



MEMORANDUM

TO: CITY COUNCIL

FROM: JIM BERGMAN, CITY MANAGER

**SUBJECT: SUPPLEMENTAL INFORMATION
AGENDA ITEM 10.a. – NOVEMBER 26, 2019 CITY COUNCIL MEETING
– CONSIDERATION OF ADOPTION OF AN ORDINANCE PROHIBITING
THE SALE AND DISTRIBUTION OF ELECTRONIC CIGARETTES AND
VAPING PRODUCTS THAT REQUIRE, BUT HAVE NOT RECEIVED A
FOOD AND DRUG ADMINISTRATION ORDER APPROVING THEIR
MARKETING AND AN ORDINANCE PROHIBITING THE POSSESSION
OF ALL TOBACCO PRODUCTS AND PARAPHERNALIA BY PERSONS
UNDER TWENTY-ONE**

DATE: NOVEMBER 26, 2019

Attached is correspondence received regarding the above referenced item.

cc: City Attorney
City Clerk
Public Review Binder



November 7, 2018

In California in 2016, The American Lung Association in California, the American Heart Association and the American Cancer Society Cancer Action Network made a huge impact on the public health of California residents by changing state law to raise the legal age of sale for tobacco products to 21. Included in that victory was the removal of the state's purchase, use, and/or possession (PUP) law which punished minors for possessing tobacco products. Our organizations did this because civil and criminal penalties for youth purchase, use and/or possession have not proven to be effective enforcement measures and detract from more effective tobacco control strategies. We believe that any penalty (if the law is broken) should be levied only on the retailer and not the underage purchaser.

Big Tobacco has a long history of attracting and addicting youth and young adults with highly-targeted marketing. However, PUP laws do not protect children from the misleading messaging and advertising by the tobacco industry. Getting rid of PUP laws shifts the responsibility back to the tobacco industry and retailers, and away from the vulnerable youth themselves.

PUP laws are also expensive and difficult to enforce. Newer tobacco products such as e-cigarettes and JUUL, which are popular among youth, are designed to be used discreetly. Punishment for their possession and/or use has not proven to reduce repeat violations. Studies also suggest that PUP laws are disproportionately applied to communities of color. This diverts law enforcement's time and money away from effective tobacco control measures.

To best protect youth from the harmful effects of tobacco, it is important that local jurisdictions do not pass new local youth possession laws. **The American Lung Association, American Cancer Society, and American Heart Association oppose any efforts by California localities to reinstate youth tobacco possession laws.** Instead, cities and counties should use proven strategies to prevent youth from obtaining tobacco products. Studies show that strong definitions of tobacco product that include electronic cigarettes, tobacco retail licensure requirements with penalties for store owners, increasing minimum price or pack size, and prohibiting the sale of flavored tobacco products including menthol can all effectively reduce youth access and tobacco use rates.

Together we must continue to work to stop Big Tobacco from attacking and addicting our vulnerable youth.

For more information, please contact Lindsey Freitas, American Lung Association in California (lindsey.freitas@lung.org), Tim Gibbs, American Cancer Society Cancer Action Network (tim.gibbs@cancer.org), or Jamie Morgan, American Heart Association (jamie.morgan@heart.org).

Sincerely,

American Lung Association in California
American Cancer Society Cancer Action Network
American Heart Association