

# **Flavored Tobacco, Access and Public Health:**

## **Proposed San Mateo City Ordinance Scientific Study**

**Bonnie Halpern-Felsher, PhD, FSAHM  
Professor, Pediatrics**

**Presentation to San Mateo City Council  
September 8, 2020**

# Disclosures

I am an expert scientist in some e-cigarette litigation and in tobacco-related policies.

# San Mateo City Council Proposed Ordinance

Consistent with **San Mateo County ordinance:**

- Update the definition of tobacco products to include all tobacco products including e-cigarettes
- Prohibit the sale of all e-cigarettes and flavored tobacco, without exemptions
- Prohibit the sale of all tobacco products in pharmacies
- Include restrictions / expectations for permitted tobacco retailers

# New National Data on Tobacco Use

- YRBS 2019 Data on Past 30-day Tobacco Use:
  - 32.7% used E-cigarettes
  - 6.0% used Cigarettes
  - 5.7% used Cigars
  - 3.8% used Smokeless tobacco
- Overall use of tobacco has remained largely unchanged or increased: 36.5%

# E-cigarette Products



**WARNING: THIS PRODUCT CONTAINS NICOTINE. NICOTINE IS AN ADDICTIVE CHEMICAL.**



JUUL



# Stronger E-Cigarettes/Vapes

Salt-based nicotine

41.3-68  
milligrams  
of nicotine

Not  
made to  
be refilled



Freebase nicotine

25  
milligrams  
of nicotine

Refillable  
tank



# E-Cigs = Tobacco

**E-cigs/JUULs=Nicotine  
Nicotine comes from Tobacco  
E-cigs/JUULs=Tobacco Products**



**Nicotine=Nicotine Dependence  
E-cigs are addictive!**

For more information, visit: [www.tobaccopreventiontoolkit.stanford.edu](http://www.tobaccopreventiontoolkit.stanford.edu)



**E-cigs/JUULs=Nicotine  
Nicotine comes from Tobacco  
E-cigs/JUULs=Tobacco Products**

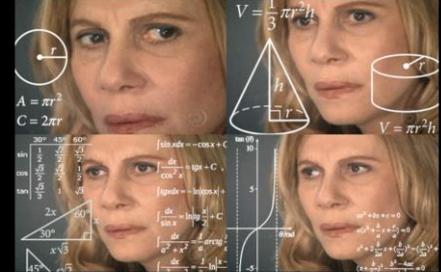


**Nicotine=Nicotine Dependence  
E-cigs are addictive!**

For more information, visit: [www.tobaccopreventiontoolkit.stanford.edu](http://www.tobaccopreventiontoolkit.stanford.edu)



**E-cigs/JUULs=Nicotine  
Nicotine comes from Tobacco  
E-cigs/JUULs=Tobacco Products**



**Nicotine=Nicotine Dependence  
E-cigs are addictive!**

For more information, visit: [www.tobaccopreventiontoolkit.stanford.edu](http://www.tobaccopreventiontoolkit.stanford.edu)



# Cigs in a Pod

[tobaccopreventiontoolkit.stanford.edu](http://tobaccopreventiontoolkit.stanford.edu)

1 Pack of Cigarettes  
≈20 mg of nicotine

1 JUUL pod  
≈41.3 mg of nicotine

1 Puff bar  
≈50 mg of nicotine

1 Suorin pod  
≈90 mg of nicotine

ALL PODS CONTAIN HIGH  
LEVELS OF NICOTINE

=20  
CIGARETTES

≈41  
CIGARETTES

≈50  
CIGARETTES

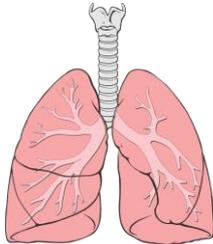
≈90  
CIGARETTES



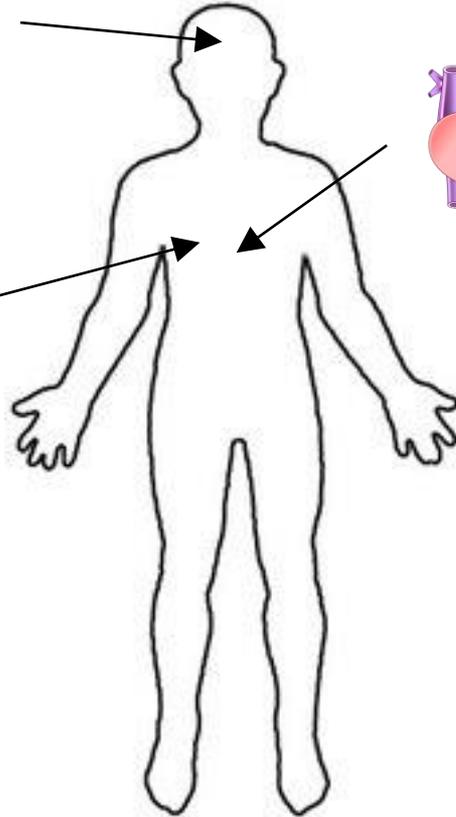
# **Smoking and Vaping-related Health Outcomes**

# The Body When Vaping

Rewires and changes the brain

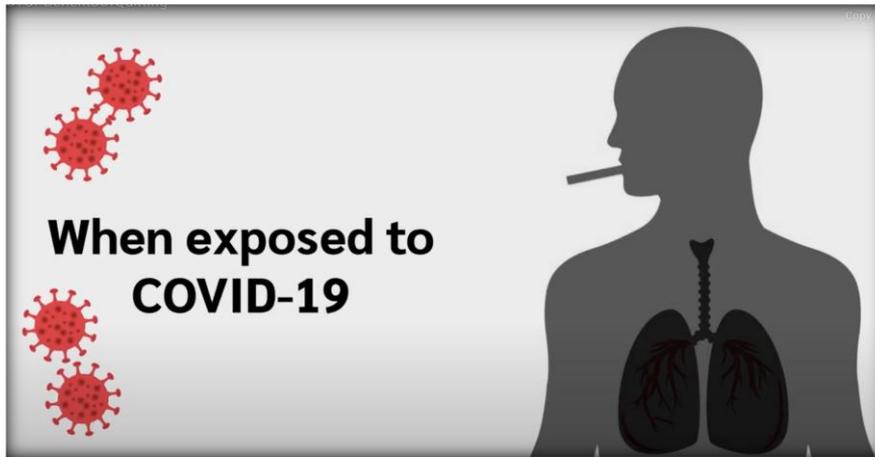


Trouble breathing & damage to lungs



Heart beats faster due to “fight or flight” response

# Smoking/Vaping & COVID-19



- Lungs weakened from breathing in smoke or aerosol
- Novel coronavirus attacks the lungs
- Weakened lungs at greater risk for attack and more severe infection
- Also, bringing hand to mouth or sharing products increases risk

# Flavored Tobacco

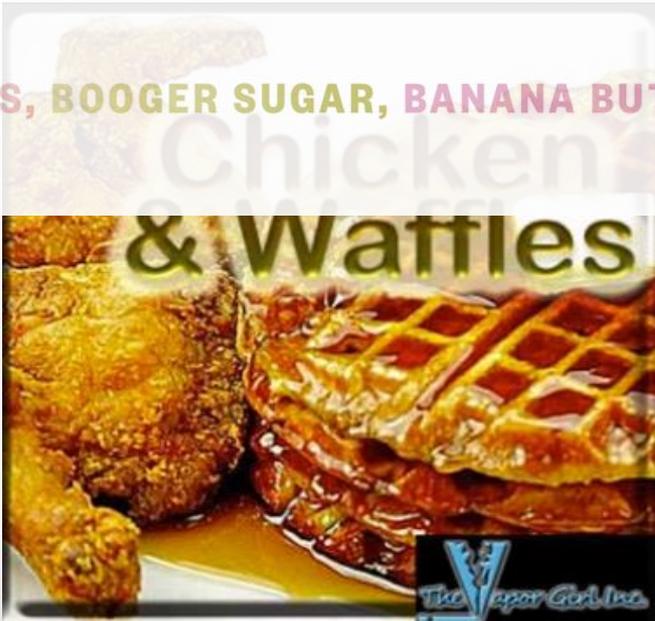
# Flavors of Vapes



15,500

tobacco flavors  
and counting

NS, BOOGER SUGAR, BANANA BUTT, HONEY DOO DOO, BARNEY PEBBLES, DRAGON'S BLOOD, D





E-liquid

Food product

# Smokeless & Cigars

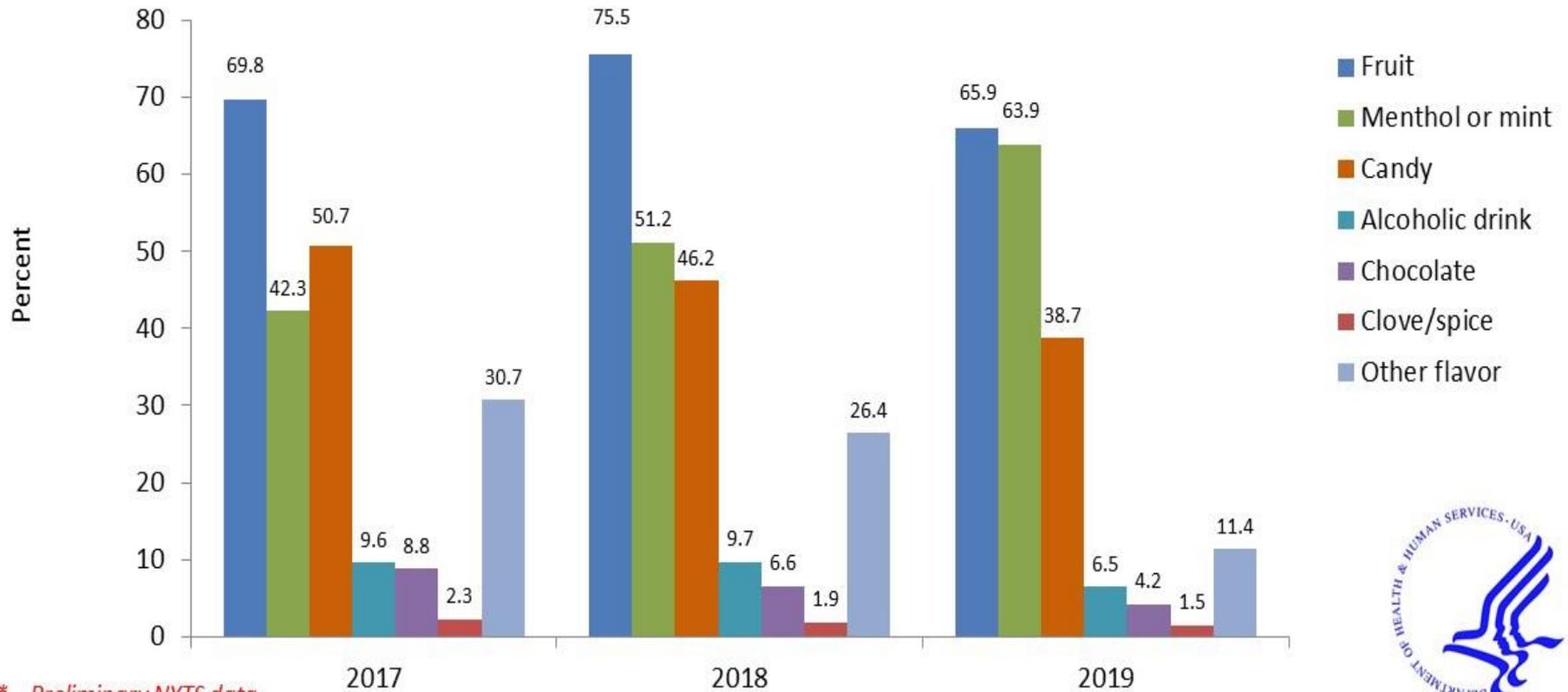




# Do Flavors Target Youth?



# FLAVORS POPULAR AMONG HIGH SCHOOL USERS OF E-CIGARETTES\*



\* Preliminary NYTS data



# The Data Show...

- Youth use flavored tobacco products
- Youth unlikely to use tobacco without flavors
- Little evidence adults need flavors to quit smoking



Try our newest flavor.  
Available for a limited time.

mango

JUUL

JUUL®

COOL  
MINT

4 Pods  
5.0% Strength



The Alternative For Adult Smokers

**WARNING:**  
This product contains  
nicotine. Nicotine is an  
addictive chemical.



# Flavors → Health Harms

tobaccopreventiontoolkit.stanford.edu

## Science News

*from research organizations*

### Widely used e-cigarette flavoring impairs lung function

Date: May 23, 2018

Source: American Thoracic Society

Summa



**Stanford**  
MEDICINE

News Center

[Email](#) [Share 1K](#) [Tweet](#)

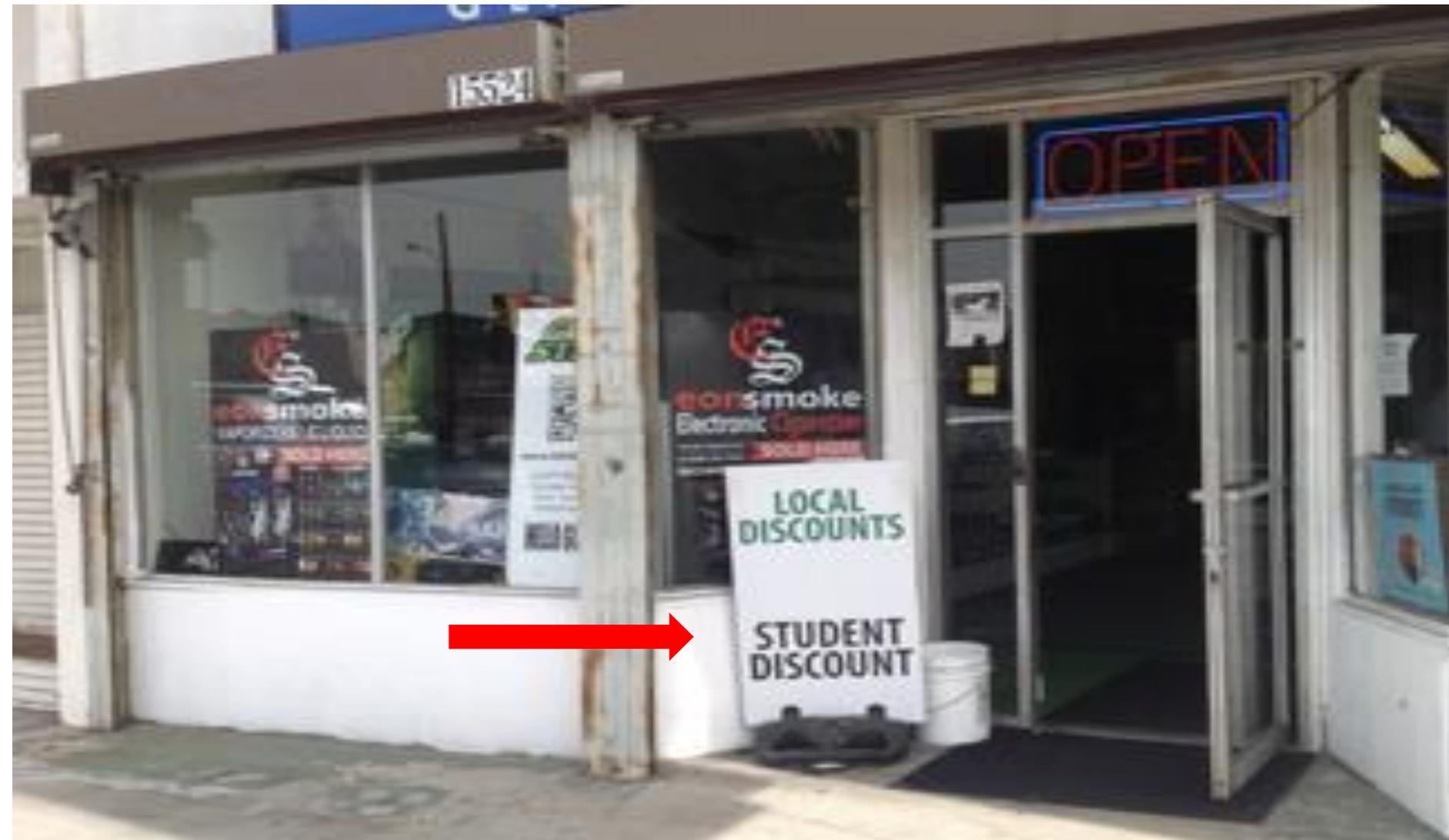
Sha

E-cigarette use, flavorings may increase heart disease risk, study finds

FULL STO

E-cigarette flavorings damage human blood vessel cells grown in the lab even in the absence of nicotine, Stanford researchers and their colleagues found. Cinnamon and menthol flavors were particularly harmful.

# Access

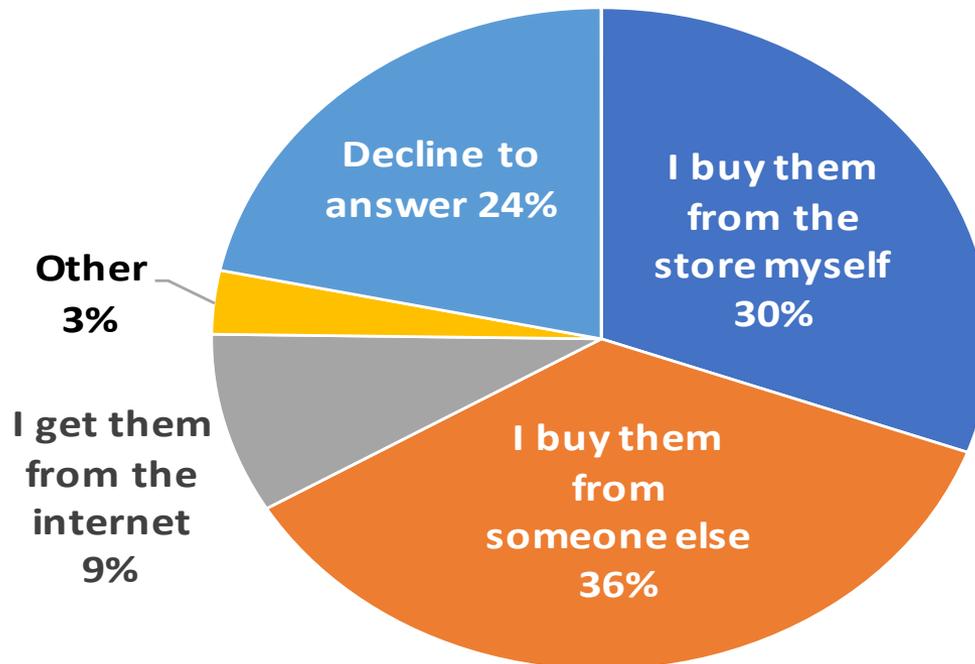


# Youth Access (US Data)

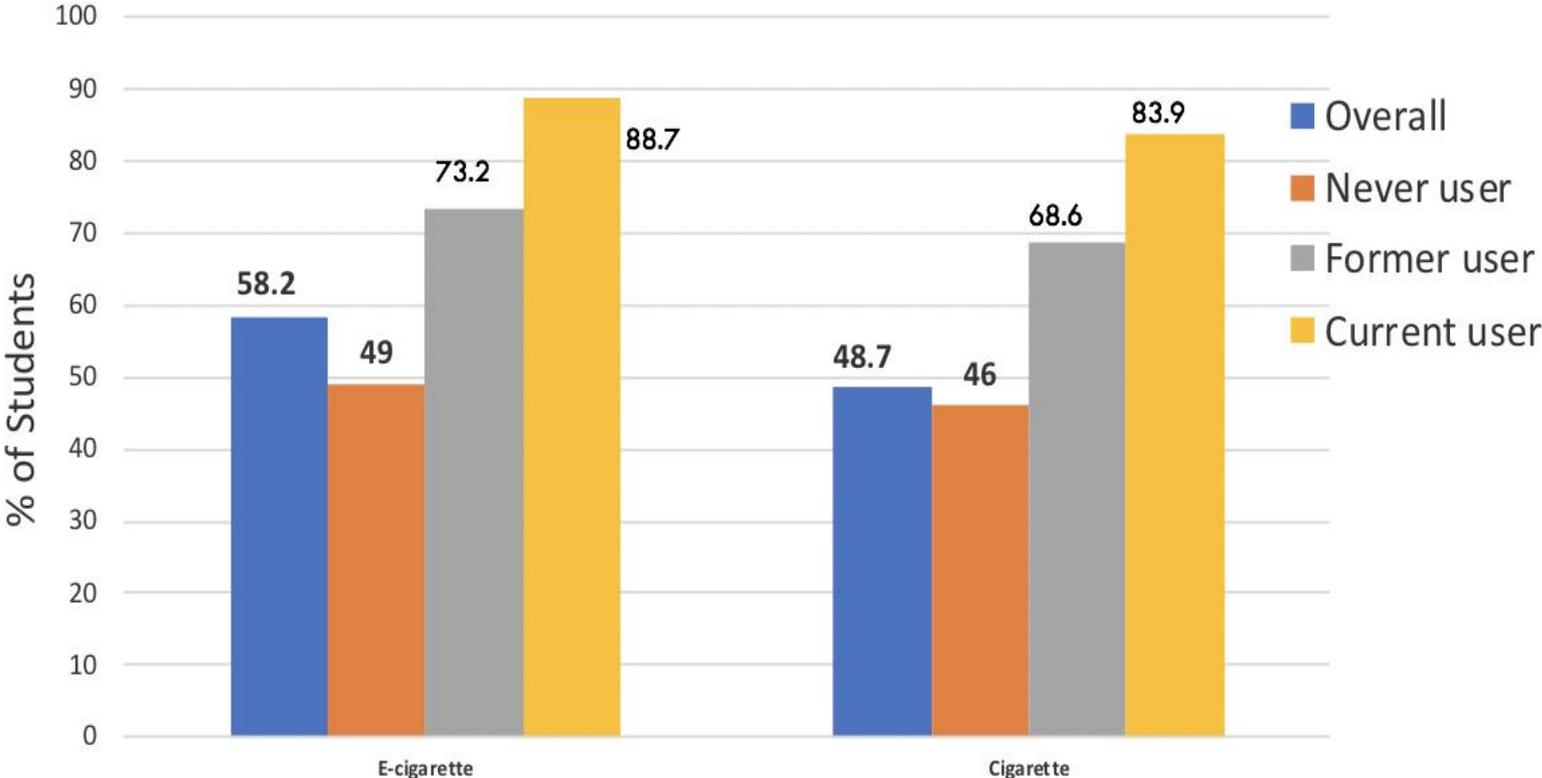
- 61.5% of licensed tobacco retailers sold e-cigarettes and 24.4% sold Juul in 2018.
- 30%-70% of youth get their e-cigarettes from “brick-and-mortar” retail stores, depending on the study.
- Lack of age verification: at least 25% of youth indicate that they have not been age verified
  - We know of many cases of this happening right here in San Mateo

# Youth Access (CA Data)

Acquisition of e-cigarettes/e-liquids  
among current e-cigarette users



# Easy to Access Tobacco (CA Data)



# Summary:

## Perfect Storm to Addict Youth

- Stealth/youth-focused products
- Very high nicotine levels
- Salt-based → less throat hit, easier to use
- Misperceptions of nicotine and harms
- Flavors
- Packaging, ads
- Cheap!
- HARMFUL

# Policies: Federal Level

- FDA has the authority to regulate and enforce the 2016 law, but they aren't!
- Flavored, **cartridge-based** e-cigs (except for tobacco or menthol flavored)
- **NOT** prioritizing “open systems” such as Suorin or disposal systems such as the Puff Bar, which are both very popular with youth, and come in attractive colors, flavors, and packaging



WARNING:  
This product contains  
nicotine. Nicotine is an  
addictive chemical.

WARNING:  
This product contains  
nicotine. Nicotine is an  
addictive chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.

High Flyers  
1000  
CA

LOS ANGELES  
*Kush*  
V A P E  
LOS ANGELES *Kush*

WARNING:  
This product  
contains nicotine.  
Nicotine is an  
addictive  
chemical.



**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

**WARNING:**  
This product contains nicotine. Nicotine is an addictive chemical.

LUSH ICE 5%  
PUFF BAR

CUCUMBER 5%  
PUFF BAR

KINGPEN  
PREMIUM CLEAR

# Policies: State and Local Levels

## CA SB 793

- Prohibit sale of flavored tobacco products EXCEPT flavored hookah, premium cigars and loose leaf
- Tobacco industry filed for referendum, which would delay implementation and bring to ballot in Nov 2022

Over 80 cities and counties in California have recently taken local measures, including nearby:

- San Mateo County
- Santa Clara County
- Alameda County
- San Francisco city/county
- Contra Costa County
- Menlo Park
- East Palo Alto
- Palo Alto
- Burlingame
- Oakland

# Opposition Arguments

- Adults need flavors to quit smoking
  - No evidence, and more evidence that flavors attract kids
- Adults need e-cigs to quit smoking
  - No evidence, and for every 1 adult who quits, 80 start
  - E-cigs are not tobacco cessation device
- Loss of revenue and taxes
  - No evidence. If anything, people will use their money to buy other products
  - Since most tobacco products come from out-of-state companies, most of the money leaves California. To the extent that the products people buy have more local content, more of the money will circulate locally

# Opposition Arguments

- Youth don't purchase tobacco from local retail shops
  - Yes, they do, as mentioned
  - And they are not being age verified
- Racial discrimination and penalization
  - Not true...it is the opposite...tobacco and flavors are marketed TO youth, people of color, people identifying as LGBTQ and so on
  - Idea is to penalize the companies and sellers, not the buyers
- Hard to enforce
  - Will rely on local public/community enforcement

# San Mateo City Council Proposed Ordinance

Consistent with San Mateo County ordinance:

- Update the definition of tobacco products to include all tobacco products including e-cigs
- Prohibit the sale of all e-cigarettes and flavored tobacco, without exemptions
- Prohibit the sale of all tobacco products in pharmacies
- Include restrictions / expectations for permitted tobacco retailers