

Flavored Tobacco, Access and Public Health:

Proposed San Mateo City Ordinance Scientific Study

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Presentation to San Mateo City Council
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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



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Nicotine comes from Tobacco
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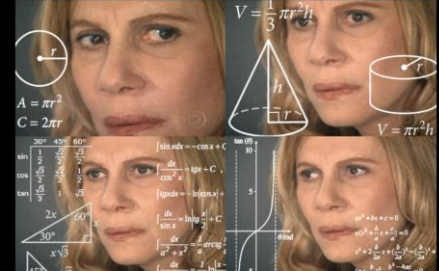


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Cigs in a Pod



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

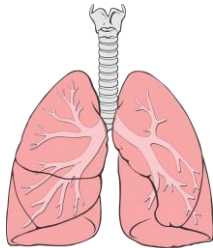
≈90
CIGARETTES



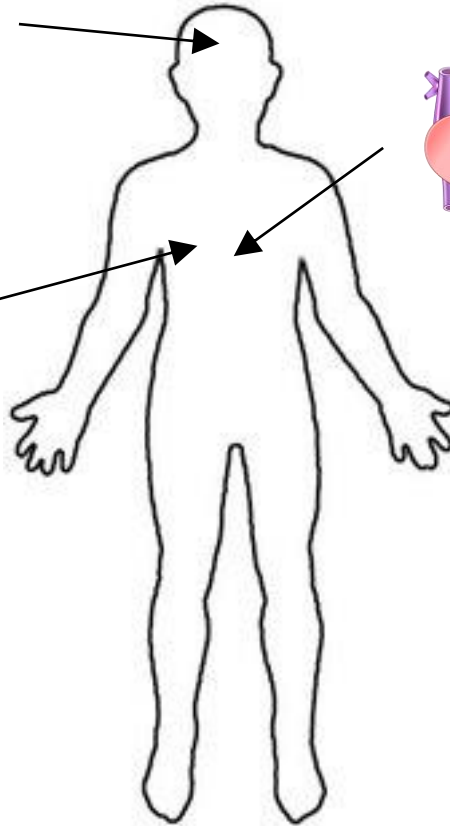
Smoking and Vaping-related Health Outcomes

The Body When Vaping

Rewires and
changes the
brain

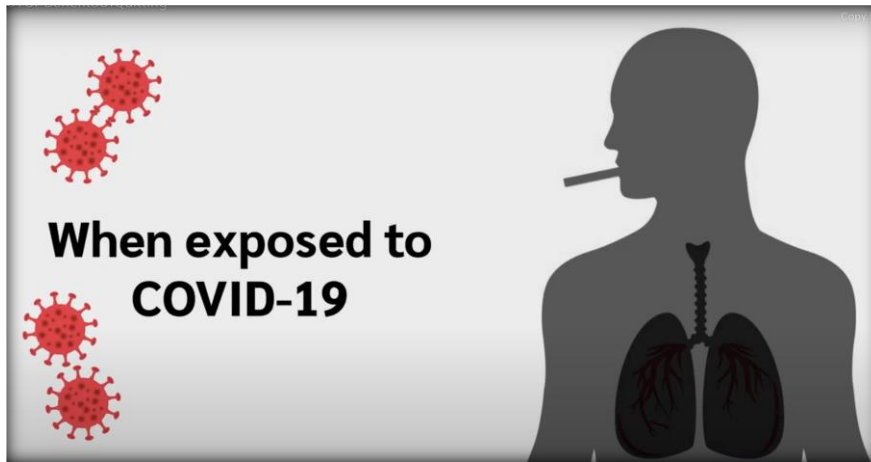


Trouble
breathing &
damage to
lungs



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



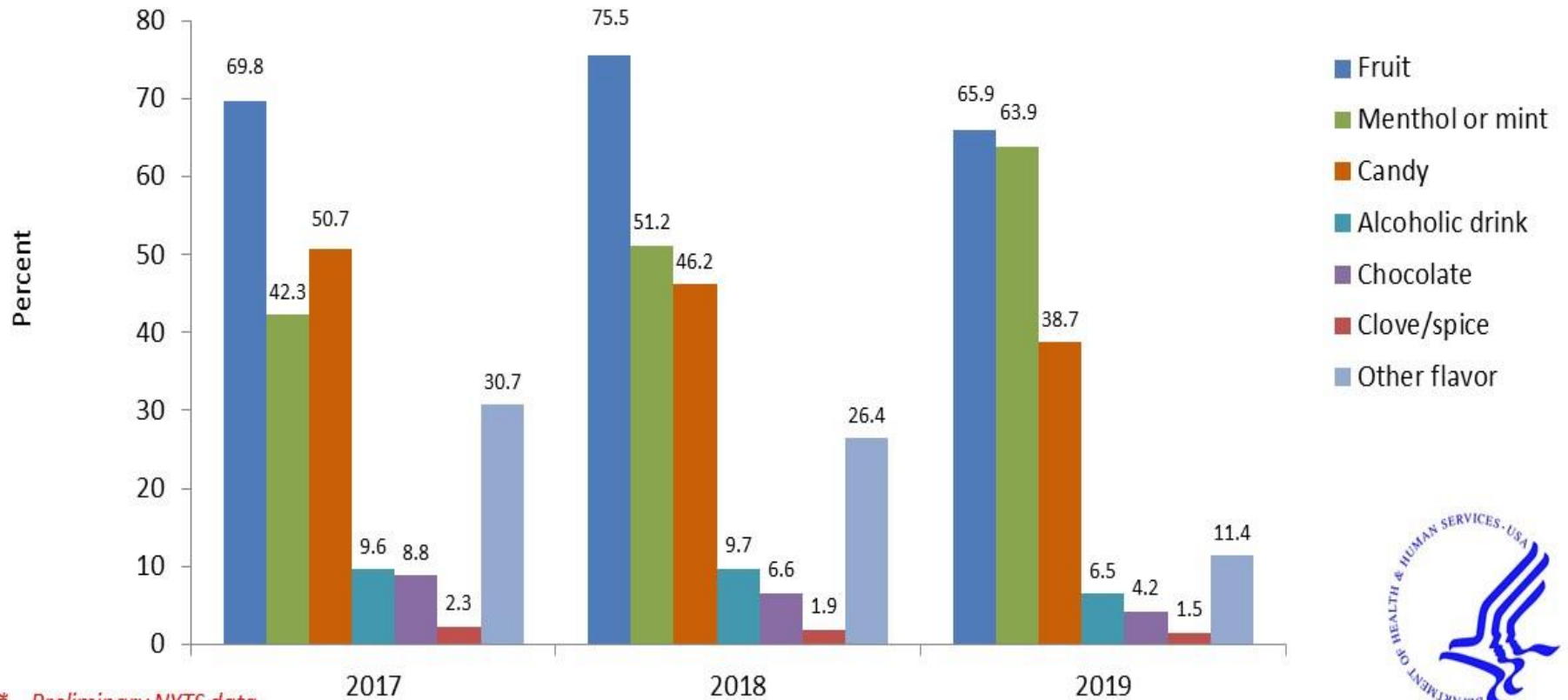
Cigarettes



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

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Science News

from research organizations

Widely used e-cigarette flavoring impairs lung function

Date: May 23, 2018

Source: American Thoracic Society

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

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

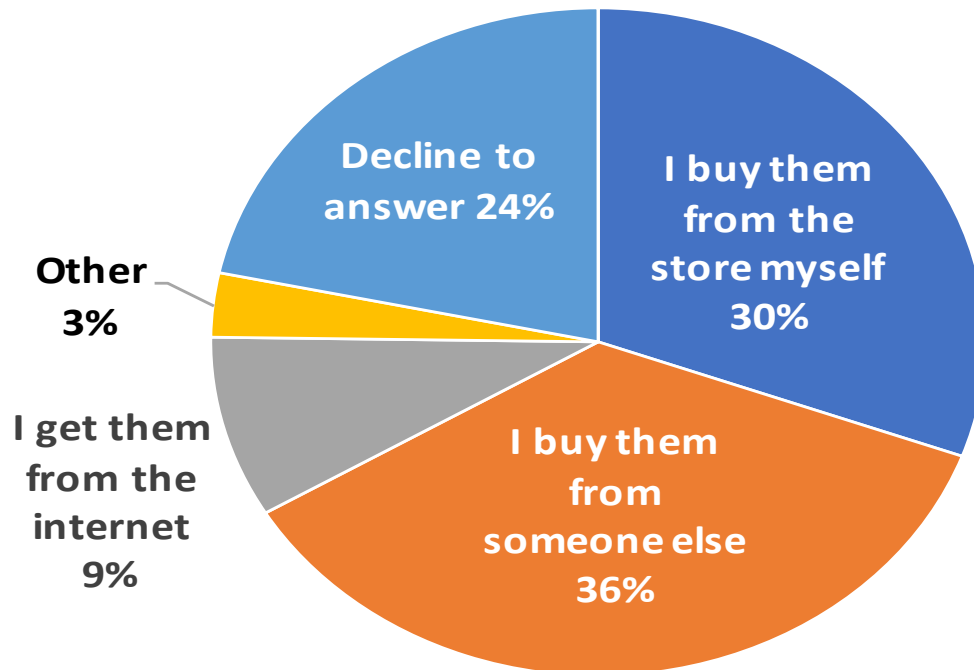


Youth Access (US Data)

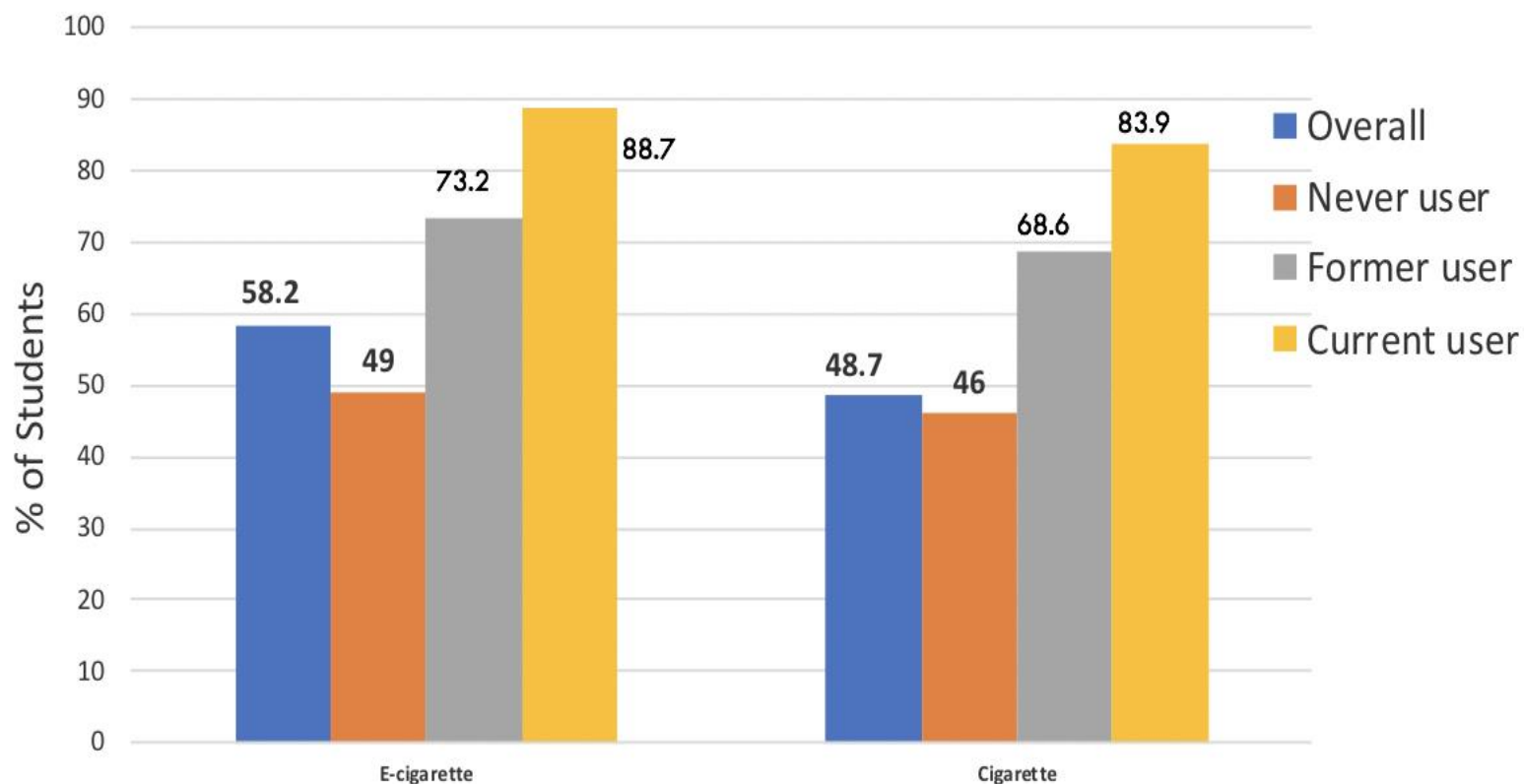
- 61.5% of licensed tobacco retailers sold e-cigarettes and 24.4% sold Juul in 2018.
- 30%-70% of youth get their e-cigarettes from “brick-and-mortar” retail stores, depending on the study.
- Lack of age verification: at least 25% of youth indicate that they have not been age verified
 - We know of many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





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

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