



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
April 15, 2020 – April 22, 2021

DATE: April 28, 2020

ITEMS FILED FOR THE PUBLIC RECORD

Letters from Boards, Commissions, and Committees

Letters from the Public

1. Letter from Jaskaran Singh, received April 15, 2021, regarding: Concerning local tobacco legislation.
2. Letter from Tim Gibbs, dated April 19, 2021, regarding: Coalition letter of support to prohibit the sale of all flavored tobacco products in San José.
3. Letter from Margo Sidener, dated April 21, 2021, regarding: tobacco retail license and multi-unit housing secondhand smoke ordinances.

Toni J. Taber, CMC
City Clerk

From: [Agendadesk](#)
To: [Rules and Open Government Committee Agendas](#)
Subject: Fw: Concerning local tobacco legislation.
Date: Thursday, April 15, 2021 1:19:29 PM
Attachments: [image002.png](#)

Agenda Desk

City of San José | Office of the City Clerk
 200 East Santa Clara St. – Tower 14th Fl.
 San José, CA 95113-1905
 Phone 408.535.1275 | Fax 408.292.6207
agendadesk@sanjoseca.gov

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From: Mossing, Mackenzie <Mackenzie.Mossing@sanjoseca.gov>

Sent: Thursday, April 15, 2021 12:54 PM

To: Agendadesk <Agendadesk@sanjoseca.gov>

Subject: FW: Concerning local tobacco legislation.

For the public record. Thanks.



Mackenzie Mossing

Deputy Chief of Staff and Senior Policy Advisor

p: (408) 535-4863 | e: mackenzie.mossing@sanjoseca.gov

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COVID-19 Community Resources & Information:

Silicon Valley Strong: www.siliconvalleystrong.org

From: [REDACTED]

Sent: Thursday, April 8, 2021 12:00 PM

To: The Office of Mayor Sam Liccardo <TheOfficeofMayorSamLiccardo@sanjoseca.gov>

Subject: Concerning local tobacco legislation.

[External Email]

Name	Jaskaran Singh
Email	[REDACTED]
Phone	[REDACTED]
Message	<p>Dear City Council Member:</p> <p>I am writing to urge you to oppose an ordinance that would ban the sale of flavored tobacco products and electronic cigarettes in San José.</p>

If retailers are forced to stop selling flavored tobacco products and electronic cigarettes, then customers would simply drive to another store in a neighboring city or purchase their preferred tobacco products on-line. Even worse, they could turn to black market sellers who will readily supply smuggled flavored tobacco products to anyone of any age. Elected officials should not enact a law that would promote more crime in a community.

Retailers are the first line of defense when it comes to preventing underage individuals from purchasing tobacco products. However, black market sellers will not be concerned with checking IDs for legal age but will readily sell to anyone who has cash.

Many stores have found it challenging to remain open during the COVID-19 pandemic and removing additional products from store shelves will only add more financial burden on stores that have been able to survive so far.

A reduction in sales of flavored tobacco products could force retailers to lay off employees because stores will not only lose tobacco sales, but sales of gasoline, snacks and beverages as well when customers patronize stores in other cities. This would place a severe financial burden on retailers by government dictating what legal products can and cannot be sold.

With recent national surveys showing that tobacco use by underage individuals and even adults is at historic lows, there is no reason to remove so many tobacco products from store shelves.

The city council should not pass this ordinance and instead allow responsible retailers to continue to sell tobacco products in a law-abiding manner rather than creating an unregulated marketplace.

7-11 Manager
809 Coleman

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Deputy Chief of Staff and Senior Policy Advisor
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COVID-19 Community Resources & Information:

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From: Tim Gibbs <[REDACTED]>
Sent: Monday, April 19, 2021 11:18 AM
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>
Subject: Coalition letter of support to prohibit the sale of all flavored tobacco products in San Jose

[External Email]

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

Please find a letter attached in support of the proposed ordinance to prohibit the sale of all flavored tobacco products in San Jose. This letter from a growing coalition of organizations who are committed to protecting those most vulnerable from the threat posed by proliferation of flavored tobacco products including menthol cigarettes. Please don't hesitate to reach out if you have any questions.

Sincerely,

Tim Gibbs
 Campaign for Tobacco Free Kids
[San Jose Fights Flavors](#)

Tim Gibbs
[Tim Gibbs Consulting](#)
 [REDACTED]

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April 19, 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

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

Parents Against Vaping E-Cigarettes

Santa Clara County Dental Society

Santa Clara Family Health Plan

Silicon Valley Black Chamber of Commerce

Social Equity Initiative

Teen Success Inc.

Tobacco Free Coalition of Santa Clara County

Also for the public record on this item. Thanks!



Mackenzie Mossing

Deputy Chief of Staff and Senior Policy Advisor
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COVID-19 Community Resources & Information:

Silicon Valley Strong: www.siliconvalleystrong.org

From: Margo Sidener [REDACTED] >

Sent: Wednesday, April 21, 2021 9:53 PM

To: Carrillo, Oscar <Oscar.Carrillo@sanjoseca.gov>

Cc: Roberts, Rachel <Rachel.Roberts@sanjoseca.gov>; Hughey, Rosalynn <Rosalynn.Hughey@sanjoseca.gov>; 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>

Subject: tobacco retail license and multi-unit housing secondhand smoke ordinances

[External Email]

Dear Mr. Carrillo:

I am writing to express deep concern over the delay in bringing the tobacco retail license and multi-unit housing secondhand smoke ordinances forward to the Council. We had expected them to be heard in April and are sorely disappointed to be told that they will not be heard until June. As we all know, any type of delay would push these ordinances past the July recess and into August or September.

Meanwhile, thousands of our children will have tried flavored tobacco, with many or most getting hooked, some to a lifetime of addiction. Meanwhile, families will struggle to breathe in their own homes.

As San Jose is behind its neighbors in providing these protections, there are ample models available for consideration. Plus, a strong tobacco retail license will provide funds for the City to administer its ordinance.

Please respect the urgency of our plea and move this forward if at all possible. Let me know personally if there is anything that our agency might do to help you make this happen.

Thanks for your Consideration, Margo Sidener

Margo Leathers Sidener, MS, CHES
Chief Executive Officer



of the Bay Area, Golden Gate, and Central Coast

Phone: [REDACTED] | Web: www.lungsrus.org

Breathe California is dedicated to fighting lung disease, advocating for clean air, and promoting public health for *all* its communities.

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