

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 20, 2020

The Honorable Gavin Newsom
Governor of the State of California
1303-10th Street, Suite 1173
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 314-20

Dear Governor Newsom:

On July 7, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 314-20 (Supporting California State Senate Bill No. 793 (Hill) - Flavored Tobacco Products), which was enacted on July 17, 2020.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 314-20 (File No. 200712)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

A handwritten signature in blue ink that reads "Angela Calvillo".

Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

c: Members of the Board of Supervisors, Supervisors Shamann Walton, Rafael Mandelman, Norman Yee
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Rebecca Peacock, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Supporting California State Senate Bill No. 793 (Hill) - Flavored Tobacco Products]

2

3 **Resolution supporting California State Senate Bill No. 793, authored by Senator Jerry**
4 **Hill and co-authored by Senators Steve Glazer, Mike McGuire, Richard Pan, Nancy**
5 **Skinner, and Scott Wiener, to restrict sales of flavored e-cigarettes and all other**
6 **flavored tobacco products to combat use by youths.**

7

8 WHEREAS, Existing law, the Stop Tobacco Access to Kids Enforcement Act, prohibits
9 a person from selling or otherwise furnishing tobacco products, as defined, to a person under
10 21 years of age; and

11 WHEREAS, Despite the progress reducing smoking, tobacco use remains the leading
12 cause of preventable death in the United States, killing more than 480,000 people each year
13 in many forms of cancer, heart disease and respiratory diseases, among other health
14 disorders which are more than AIDS, alcohol, car accidents, illegal drugs, murders and
15 suicides combined; and

16 WHEREAS, Studies have shown that nicotine exposure during adolescence can harm
17 the developing brain impacting learning, memory, attention and increasing the addition to
18 other drugs; and

19 WHEREAS, In addition to nicotine, the aerosol that users inhale and exhale from e-
20 cigarettes can potentially expose both themselves and bystanders to other harmful
21 substances, including heavy metals, volatile organic compounds, and ultrafine particles that
22 can be inhaled deeply into the lungs; and

23 WHEREAS, Electronic cigarettes (or “e-cigarettes”) entered the marketplace around
24 2007, and since 2014, they have been the most commonly used tobacco product among
25 youth in the United States; and

1 WHEREAS, E-cigarettes are frequently marketed in a variety of flavors with obvious
2 appeal to youth, such as fruit, gummy bear, cotton candy, chocolate, vanilla, honey, cocoa,
3 dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice; and

4 WHEREAS, Flavored tobacco products promote youth initiation of tobacco use and
5 help young occasional smokers to become daily smokers by reducing or masking the natural
6 harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco
7 products; and

8 WHEREAS, As tobacco companies well know, menthol, in particular, cools and numbs
9 the throat to reduce throat irritation and make the smoke feel smoother, making menthol
10 cigarettes an appealing option for youth who are initiating tobacco use; and

11 WHEREAS, It is therefore unsurprising that young people are much more likely to use
12 menthol-, candy- and fruit-flavored tobacco products, including not just cigarettes but also e-
13 cigarettes, cigars, cigarillos, and hookah tobacco, than adults; and

14 WHEREAS, According to the Centers for Disease Control and Prevention, the number
15 of middle and high school students who reported being current users of tobacco products
16 increased 36% - from 3.6 million to 4.9 million students - between 2017 and 2018; and

17 WHEREAS, The tobacco industry has a well-documented history of developing and
18 marketing flavored tobacco brands to racial and ethnic minorities and youth; and

19 WHEREAS, A high percentage of children aged 12-17 years, including Asian
20 American, Latino/Hispanic, African American, and white high school-aged teens who smoke
21 use menthol cigarettes; and

22 WHEREAS, A high percentage of Lesbian, Gay, Bisexual, Transgender and Queer
23 (LGBTQ) smokers, particularly youth, smoke menthol cigarettes; and

24 WHEREAS, Each day, about 2,500 children in the United States try their first cigarette;
25 and another 400 children under 18 years of age become new regular, daily smokers; 81% of

1 youth who have ever used a tobacco product report that the first tobacco product they used
2 was flavored; and

3 WHEREAS, A 2016 study found that 78.2% of middle and high school students - 20.5
4 million youth - had been exposed to e-cigarette advertisements from at least one source, an
5 increase from 68.9% only two years before, in 2014; and

6 WHEREAS, Flavored tobacco products are commonly sold by California tobacco
7 retailers; for example: 97.4% of stores that sell cigarettes sell menthol cigarettes; 94.5% of
8 stores that sell little cigars sell them in flavored varieties; 84.2% of stores that sell electronic
9 smoking devices sell flavored varieties; and 83.8% of stores that sell chew or snus sell
10 flavored varieties; and

11 WHEREAS, In 2017, to address the appeal of flavored tobacco products to youth, the
12 City enacted Ordinance No. 140-17, prohibiting tobacco retail establishments from selling
13 flavored tobacco products and as a result of the referendum process, the ordinance was
14 placed before the voters, who approved the ordinance in June 2018 (Proposition E) by a
15 majority of 68.39%; and

16 WHEREAS, In 2019, the City enacted Ordinance No. 122-19 amending the Health
17 Code to prohibit the sale by tobacco retail establishments of electronic cigarettes that do not
18 have approval from the Food and Drug Administration (FDA) and as a result of the
19 referendum process, the tobacco industry tried to overturn the ordinance through the
20 November 2019 election (Proposition C) where voters overwhelmingly voted against the
21 tobacco industry's agenda by a majority of 81.81%, upholding the ordinance; and

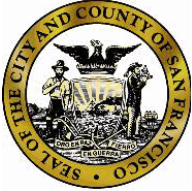
22 WHEREAS, Senate Bill No. 793 will expand these efforts to prohibit the sale of flavored
23 tobacco products statewide; now, therefore, be it

24 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
25 the California Assembly Health Committee to pass this Resolution; and, be it

1 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
2 the California Legislature and Governor Gavin Newsom to support and pass California State
3 Senate Bill No. 793; and, be it

4 FURTHER RESOLVED, That the City and County of San Francisco Board of
5 Supervisors hereby directs the Clerk of the Board to send a copy of this Resolution to the
6 Governor of the State of California, California State Assembly, California State Senate,
7 California State Assembly Health Committee Chair Assembly Member Jim Wood and
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 200712

Date Passed: July 07, 2020

Resolution supporting California State Senate Bill No. 793, authored by Senator Jerry Hill and co-authored by Senators Steve Glazer, Mike McGuire, Richard Pan, Nancy Skinner, and Scott Wiener, to restrict sales of flavored e-cigarettes and all other flavored tobacco products to combat use by youths.

July 07, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200712

I hereby certify that the foregoing Resolution was ADOPTED on 7/7/2020 by the Board of Supervisors of the City and County of San Francisco.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

07/17/2020

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

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Clerk of the Board

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August 20, 2020

The Honorable Jerry Hill
California State Senator
California State Capitol, Room 5035
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 314-20

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10 21 years of age; and

11 WHEREAS, Despite the progress reducing smoking, tobacco use remains the leading
12 cause of preventable death in the United States, killing more than 480,000 people each year
13 in many forms of cancer, heart disease and respiratory diseases, among other health
14 disorders which are more than AIDS, alcohol, car accidents, illegal drugs, murders and
15 suicides combined; and

16 WHEREAS, Studies have shown that nicotine exposure during adolescence can harm
17 the developing brain impacting learning, memory, attention and increasing the addition to
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20 cigarettes can potentially expose both themselves and bystanders to other harmful
21 substances, including heavy metals, volatile organic compounds, and ultrafine particles that
22 can be inhaled deeply into the lungs; and

23 WHEREAS, Electronic cigarettes (or “e-cigarettes”) entered the marketplace around
24 2007, and since 2014, they have been the most commonly used tobacco product among
25 youth in the United States; and

1 WHEREAS, E-cigarettes are frequently marketed in a variety of flavors with obvious
2 appeal to youth, such as fruit, gummy bear, cotton candy, chocolate, vanilla, honey, cocoa,
3 dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice; and

4 WHEREAS, Flavored tobacco products promote youth initiation of tobacco use and
5 help young occasional smokers to become daily smokers by reducing or masking the natural
6 harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco
7 products; and

8 WHEREAS, As tobacco companies well know, menthol, in particular, cools and numbs
9 the throat to reduce throat irritation and make the smoke feel smoother, making menthol
10 cigarettes an appealing option for youth who are initiating tobacco use; and

11 WHEREAS, It is therefore unsurprising that young people are much more likely to use
12 menthol-, candy- and fruit-flavored tobacco products, including not just cigarettes but also e-
13 cigarettes, cigars, cigarillos, and hookah tobacco, than adults; and

14 WHEREAS, According to the Centers for Disease Control and Prevention, the number
15 of middle and high school students who reported being current users of tobacco products
16 increased 36% - from 3.6 million to 4.9 million students - between 2017 and 2018; and

17 WHEREAS, The tobacco industry has a well-documented history of developing and
18 marketing flavored tobacco brands to racial and ethnic minorities and youth; and

19 WHEREAS, A high percentage of children aged 12-17 years, including Asian
20 American, Latino/Hispanic, African American, and white high school-aged teens who smoke
21 use menthol cigarettes; and

22 WHEREAS, A high percentage of Lesbian, Gay, Bisexual, Transgender and Queer
23 (LGBTQ) smokers, particularly youth, smoke menthol cigarettes; and

24 WHEREAS, Each day, about 2,500 children in the United States try their first cigarette;
25 and another 400 children under 18 years of age become new regular, daily smokers; 81% of

1 youth who have ever used a tobacco product report that the first tobacco product they used
2 was flavored; and

3 WHEREAS, A 2016 study found that 78.2% of middle and high school students - 20.5
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14 placed before the voters, who approved the ordinance in June 2018 (Proposition E) by a
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17 Code to prohibit the sale by tobacco retail establishments of electronic cigarettes that do not
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19 referendum process, the tobacco industry tried to overturn the ordinance through the
20 November 2019 election (Proposition C) where voters overwhelmingly voted against the
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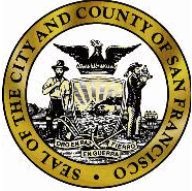
22 WHEREAS, Senate Bill No. 793 will expand these efforts to prohibit the sale of flavored
23 tobacco products statewide; now, therefore, be it

24 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
25 the California Assembly Health Committee to pass this Resolution; and, be it

1 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
2 the California Legislature and Governor Gavin Newsom to support and pass California State
3 Senate Bill No. 793; and, be it

4 FURTHER RESOLVED, That the City and County of San Francisco Board of
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City and County of San Francisco

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Tails
Resolution

File Number: 200712

Date Passed: July 07, 2020

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July 07, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200712

I hereby certify that the foregoing Resolution was ADOPTED on 7/7/2020 by the Board of Supervisors of the City and County of San Francisco.

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Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

07/17/2020

Date Approved

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Clerk of the Board

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August 20, 2020

The Honorable Jim Wood
Chair
California State Assembly Committee on Health
Capitol Office, Room 6005
P.O. Box 942849
Sacramento, CA 94249-0002

Re: Board of Supervisors Resolution No. 314-20

Dear Chair Wood:

On July 7, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 314-20 (Supporting California State Senate Bill No. 793 (Hill) - Flavored Tobacco Products), which was enacted on July 17, 2020.

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12 cause of preventable death in the United States, killing more than 480,000 people each year
13 in many forms of cancer, heart disease and respiratory diseases, among other health
14 disorders which are more than AIDS, alcohol, car accidents, illegal drugs, murders and
15 suicides combined; and

16 WHEREAS, Studies have shown that nicotine exposure during adolescence can harm
17 the developing brain impacting learning, memory, attention and increasing the addition to
18 other drugs; and

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21 substances, including heavy metals, volatile organic compounds, and ultrafine particles that
22 can be inhaled deeply into the lungs; and

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24 2007, and since 2014, they have been the most commonly used tobacco product among
25 youth in the United States; and

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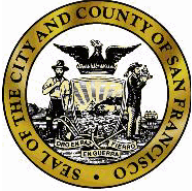
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Tails
Resolution

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August 20, 2020

The Honorable Sue Parker
Chief Clerk of the Assembly
California State Assembly
California State Capitol, Room 3196
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 314-20

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19 WHEREAS, In addition to nicotine, the aerosol that users inhale and exhale from e-
20 cigarettes can potentially expose both themselves and bystanders to other harmful
21 substances, including heavy metals, volatile organic compounds, and ultrafine particles that
22 can be inhaled deeply into the lungs; and

23 WHEREAS, Electronic cigarettes (or “e-cigarettes”) entered the marketplace around
24 2007, and since 2014, they have been the most commonly used tobacco product among
25 youth in the United States; and

1 WHEREAS, E-cigarettes are frequently marketed in a variety of flavors with obvious
2 appeal to youth, such as fruit, gummy bear, cotton candy, chocolate, vanilla, honey, cocoa,
3 dessert, alcoholic beverage, menthol, mint, wintergreen, herb, or spice; and

4 WHEREAS, Flavored tobacco products promote youth initiation of tobacco use and
5 help young occasional smokers to become daily smokers by reducing or masking the natural
6 harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco
7 products; and

8 WHEREAS, As tobacco companies well know, menthol, in particular, cools and numbs
9 the throat to reduce throat irritation and make the smoke feel smoother, making menthol
10 cigarettes an appealing option for youth who are initiating tobacco use; and

11 WHEREAS, It is therefore unsurprising that young people are much more likely to use
12 menthol-, candy- and fruit-flavored tobacco products, including not just cigarettes but also e-
13 cigarettes, cigars, cigarillos, and hookah tobacco, than adults; and

14 WHEREAS, According to the Centers for Disease Control and Prevention, the number
15 of middle and high school students who reported being current users of tobacco products
16 increased 36% - from 3.6 million to 4.9 million students - between 2017 and 2018; and

17 WHEREAS, The tobacco industry has a well-documented history of developing and
18 marketing flavored tobacco brands to racial and ethnic minorities and youth; and

19 WHEREAS, A high percentage of children aged 12-17 years, including Asian
20 American, Latino/Hispanic, African American, and white high school-aged teens who smoke
21 use menthol cigarettes; and

22 WHEREAS, A high percentage of Lesbian, Gay, Bisexual, Transgender and Queer
23 (LGBTQ) smokers, particularly youth, smoke menthol cigarettes; and

24 WHEREAS, Each day, about 2,500 children in the United States try their first cigarette;
25 and another 400 children under 18 years of age become new regular, daily smokers; 81% of

1 youth who have ever used a tobacco product report that the first tobacco product they used
2 was flavored; and

3 WHEREAS, A 2016 study found that 78.2% of middle and high school students - 20.5
4 million youth - had been exposed to e-cigarette advertisements from at least one source, an
5 increase from 68.9% only two years before, in 2014; and

6 WHEREAS, Flavored tobacco products are commonly sold by California tobacco
7 retailers; for example: 97.4% of stores that sell cigarettes sell menthol cigarettes; 94.5% of
8 stores that sell little cigars sell them in flavored varieties; 84.2% of stores that sell electronic
9 smoking devices sell flavored varieties; and 83.8% of stores that sell chew or snus sell
10 flavored varieties; and

11 WHEREAS, In 2017, to address the appeal of flavored tobacco products to youth, the
12 City enacted Ordinance No. 140-17, prohibiting tobacco retail establishments from selling
13 flavored tobacco products and as a result of the referendum process, the ordinance was
14 placed before the voters, who approved the ordinance in June 2018 (Proposition E) by a
15 majority of 68.39%; and

16 WHEREAS, In 2019, the City enacted Ordinance No. 122-19 amending the Health
17 Code to prohibit the sale by tobacco retail establishments of electronic cigarettes that do not
18 have approval from the Food and Drug Administration (FDA) and as a result of the
19 referendum process, the tobacco industry tried to overturn the ordinance through the
20 November 2019 election (Proposition C) where voters overwhelmingly voted against the
21 tobacco industry's agenda by a majority of 81.81%, upholding the ordinance; and

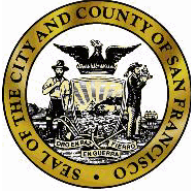
22 WHEREAS, Senate Bill No. 793 will expand these efforts to prohibit the sale of flavored
23 tobacco products statewide; now, therefore, be it

24 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
25 the California Assembly Health Committee to pass this Resolution; and, be it

1 RESOLVED, That the City and County of San Francisco Board of Supervisors urges
2 the California Legislature and Governor Gavin Newsom to support and pass California State
3 Senate Bill No. 793; and, be it

4 FURTHER RESOLVED, That the City and County of San Francisco Board of
5 Supervisors hereby directs the Clerk of the Board to send a copy of this Resolution to the
6 Governor of the State of California, California State Assembly, California State Senate,
7 California State Assembly Health Committee Chair Assembly Member Jim Wood and
8 California Senator Jerry Hill.

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 200712

Date Passed: July 07, 2020

Resolution supporting California State Senate Bill No. 793, authored by Senator Jerry Hill and co-authored by Senators Steve Glazer, Mike McGuire, Richard Pan, Nancy Skinner, and Scott Wiener, to restrict sales of flavored e-cigarettes and all other flavored tobacco products to combat use by youths.

July 07, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

File No. 200712

I hereby certify that the foregoing Resolution was ADOPTED on 7/7/2020 by the Board of Supervisors of the City and County of San Francisco.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

07/17/2020

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

[Handwritten signature of Angela Calvillo]

Angela Calvillo
Clerk of the Board

07/17/2020

Date

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

August 20, 2020

The Honorable Erika Contreras
Secretary of the Senate
California State Senate
California State Capitol, Room 3044
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 314-20

Dear Secretary Contreras:

On July 7, 2020, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 314-20 (Supporting California State Senate Bill No. 793 (Hill) - Flavored Tobacco Products), which was enacted on July 17, 2020.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 314-20 (File No. 200712)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

A handwritten signature in blue ink that reads "Angela Calvillo".

Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

c: Members of the Board of Supervisors, Supervisors Shamann Walton, Rafael Mandelman, Norman Yee
Sophia Kittler, Mayor's Liaison to the Board of Supervisors
Eddie McCaffrey, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Rebecca Peacock, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Supporting California State Senate Bill No. 793 (Hill) - Flavored Tobacco Products]

2

3 **Resolution supporting California State Senate Bill No. 793, authored by Senator Jerry**
4 **Hill and co-authored by Senators Steve Glazer, Mike McGuire, Richard Pan, Nancy**
5 **Skinner, and Scott Wiener, to restrict sales of flavored e-cigarettes and all other**
6 **flavored tobacco products to combat use by youths.**

7

8 WHEREAS, Existing law, the Stop Tobacco Access to Kids Enforcement Act, prohibits
9 a person from selling or otherwise furnishing tobacco products, as defined, to a person under
10 21 years of age; and

11 WHEREAS, Despite the progress reducing smoking, tobacco use remains the leading
12 cause of preventable death in the United States, killing more than 480,000 people each year
13 in many forms of cancer, heart disease and respiratory diseases, among other health
14 disorders which are more than AIDS, alcohol, car accidents, illegal drugs, murders and
15 suicides combined; and

16 WHEREAS, Studies have shown that nicotine exposure during adolescence can harm
17 the developing brain impacting learning, memory, attention and increasing the addition to
18 other drugs; and

19 WHEREAS, In addition to nicotine, the aerosol that users inhale and exhale from e-
20 cigarettes can potentially expose both themselves and bystanders to other harmful
21 substances, including heavy metals, volatile organic compounds, and ultrafine particles that
22 can be inhaled deeply into the lungs; and

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24 2007, and since 2014, they have been the most commonly used tobacco product among
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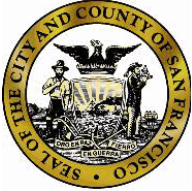
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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Resolution

File Number: 200712

Date Passed: July 07, 2020

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July 07, 2020 Board of Supervisors - ADOPTED

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File No. 200712

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Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

07/17/2020

Date Approved

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Angela Calvillo
Clerk of the Board

07/17/2020

Date