
FW: Item 7.2 25-1166 Temporary Moratorium on the Issuance of Tobacco Retail Licenses

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/3/2025 8:12 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (134 KB)

San Jose City Council letter 11-2-2025.pdf;

From: Lynn Silver [REDACTED]
Sent: Monday, November 3, 2025 5:48 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Item 7.2 25-1166 Temporary Moratorium on the Issuance of Tobacco Retail Licenses

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Dear City Clerk,

Kindly distribute the attached public comment on agenda item **Item 7.2 25-1166 Temporary Moratorium on the Issuance of Tobacco Retail Licenses** for the Nov. 4 meeting.

With appreciation,

Lynn Silver
Director
Prevention Policy Group
[REDACTED]

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November 2, 2025

San Jose City Council
city.clerk@sanjoseca.gov

Item 7.2 25-1166 Temporary Moratorium on the Issuance of Tobacco Retail Licenses.

To the Honorable Matt Mahan, Mayor, and Councilmembers Kamei, Campos, Tordillos, Cohen, Ortiz, Mulcahy, Doan, Candelas, Foley, and Casey,

We write to express our strong support for Agenda Item **7.2: the proposed temporary moratorium on tobacco retailer licenses**.

The Prevention Policy Group is a program of the Public Health Institute, a nonprofit 501c3 which has served California for 61 years. Two of our key areas of work are tobacco and cannabis/hemp policy. We currently manage the tracking of local tobacco policy for the state of California and also provide technical assistance to Santa Clara County on cannabis and hemp policy.

This temporary pause is a prudent and necessary step to allow the City to evaluate the long-term impacts of tobacco retail proliferation, both licensed and unlicensed and compliance of existing retailers. This proposed moratorium reflects a thoughtful approach to protecting public health and health equity, preserving the safety of the community, and ensuring that future decisions regarding tobacco retail are made with full consideration of community values and priorities.

Cities across California are beginning to examine new strategies for reducing, not increasing tobacco retailers. Three cities have now completely prohibited tobacco retailing. Other cities are assuring gradual attrition of the number of tobacco retailers. Not allowing further growth of sales, both through temporary moratoria and permanent measures, of what has long been the largest cause of preventable death and illness is a modest and reasonable first step.

Furthermore, as the staff report clearly notes, licensed and unlicensed shops are frequently found in non-compliance with existing law, whether selling flavored tobacco, illegal intoxicating hemp products not considered cannabis, cannabis itself, kratom, or other illicit products. These problems must be addressed.

We strongly urge the city to examine ways to: 1) substantially reduce, rather than augment the number of licensed tobacco retailers, 2) to assure that TRL fees are sufficient to cover the full cost of licensing, regular inspection of all retailers and other enforcement, so the city is not completely dependent upon DOJ grants, 3) to close unlicensed operators and enforce other existing law, and 4) to strengthen your tobacco retail licensing ordinance to assure that sale of other illegal non-tobacco products including, but not limited to, intoxicating hemp, cannabis, kratom, as well as nitrous oxide constitute violations of your tobacco licensing ordinance.



These measures can help assure that San Jose remains an evolving community that promotes wellness, family-friendly commerce, and economic development for a thriving city. The presence of additional tobacco retailers will undermine these goals and contribute to negative and more inequitable health outcomes, especially among youth and vulnerable populations.

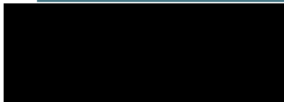
We commend the Council for considering this temporary measure and urge you to adopt it and to pursue further strengthening of your existing tobacco. This ordinance will provide the necessary time to engage stakeholders, gather data, and develop more comprehensive strategies that align with San Jose's longer term health objectives as well as assuring compliance with existing law.

Thank you for your leadership.

Sincerely,



Lynn Silver, MD, MPH
Director
Prevention Policy Group
www.preventionpolicygroup.org



FW: Item 7.2 temporary moratorium issuance of tobacco retail license

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/3/2025 10:32 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

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

From: Hanny Bongso [REDACTED]
Sent: Monday, November 3, 2025 10:23 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Item 7.2 temporary moratorium issuance of tobacco retail license

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Dear sir and madam,

I am very concerned about the selling tobacco to teen (middle schooler and high schooler).

We all know how bad it is for them. It should be banned not to sell to minors and stricter rules for tobacco shops not to sell to minors.

I have experienced it myself when my son was in high school. He saw many teens use it at school's restroom. Sometimes got busted by school staff but not all the time and they introduced it to other kids to try.
:(

Thank you for hearing our concern.

Sent from my iPhone

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FW: item 7.2 Temporary Moratorium on Issuance of Tobacco Retail License

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/3/2025 10:43 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Ruben Miranda [REDACTED]
Sent: Monday, November 3, 2025 10:42 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: item 7.2 Temporary Moratorium on Issuance of Tobacco Retail License

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Good Afternoon,

I would like to submit the following for Public Comment regarding "item 7.2 Temporary Moratorium on Issuance of Tobacco Retail License"

Here is my public comment:

"As a middle school teacher I can see the effects of a child's diet and habits in the classroom everyday. We all know that factors such as sleep and the quality of water affect our children's development and learning in their teen years. The students I teach are between 11 and 13 and they are very impressionable. Flavored tobacco is marketed as something cool and discreet to our modern youth. The chemicals in these products are addictive and poisonous. We should remove these products from our stores and protect our children from making a mistake that will dramatically alter the trajectory of their lives. We need to help our children be healthy and take care of the minds and bodies.

*Thank You,
Ruben Miranda*

[REDACTED]
San Jose Unified School District"

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FW: 7.2 Temporary Moratorium on Issuance of Tobacco Retail License

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/3/2025 11:11 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Melissa Urbain [REDACTED]
Sent: Monday, November 3, 2025 11:11 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: 7.2 Temporary Moratorium on Issuance of Tobacco Retail License

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To whom it may concern-

My name is Melissa Urbain and I'm a public school educator and D3 Voter here in San José since 2005. I'm speaking today in strong support of the proposed temporary moratorium on tobacco licenses and the need for improved enforcement of existing shops. Every day, I see how easily our students can access these products and the lasting harm it causes in their lives. We owe it to our young people to create a healthier, safer San José. Let's take this important step together and prioritize their future. Thank you.

Melissa Urbain Ed. D.
[REDACTED]

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FW: Please Support the Temporary Ban on New Tobacco Shops

From City Clerk <city.clerk@sanjoseca.gov>
Date Mon 11/3/2025 3:24 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Krisman, Widodo <[REDACTED]>
Sent: Monday, November 3, 2025 3:01 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Please Support the Temporary Ban on New Tobacco Shops
Importance: High

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Dear San José City Council,

I am writing as a parent and resident of San José to express my strong support for the proposed temporary moratorium on new tobacco and smoke shops. This is an important step to protect our children, strengthen our neighborhoods, and ensure that our city's health policies truly serve every community.

Over the past few years, I've seen firsthand how easily our kids can access tobacco and vaping products. **My son and his friends have been able to purchase** these items from local smoke shops with almost no difficulty. They even found ways to hide them from parents — a reality many families like mine are struggling with. It's frightening to think how easily minors can get hooked on nicotine or other substances just because there are so many shops nearby with little oversight.

The concentration of smoke shops in certain neighborhoods, especially in East San José, makes the problem even worse. These areas already face more than their fair share of health and safety challenges. The moratorium will give the City the time it needs to strengthen licensing, enforcement, and zoning rules so that our communities aren't disproportionately burdened by businesses that profit from addiction.

I truly appreciate Councilmember Peter Ortiz for taking the lead on this issue. His proposal is thoughtful and fair — it doesn't punish existing law-abiding businesses but instead gives the City breathing room to review and improve its policies. This pause will help us build a healthier, safer, and more equitable San José for all families.

Thank you for considering this measure and for your continued work to protect our community's well-being. I strongly urge you to vote **in favor of the temporary ban on new tobacco shops.**

Sincerely,

Widodo Krisman

Parent, Almaden Valley.

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FW: Strong Support for the Temporary Moratorium on New Tobacco and Smoke Shops

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 11/4/2025 7:09 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Claire Liang <[REDACTED]>
Sent: Monday, November 3, 2025 6:28 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Strong Support for the Temporary Moratorium on New Tobacco and Smoke Shops

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Dear Mayor and Council Members,

As a parent and resident of San José, I strongly support the proposed temporary moratorium on new tobacco and smoke shops. Our children can too easily access vaping and tobacco products from local stores, and the high concentration of these shops—especially in East San José—puts certain neighborhoods at greater risk.

This pause will give the City time to strengthen licensing, enforcement, and zoning rules to better protect families and promote health equity. I appreciate Councilmember Peter Ortiz's leadership on this issue and urge you to vote in favor of the moratorium.

Thank you for your commitment to a safer, healthier San Jose.

Sincerely,

Tiemyen Liang and Ihsien Chen

Parent
Almaden Valley, South San Jose

Sent from my iPhone

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FW: Please support temporary ban on new tobacco shops

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 11/4/2025 7:09 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Yizhen Zhang <[REDACTED]>
Sent: Monday, November 3, 2025 10:13 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Subject: Please support temporary ban on new tobacco shops

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Dear San José City Council,

I am writing as a resident of San José to express my strong support for the proposed temporary ban on new tobacco and smoke shops. This is an important step to protect our children, strengthen our neighborhoods, and ensure that our city's health policies truly serve every community. This temporary ban will help us build a healthier, safer, and more equitable San José for all families.

Thank you for your continued efforts to protect our community's well-being. I strongly urge you to vote in favor of the temporary ban on new tobacco shops.

Sincerely,
Yizhen Zhang

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FW: City Council Agenda Item 7.2 - Temporary Moratorium on Issuance of Tobacco Retail License

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 11/4/2025 7:09 AM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Tami Sell <[REDACTED]>
Sent: Tuesday, November 4, 2025 12:17 AM
To: City Clerk <city.clerk@sanjoseca.gov>; Councilmember George Casey <[REDACTED]>; The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>
Cc: Dan Sell <[REDACTED]>; Erika Murphy <[REDACTED]>
Subject: City Council Agenda Item 7.2 - Temporary Moratorium on Issuance of Tobacco Retail License

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Hello San Jose City Clerk, Mayor Mahan and City Council Members,

Along with the goal of making San Jose the 'safest' large city in the US, let's try to make it one of the 'healthiest' large cities in the US too!

Please enact the temporary ban on new tobacco shops in San Jose, and enforce inspections to fine and stop the illegal sales of flavored vapes and synthetic cannabis, especially to youth under 21 years of age.

Please also ban the sale of nitrous oxide products for recreational use.

We must protect our youth, and not having access to tobacco, vapes, cannabis and nitrous oxide will help keep them healthier!

Thank you, Tami Sell, District 10 resident, voter and parent

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Outlook

FW: Support letter (written public comment) for Item 7.2 on today's City Council meeting

From City Clerk <city.clerk@sanjoseca.gov>**Date** Tue 11/4/2025 7:12 AM**To** Agendadesk <Agendadesk@sanjoseca.gov> 1 attachment (77 KB)

Vivek Sharma support letter for Item 7.2.pdf;

From: Vivek Sharma <[REDACTED]>**Sent:** Tuesday, November 4, 2025 7:12 AM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Support letter (written public comment) for Item 7.2 on today's City Council meeting

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Hello Clerk team,

Please see my attached support letter (written public comment) for Item 7.2 on today's City Council meeting.

Feel free to contact me.

Best regards,

Vivek Sharma

P: +1 [REDACTED]

[Schedule a meeting with me](#)[Connect with me on LinkedIn](#)

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RE: Support for the Temporary Moratorium on New Tobacco Retail Licenses (Item 7.2)

Honorable Mayor Mahan and Members of the City Council,

My name is Vivek Sharma, and I serve as the Policy Lead for the CATT (Community Advocate Teens of Today) Youth Coalition at the Santa Clara County Public Health Department. I am a lifelong resident of East San Jose, and it is with great earnest that I write to encourage you to adopt the proposed temporary moratorium on tobacco retail licenses.

I have been working with youth in the East San Jose with students who tell me that the odor of vape smoke goes with them to and from school each day because “the store” near their home sells them flavored disposable vapes. One of them, a high school sophomore in our East community in San Jose, told me that her brother began smoking vape at 13 because the store near their apartment “sold to anyone who looked old enough” because it is located near their apartment. These experiences aren’t unique stories; they’re our reality.

This proposed moratorium is more than just a delay in issuance of business licenses. It is a lifeline for our community and others like ours that have been forced to become the epicenter for youth nicotine poisoning and illicit business. The truth is evident in the data and what our youth have been telling us for many years: our community is oversaturated with smoke and vape shops.

Even more concerning is the data discovered by the City itself. In recent years, there has been a **marked increase in the number of tobacco vendors** and illicit smoke shops **in communities with preexisting health inequities**. These shops have been caught **selling illicit products** such as flavored tobacco products, cannabis products, and even **nitrous oxide**. This illicit activity has been recorded in numerous shops that can be found near schools and parks.

According to the 2025 Latino Health Assessment in Santa Clara County, there is nearly **twice as many tobacco retailers per square mile in East San Jose** as in the rest of Santa Clara County. This is equivalent to saying that our young people face **double the nicotine marketing and availability** of harmful products. Current data available in the City indicates there is a total of over 550 licensed retailers with increasing complaints against unlicensed or illegal activities that rose from 3 in 2021 to 17 in 2024.

*At least **30 of 101 reported businesses were found operating without a tobacco retail license**, and 35 lacked both a license and a business tax certificate.*

This isn’t a problem that involves one or two bad actors. This is a system that has been quietly spiraling out of control.

As someone with experience in public health, I can see the importance of this 45-day moratorium. It allows the City the “breathing room” to take a breath to write better, updated laws that can protect our young people and our neighborhoods. It gives us a chance to come together with City administration, the police, community activists, and youth advocates to improve enforcement tools, reasonable location constraints, and a way for good business to succeed without exploiting our communities.

I have witnessed the effects myself. A few years ago, I worked with a principal at a Title 1 middle school, when two students were caught vaping. In a way, I shouldn’t have been surprised as there were many tobacco retailers in the block where they lived. “How can I sit them down and lecture them on healthy choices when their world is one that is meant to tempt them?” the principal asked me. This is exactly what this legislation aims to correct: their world.

I encourage you to support this temporary moratorium and to communicate that the health and well-being of our young people is more important to the City of San José than profit. This is a chance to hit reset and build a healthier community and give us the breathing room to create long-lasting change.

I urge you to support Item 7.2.

Sincerely,

Vivek Sharma

Policy Lead – CATT Coalition

Lifelong resident – District 8, City of San Jose



FW: Public Comment for Agenda Item 7.2

From City Clerk <city.clerk@sanjoseca.gov>
Date Tue 11/4/2025 12:21 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (106 KB)
2025 TFC SCC San Jose Letter.pdf;

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

From: Vanessa Marvin <[REDACTED]>
Sent: Tuesday, November 4, 2025 3:32 AM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: Caroline Baker <[REDACTED]>
Subject: Public Comment for Agenda Item 7.2

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Hello,

Please find our public comment in support of Agenda Item 7.2 (Temporary Moratorium on the Issuance of Tobacco Retail Licenses)

Thank you,

Vanessa Marvin & Carol Baker
Tobacco-Free Coalition of Santa Clara County, Co-Chairs

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November 3, 2025

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

Dear San Jose City Council,

The Tobacco-Free Coalition of Santa Clara County is dedicated to protecting and improving the health and well-being of all communities throughout Santa Clara County.

We are writing in support of Agenda Item 7.2 at the November 4 Council Meeting regarding the City's moratorium on tobacco retailers.

Historically, the tobacco industry has targeted vulnerable populations, especially youth. Expansion of tobacco product technology and flavors lure youth to try vaping, cigarettes, and other products like ZYN pouches. All tobacco products contain nicotine, which addicts and keeps users hooked on tobacco. Additionally, nicotine poisons adolescent brains and is dangerous for youth brain development.

Latinos are also a frequent target by the tobacco industry. Studies have shown that tobacco retailers cluster in low-income neighborhoods and neighborhoods that predominantly house residents of color. In 2023, the density of tobacco retailers in East San José, was more than two times higher than the countywide density. The findings of the Latino Health Assessment further explore how this plays out in our community.

This is why the City of San Jose must adopt a stronger and more comprehensive Tobacco Retailer Licensing program (TRL) to adequately protect youth from tobacco. While we applaud the steps the City took in 2021 to strengthen the TRL, the current version does not do enough to minimize youth access to tobacco products and other illegal products.

Strengthening the TRL can better hold retailers accountable, prevent illegal sales, and foster healthier, more equitable environments for all San Jose residents. 6 out of 16 jurisdictions in Santa Clara County currently have a comprehensive TRL policy —San Jose is not one of them. Let's work together to make the changes needed to get San Jose there.

Thank you for your continued commitment to ensure a healthy, united community in San Jose.

Sincerely,

Carol Baker and Vanessa Marvin
Tobacco-Free Coalition of Santa Clara County Co-Chairs



Outlook

FW: Item 7.2 Temporary moratorium on Issuance of Tobacco Retail

From City Clerk <city.clerk@sanjoseca.gov>**Date** Tue 11/4/2025 12:21 PM**To** Agendadesk <Agendadesk@sanjoseca.gov>

From: Willows San Jose <[REDACTED]>**Sent:** Tuesday, November 4, 2025 12:11 PM**To:** City Clerk <city.clerk@sanjoseca.gov>**Subject:** Fwd: Item 7.2 Temporary moratorium on Issuance of Tobacco Retail

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We care about our kids and their health.

The lesser exposure to tobacco and flavored tobacco, they can be the best they can be.

Please stop issuing permits for tobacco retail. What good does it do?

-Amy Ma

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