow the tobacco industry to maintain its foothold as they continue to contribute to health disparities in San Jose.

We recognized that these health disparities are caused by complex, interrelated factors including social, economic, cultural, geographic, environmental and health system elements, but there is ample evidence

that the tobacco industry's intentional marketing to specific populations, including communities of color, low-income communities, and youth has contributed to these disparities. Additionally, systematic racism has led to worse health outcomes for certain populations, especially Black Americans.

Comprehensive tobacco control policies have been proven to reduce tobacco use in all populations, yet San Jose has not fully benefited from tobacco control policies. Unless you ensure that San Jose residents who experience the greatest burden of tobacco use and its disease and death are also covered by comprehensive tobacco control laws, disparities related to tobacco will persist and potentially widen.

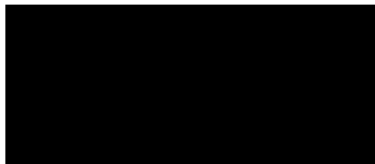
Ending the sale of ALL flavored tobacco products has the potential to aid in health equity. A 2020 study in *Nicotine & Tobacco Research* concluded that use of flavors by adults could be associated with greater nicotine dependence for users of cigarettes, cigars, and e-cigarettes. Among current adults who smoke cigar, those who used flavored products were more likely to be non-Hispanic Black, with a high school diploma only, and younger.

Tobacco is the leading cause of preventable death in our country and is responsible for one third of all cancer deaths. Our kids and communities of color face many challenges, and they should not arrive at adulthood already addicted to or negatively impacted by this deadly product. It is time for San Jose to stand up for health equity!

Please vote to protect the health of San Jose over tobacco industry profits.

Sincerely,

Ms. Rebecca Ten Eyck



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Bay Area Division

1111 Broadway Ste.1360, CA 94607
Phone (510) 903-4050 Fax (510) 903-4049

www.heart.org

September 27th, 2021

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

Dear Mayor and Council Members:

The American Heart Association is supportive of the City Council's step forward in protecting kids and the health of its residents by ending the sale of some flavored tobacco products. **We appreciate the proposed amendments to strengthen enforcement.** However, the best way to stop Big Tobacco from addicting the next generation to nicotine is to advance a policy that ends the sale of all flavored products – matching the current regional policies in San Francisco, Oakland, and Santa Clara County.

Fruit-flavored hookah, menthol and candy-flavored tobacco products are a key strategy to addict kids to nicotine and create lifetime addiction. A comprehensive flavor restriction will reduce access to the products that are the tobacco industry's key strategy for targeting and addicting new smokers, San Jose's youth. Cigarette smoking is the leading cause of preventable disease and death in the United States, claiming on average 480,000 lives each year. Evidence shows that smoking increases the risk of heart disease and stroke.

San Jose's proposed policy includes an extended implementation timeline. San Jose's youth shouldn't have to wait nine months for this policy to be effective. **We urge you to reconsider this timeline and implement within the next three to six months.**

A policy is only as strong as enforcement and flavored tobacco restriction needs a strong Tobacco Retail License (TRL) to be effective. It is important to specify that enforcement applies to retailers and ensure it does not apply to purchase, use or possession by any individual. Strong TRLs include: a fee that includes administrative and compliance monitoring to cover the total cost of enforcement, a minimum number of compliance checks per year with rechecks upon violation, and an escalating fine/suspension penalty structure that applies to the owner/licensee.

Ending the sale of all flavored tobacco products with a strong tobacco retail license will help protect our community from tobacco addiction and is crucial to preventing tobacco-related death and disease.

Sincerely,



Kenneth Mahaffey, MD
Board President, Bay Area Division, American Heart Association

Fw: Public comment on tobacco Agenda item 7.1 amending Chapter 6.87 of the Municipal Code

City Clerk <city.clerk@sanjoseca.gov>

Tue 9/28/2021 10:12 AM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Office of the City Clerk | City of San José

200 E. Santa Clara St., Tower 14th Floor

San Jose, CA 95113

Main: 408-535-1260

Fax: 408-292-6207

How is our service? [Please take our short survey.](#)

From: Ali Mohammadi [REDACTED]

Sent: Monday, September 27, 2021 6:20 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Public comment on tobacco Agenda item 7.1 amending Chapter 6.87 of the Municipal Code

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Dear Clerk of the City of San Jose:

My name is Ali Mohammadi, and I have owned and operated the Taylor Arco gas station and business in downtown San Jose for over 20 years.

I am contacting the City Council today to please it to vote against Agenda item 7.1 amending Chapter 6.87 of the Municipal Code to prohibit the sale of flavored tobacco products, or amend it to allow traditional tobacco-flavored (no flavor) and menthol vapes, at the council meeting on Tuesday, September 28, 2021.

This law would disproportionately effect middle-class, small-business owners like myself who pay our fair share of local taxes.

Businesses in San Jose and Santa Clara County already abide by some of the toughest restrictions on tobacco and underage vaping across the country. The way this proposed ordinance is written would lead people to believe that nothing is being done, to the contrary.

The City and County should focus on illicit markets and illegal online market places, not local convenience stores, as a total ban on vape products as the proposed ordinance suggests

would just lead law-abiding customers to go to illicit markets.

This proposed ordinance is backwards in that it will just support big tobacco manufacturers even more. Many smokers use tobacco-flavored (no flavor, standard) vapes to quit smoking carbon-based cigarettes. This measure would go against public health.

My issue is not with the banning of the flavored vape products, but the way the proposed ordinance is written – it is vague enough to ban all vape products. This ordinance could also be challenged in the courts due to the way it is written.

Furthermore, when it comes to menthol cigarettes and/or menthol vapes, this is a decision best left to the public and San Jose voters. I think it should also be exempt from the proposed ordinance. But if you wish to ban menthol, you should put it up for a vote in the next election and let the people have a voice.

Again, I urge you to please vote against Agenda item 7.1 amending Chapter 6.87 of title 6 of the Municipal Code to prohibit the sale of flavored tobacco products, or amend it to allow traditional tobacco-flavored (no flavor) and menthol vapes, at the council meeting on Tuesday, September 28, 2021.

Thank you,

-Ali Mohammadi

Ali Mohammadi

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