



1775 Story Road, Suite 120
San Jose, CA 95122

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

November 19, 2020

Dear Council Members,

The Tobacco-Free Coalition of Santa Clara County, which consists of more than 20 organizations and individuals interested in promoting the health of our citizens, is urging you to strengthen your tobacco retailer licensing law and restrict flavored tobacco products in the City of San Jose.

Tobacco companies are using candy-flavored products to hook kids into a dangerous addiction to nicotine. In November 2018, the U.S. Food and Drug Administration (FDA) and the U.S. Centers for Disease Control and Prevention (CDC) reported a dramatic increase in youth nicotine use, leading the Surgeon General and the FDA to declare youth e-cigarette use an epidemic in the United States.

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.

In Santa Clara County 82.3 percent of teens currently using tobacco reported using a flavored product.

Also consider that:

- 45.4 percent 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 those who purchased e-cigarettes in a local store, 62.5 percent purchased them at a vape shop.
- 13.2 percent of Santa Clara County teens reported using e-cigarettes in the past month, double the amount reported in the previous survey
- Among Santa Clara County teens, about two-thirds of current cigarette smokers (63%) reported using menthol/mint cigarettes

During this unprecedented and challenging time, it is even more important to take action on this pressing public health issue. 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 in all likelihood vapers as well, at greater risk when confronted with the coronavirus.

We would like to see several key measures included to protect the health of San Jose residents and youth:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

While the California Legislature did recently pass SB 793 (Flavored tobacco products), the tobacco companies are seeking to place it on the ballot, effectively putting it on hold. Therefore, it is crucial that action is taken within the City of San Jose to protect our youth.

Other communities across our county have already stepped up to protect their residents from these harmful products. Santa Clara County, Cupertino, Los Altos, Los Gatos, Palo Alto, and Sunnyvale have restricted flavored tobacco. And seven cities in the county have banned the sale of all vaping products in their city.

For these reasons, we urge you to strengthen the tobacco retailer licensing laws, including a strong flavored tobacco provision in San Jose.

Sincerely,

Carol Baker, Co-Chair



Vanessa Marvin, Co-Chair





Councilmember Sylvia Arenas, Chair
San Jose Neighborhood Services and Education Committee
200 E. Santa Clara St.
San Jose, Ca 95113

December 10, 2020

Re: Flavored Tobacco Products

Dear Councilmember Arenas and Members of the Neighborhood Services and Education Committee:

The Campaign for Tobacco-Free Kids asks that the City of San Jose pursue a comprehensive ordinance to prohibit the sale of all flavored tobacco products.

The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco, and help smokers quit. It is encouraging to see cities and counties in California continue to take thoughtful, evidenced-based steps to reduce the number of kids who start using tobacco and help tobacco users quit. While California has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in the nation, killing 480,000 Americans annually.

Prohibiting the sale of flavored tobacco products, including menthol cigarettes, in all tobacco retailers is a critical step that will help protect children living in San Jose from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction. Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed in retail outlets. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.¹

Menthol is the Most Popular Tobacco Flavor Among Youth

Most insidious among the flavors preferred by youth, are mint and menthol, which should not be exempted from any proposed ordinance. Menthol delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.
- The availability of menthol cigarettes reduces smoking cessation, especially among African- Americans, and increases the overall prevalence of smoking among African Americans.
- Menthol cigarettes are marketed disproportionately to younger smokers and are disproportionately marketed per capita to African Americans.

After a thorough review of the evidence, TPSAC concluded that "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."²

Flavored Tobacco Products Are Pervasive

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.³ Menthol cigarettes comprised 36 percent of the market in 2018.⁴

The Tobacco Control Act's prohibition on characterizing flavors did not apply to other tobacco products, and as a result, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products. In fact, the overall market for flavored tobacco products is actually growing. 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 – like gummy bear, cotton candy, peanut butter cup, cookies 'n cream and pop rocks for e-cigarettes and chocolate, watermelon, lemonade and cherry dynamite for cigars. Tobacco companies are making and marketing deadly and addictive products that look and taste like a new line of flavors from a Ben and Jerry's ice cream store. (See Appendix for examples).

As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.⁵ Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, “E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults.”⁶ The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9 percent in 2014.⁷

Sales of flavored cigars, meanwhile, have increased by nearly 50 percent since 2008, and flavored cigars made up more than half (52.1%) of the U.S. cigar market in 2015. The number of unique cigar flavor names more than doubled from 2008 to 2015, from 108 to 250.⁸ The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Black & Mild, Swisher Sweets, White Owl, Backwoods, and Dutch Masters – all come in flavor varieties.⁹ These products are often sold singly or can be priced as low as 3 or 4 for 99 cents, making them even more appealing to price-sensitive youth. Note that cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.¹⁰

Although tobacco companies claim to be responding to adult tobacco users’ demand for variety, it’s clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use in San Jose.

Flavored Tobacco Products Are Popular Among Youth

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product. 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.

Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135% increase from just two years ago.¹¹ Just like with cigarettes, menthol e-cigarette are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.¹² Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.¹³ Moreover, youth cite flavors as a major reason for their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes “because they come in flavors I like.”¹⁴

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”¹⁵ The manufacturer of JUUL, the most popular e-cigarette,

claims that each JUULpod contains as much nicotine as a pack of twenty cigarettes. Youth use of e-cigarettes also increases the risk for trying more dangerous combustible products. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”¹⁶ Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

As the only flavored cigarette left on the market, it’s also no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. More than half of youth smokers use menthol cigarettes, including seven out of ten African American youth smokers.¹⁷ The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth. According to data from the National Survey on Drug Use and Health, one in five smokers ages 12-17 prefers Newport cigarettes, a heavily marketed menthol cigarette brand. Preference for Newport is even higher among African-American youth smokers (69.1 percent) because of targeted marketing by the tobacco industry.¹⁸ As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.¹⁹

Tobacco companies have a long history of targeting and marketing flavored tobacco products to African Americans and youth. 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. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and African Americans.²⁰ Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. This targeting continues today: neighborhoods with predominantly African American residents have more tobacco retailers and Newport cigarettes are priced cheaper in those neighborhoods.²¹ As a result of this targeting, 85 percent of African American smokers smoke menthol cigarettes, compared to 29 percent of white smokers.²²

Use of menthol cigarettes leads to a disproportionate health burden for African Americans. The tobacco industry’s “investment” in the African American community has had a destructive impact. In 2013, the FDA released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.²³ Lung cancer is the second most common cancer in both African American men and women, but it kills more African Americans than any other type of cancer.²⁴ Decreased cessation success due to the popularity of menthol cigarettes among African Americans likely contributes to this mortality disparity.²⁵ TPSAC estimated that by 2020, 4,700 excess deaths in the African American community will be attributable to

menthol cigarettes, and over 460,000 African Americans will have started smoking because of menthol in cigarettes.

The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result. Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product.

This issue is about common sense and protecting our kids and vulnerable populations. By prohibiting the sale of all flavored tobacco products in all tobacco retail outlets, San Jose would join over one-hundred cities and counties in California that are already taking action to *end* the sale of flavored tobacco products. **Thank you for considering a strong and comprehensive policy without exemptions. It will save lives.**

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsey Freitas". The signature is fluid and cursive, with a stylized "L" and "F".

Lindsey Freitas, MPA
Regional Advocacy Director
Campaign for Tobacco-Free Kids
lfreitas@tobaccofreekids.org

Appendix

A1: Examples of Flavored Tobacco Products



A2: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org

- ¹ 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.
- ² Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011
<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- ³ Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, 25(Suppl 2):ii14-ii20, 2016.
- ⁴ U.S. Federal Trade Commission (FTC), *Cigarette Report for 2018*, 2019, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigarettereport2018.pdf> [data for top 5 manufacturers only].
- ⁵ 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.
- ⁶ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
- ⁷ Marynak, K., et al., "Exposure to Electronic Cigarette Advertising Among Middle and High School Students—United States, 2014–2016," *MMWR* 67(10): 294–299, March 16, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6710a3-H.pdf>.
- ⁸ 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.
- ⁹ SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2015, https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT_C&results_received=true.
- ¹⁰ National Cancer Institute (NCI), *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*, 1998, http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9_complete.pdf. Chang, CM, et al., "Systematic review of cigar smoking and all cause and smoking related mortality," *BMC Public Health*, 2015.
- ¹¹ FDA, "Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products," September 11, 2019, https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non?utm_source=CTPEblast&utm_medium=email&utm_term=stratout&utm_content=pressrelease&utm_campaign=ctp-vaping.
- ¹² Cullen, KA, et al., "e-Cigarette Use Among Youth in the United States, 2019" *JAMA*, published online November 5, 2019.
- ¹³ FDA, "Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance," March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.
- ¹⁴ FDA, "Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance," March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.
- ¹⁵ HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.
- ¹⁶ National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.
- ¹⁷ 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.
- ¹⁸ SAMHSA's public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015. http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT_C&results_received=true and https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C.
- ¹⁸ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013, <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>.
- ¹⁹ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- ²⁰ TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- ²¹ See e.g., Rodriguez, D, et al., "Predictors of tobacco outlet density nationwide: a geographic analysis," *Tobacco Control* 22(5):349–55, 2013. Lee, JG, et al., "Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPIRE Study," *Journal of Epidemiology and Community Health* 71(5):487–492, 2017. Henriksen, L, et al., "Targeted Advertising, Promotion, and Price for Menthol Cigarettes in California High School Neighborhoods," *Nicotine & Tobacco Research* 14(1):116–21, 2012. Moreland-Russell, S, et al., "Disparities and Menthol Marketing: Additional Evidence in Support of Point of Sale Policies," *International Journal of Environmental Research and Public Health*, 10: 4571–4583, 2013.
- ²² 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.
- ²³ FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.
- ²⁴ American Cancer Society, "Cancer Facts & Figures for African Americans, 2016–2018," 2016, <http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspc-047403.pdf>.
- ²⁵ Alexander, LA, et al., "Why we must continue to investigate menthol's role in the African American smoking paradox," *Nicotine & Tobacco Research* 18 (Suppl 1):S91–S101, 2016.

Espejo, Gina

To: tracy edkins
Subject: RE: I Support at Strong Tobacco Retail Licensing Ordinance

-----Original Message-----

From: tracy edkins [REDACTED]
Sent: Tuesday, December 8, 2020 2:10 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: I Support at Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers

As a resident of Willow Glen and a parent and supporter of Parents Against Vaping e-Cigarettes, I support strengthening our City's tobacco retailer licensing policy to key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

Last year we discovered our daughter, at the age of 14 was using flavored tobacco. She is an A student who sticks very close to home so we were shocked when we found out. What is worse is she was introduced to vaping from her 13 and 14 year old friends (from Mitty and Willow Glen Middle!) during school hours. This is a child that hated cigarettes and could never understand how people smoked. She was adamant she would never have such a disgusting habit. Then she started vaping because it "tasted good, helped her relax and EVERYONE is doing it". We need to take charge and protect our children.

Thank you
Tracy Edkins

Sent from my iPhone

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

Espejo, Gina

To: kim hustad
Subject: RE: I Support at Strong Tobacco Retail Licensing Ordinance

-----Original Message-----

From: kim hustad [REDACTED]
Sent: Tuesday, December 8, 2020 2:59 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: I Support at Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers ,

As a resident of Willow Glen and a parent and a volunteer for Parents Against Vaping e-Cigarettes, I support strengthening our City's tobacco retailer licensing policy to key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

Unfortunately, I have a son currently in a residential treatment program in Utah after having started with vaping products and moving to daily use of weed, then mushrooms and then experimenting with acid. He's 16 years old. I believe these flavored vape products are so obviously and disgustingly marketed for kids. It's like marlboro back in the day, except now we know better. We know what lifetime addiction looks like and cancer and all the other awful side effects. Starting them younger ensures these companies a lifetime of income on these young peoples' shoulders. These "invincible" kids don't realize/ignore the lifetime implications. Please do what is right and take the above steps to hopefully prevent even one less kid from going down this path.

Thank you
Kim Hustad
[REDACTED]

Please excuse any typos - sent from my iPhone

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Espejo, Gina

To: Roberto Delgadillo
Subject: RE: I Support at Strong Tobacco Retail Licensing Ordinance

From: Roberto Delgadillo [REDACTED]
Sent: Wednesday, December 9, 2020 11:47 AM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: I Support at Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers

As a resident of Gillow Glen High School school district and a parent and a volunteer for Parents Against Vaping e-Cigarettes, I support strengthening our City's tobacco retailer licensing policy to key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

As a parent in the past year I was confident to send my kids to school (high school & middle school student), we always be a good family, very good kids, Christians, we teach them manners and how to be a good citizen, around Nov. 2019 we noticed a big change on moods and behavior in our soon, always angry, fighting for everything, passing long time in the bathroom, I start looking around and I start finding e-cigarettes, vaping staff We confront him and he always said belong to his friends, I took back his phone and find pictures with students vaping at school in the parking lot at school, obviously somebody share to him because he can not afford to buy, I'm very angry against this companies because they are destroying our kids and their innocence. This is very addictive saff that we must to take action, I still having issues with my son and I dont want other parents have the same problems. We must to fight for a better wordFeel free to add a paragraph about your story and why you care - but if you are in hurry - your voice WILL BE HEARD without that!]

Thank you
Your name

Stay Well!

Sent via the Samsung Galaxy S8+, an AT&T 5G Evolution capable smartphone

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Dear Council Members Carrasco, Foley, Esparza, Jimenez, and Arenas. My name is Natalie Andrade and I work for the Santa Clara County Office of Education, Tobacco Use Prevention Education Program. I am also a San Jose Resident.

I would like to read a letter from one of our Peer Advocate Advisory Council members, who couldn't be here today due to school. She gave me permission to read the letter.

Dear Councilmembers,

My name is Ira Gupta, and I am a 15-year-old resident of San Jose. I attend Evergreen Valley High School, and I'm a member of the Peer Advocate Advisory Council (PAAC). I urge you to protect young people by strengthening your tobacco retailer licensing laws and restrict flavored tobacco products in the City of San Jose.

Imagine: you decide to go to your school's bathroom. When you step inside, you immediately smell a mix of both a fruity and smoky substance. It's the smell of a flavored vape product. But how are youth even getting these products? Social media is not only good for staying in touch with your friends; it's also good for getting harmful and potentially addicting tobacco products. Teens can also get products from local dealers, or even share products with their friends. During this challenging time, students sharing tobacco products is even more harmful than it already is, and can help spread the coronavirus.

As a high schooler--and even as a middle schooler--I have seen and heard many of my peers using flavored tobacco products. Using these products in school not only harms the user's education, but harms the education of those around them as well. Besides nicotine being harmful to the developing brain, students leave class or their activities to go use a tobacco product, and it's usually a flavored one.

Most young people who have used tobacco started with a flavored product. The tobacco industry creates flavors such as lychee and other traditional and cultural flavors to attract teens and youth of different ethnicities and backgrounds.

I urge you to strengthen the tobacco retailer licensing laws by restricting e-cigarette and vape product sales and the density of tobacco retailers near schools and ban all flavored tobacco products, including hookah in all locations in San Jose.

Sincerely,
Ira Gupta, 15, PAAC Member

Espejo, Gina

From: Peg Carlson-Bowen [REDACTED]
Sent: Wednesday, December 9, 2020 4:11 PM
To: Espejo, Gina
Subject: I Support at Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers,

As a resident of the Cambrian area of San Jose and a parent, I support strengthening our City's tobacco retailer licensing policy to include key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

Thank you for listening and acting in our community interest.

Regards,
Peg Carlson-Bowen

My [gender pronouns](#) are she/her/hers.

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

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

December 9, 2020

Dear Council Members,

My name is Ira Gupta, and I am a 15-year-old resident of San Jose. I attend Evergreen Valley High School, and I'm a member of the Peer Advocate Advisory Council (PAAC). I urge you to protect young people by strengthening your tobacco retailer licensing laws and restrict flavored tobacco products in the City of San Jose.

Imagine: you decide to go to your school's bathroom. When you step inside, you immediately smell a mix of both a fruity and smoky substance. It's the smell of a flavored vape product. But how are youth even getting these products? Social media is not only good for staying in touch with your friends; it's also good for getting harmful and potentially addicting tobacco products. Teens can also get products from local dealers, or even share products with their friends. During this challenging time, students sharing tobacco products is even more harmful than it already is, and can help spread the coronavirus.

As a high schooler--and even as a middle schooler--I have seen and heard many of my peers using flavored tobacco products. In fact, 82.3 percent of teens currently using tobacco reported using a flavored product in Santa Clara County. Using these products in school not only harms the user's education, but harms the education of those around them as well. Besides nicotine being harmful to the developing brain, students leave class or their activities to go use a tobacco product, and it's usually a flavored one.

Most young people who have used tobacco started with a flavored product. Alarming, a survey found that of the 80 percent of people who used flavored tobacco products, over three-fourths of them said they would not use the product if it was not flavored. The tobacco industry creates flavors such as lychee and other traditional and cultural flavors to attract teens and youth of different ethnicities and backgrounds.

I would like to see the following included to protect the health of youth in San Jose: Ban ALL flavored tobacco products, including hookah, in all locations, restrict e-cigarette and vape product sales, restrict the density of tobacco retailers near schools and existing retailers, and eliminate the adult-only store exemption.

For these reasons, I urge you to strengthen the tobacco retailer licensing laws and restrict flavored tobacco products in San Jose.

Sincerely,
Ira Gupta, 15, PAAC Member

Espejo, Gina

To: Bayles-Sharon Holt
Subject: RE: Support of Strong Tobacco Retail Licensing Ordinance

-----Original Message-----

From: Bayles-Sharon Holt [REDACTED]
Sent: Wednesday, December 9, 2020 5:06 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: Fwd: Support of Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers,

As a resident of Almaden and a grandparent and retired San Jose Unified educator, I support strengthening our City's tobacco retailer licensing policy to key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

Young people need community support and guidance to make good decisions in their lives. Responsible community members need to send a clear message to young people about the dangers of tobacco products. The dangers are greater to young people, who are still physically developing, and also because this is an age when lifelong habits are started. Anything we can do to make it easier for young people to make better choices, and harder to make unwise choices, is important to the health of our community.

Thank you.

Sharon C. Holt

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Espejo, Gina

To: Anna Fox
Subject: RE: I Support a Strong Tobacco Retail Licensing Ordinance

From: Anna Fox [REDACTED]
Sent: Wednesday, December 9, 2020 11:00 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Cc: lori@parentsagainstvaping.org
Subject: I Support a Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers

As a resident of Willow Glen and a parent of two boys, I support strengthening our City's tobacco retailer licensing policy to key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

Anything that helps keep tobacco usage numbers dropping, or brings us closer to ending this habit altogether, is good by me.

Thank you,

Anna Fox

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Espejo, Gina

From: Ben Bridge [REDACTED]
Sent: Thursday, December 10, 2020 7:58 AM
To: Espejo, Gina
Subject: I Support at Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers,

As a resident of San Jose and a parent and a volunteer for Parents Against Vaping e-Cigarettes, I support strengthening our City's tobacco retailer licensing policy to key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

Tobacco should not be so readily available to our youth for they do not yet know all the effects it will have on them physically and mentally. They are enticed by the flavors and the "coolness" factor, and yet they don't realize that it's still harmful to their bodies and will affect them now and 60 years from now. These e-cigarettes have the same ingredients as other tobacco products, but it has just been marketed and branded differently. Please help our youth by following the provisions above.

Thank you
Ben Bridge

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Espejo, Gina

To: Julie Fountain Stover
Subject: RE: Tobacco

From: Julie Fountain Stover [REDACTED]
Sent: Thursday, December 10, 2020 8:24 AM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: Tobacco

[External Email]

Dear Councilmembers,

As a resident of San Jose and a parent and educator in the SJ Schools, I support strengthening our City's tobacco retailer licensing policy to key provisions to protect the youth of our community. I have had several parents of students in the schools that I teach in talk about the dangers of e-cigarettes/vaping - many say their kids are coughing incessantly, picking up & vaping every couple of minutes - sadly HOOKED. This should not be happening!!

Those provisions should include:

- Ban ALL flavored tobacco products, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

Thank you,
Julie

ArtHouse Kids
www.arthousekids.com
Facebook: ArthouseKidsStudioandGallery

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Espejo, Gina

To: Maren Lopez
Subject: RE: I Support a Strong Tobacco Retail Licensing Ordinance

From: Maren Lopez [REDACTED]
Sent: Wednesday, December 9, 2020 1:14 PM
To: Espejo, Gina <Gina.Espejo@sanjoseca.gov>
Subject: I Support a Strong Tobacco Retail Licensing Ordinance

[External Email]

Dear Councilmembers,

As a resident of Willow Glen, a parent of teens, and a volunteer for Parents Against Vaping e-cigarettes, I support strengthening San Jose's tobacco retailer licensing policy to key provisions to protect the youth of our community. Those provisions are:

- Ban ALL flavored tobacco product, including hookah, in all locations
- Restrict e-cigarette and vape product sales
- Restrict the density of tobacco retailers near schools and existing retailers
- Eliminate the adult-only store exemption

In my experience I have seen how quickly and easily my teen can access tobacco products. I hope the City Council can do the right thing to stand up to protect our youth from addiction and the dangerous health risks associated with tobacco products.

Thank you,
Maren Lopez

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Espejo, Gina

From: Gina Wong [REDACTED]
Sent: Thursday, December 10, 2020 9:02 AM
To: Espejo, Gina
Subject: Tobacco Retailer Licensing Ordinance

[External Email]

Hi Gina!

I hope you are having a beautiful Thursday! My name is Gina Wong and I live in the Greater San Jose area and I am in support of strengthening the Tobacco Retailer Licensing Ordinance that includes restricting flavored tobacco to protect the youth in our community. Thank you!