

LEGISLATIVE DIGEST

[Health Code - Ban on Smokeless Tobacco Use - Defining Tobacco Product to Include Devices for Using Tobacco]

Ordinance amending the Health Code to ban the use of smokeless tobacco products in stadiums, sports arenas, and playing fields; amending the definition of tobacco product to include a device or any portion of a device used to consume tobacco products; and making environmental findings.

Existing Law

Article 19 of the Health Code prohibits smoking, including the use of electronic cigarettes, in sports arenas, fields, parks and stadiums with a few exceptions.

Amendments to Current Law

The proposed ordinance would add Article 19O to the Health Code to include a prohibition on the use of smokeless tobacco products in sports arenas, fields, parks and stadiums. The ordinance amends the definition of "Stadium" to include all portions of a stadium.

The proposed ordinance also amends the definition of tobacco product to mean any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, or sniffed and includes any device or component, part, or accessory that delivers nicotine or other substances to the person using the device including but not limited to electronic cigarettes, cigars, pipes, or hookah. Tobacco Products does not include any product that has been approved by the United States Food and Drug Administration for use as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

Background Information

Public health authorities, including the Surgeon General and the National Cancer Institute, have found that smokeless tobacco use is hazardous to health and can easily lead to nicotine addiction. The National Cancer Institute states that chewing tobacco and snuff contain 28 cancer-causing agents and the U.S. National Toxicology Program has established smokeless tobacco as a "known human carcinogen."

The National Cancer Institute and the International Agency for Research on Cancer report that use of smokeless tobacco causes oral, pancreatic and esophageal cancer; and may also cause heart disease, gum disease, and oral lesions other than cancer, such as leukoplakia (precancerous white patches in the mouth).

Youth players and spectators are also vulnerable to developing a potentially deadly habit, the use of smokeless tobacco. Smokeless tobacco is strongly associated with playing sports particularly with a legacy of decades of association with baseball through marketing tie-ins and regular use of the product by players. The Centers for Disease Control and Prevention (CDC) concluded that, "Athletes serve as role models for youth, and smokeless tobacco manufacturers have used advertising, images, and testimonials featuring athletes and sports to make smokeless tobacco products appear attractive to youth. Children and teens closely observe athletes' actions, including their use of tobacco products, and are influenced by what they see. Adolescents tend to mimic the behaviors of those they look up to and identify with, including baseball players and other athletes."

In a letter to former Major League Baseball Commissioner Bud Selig following the 2014 death of baseball icon Tony Gwynn due to salivary gland cancer, nine leading health care organizations, including the American Medical Association, American Cancer Society, American Lung Association, American Heart Association, Campaign for Tobacco-Free Kids, and the American Dental Association, stated that, "Use of smokeless tobacco endangers the health of major league ballplayers. It also sets a terrible example for the millions of young people who watch baseball at the ballpark or on TV and often see players and managers using tobacco."

Smokeless tobacco products are heavily advertised and promoted, with the top five smokeless tobacco companies in the U.S. more than tripling their total advertising and marketing expenditures from 1998 to 2011. The Federal Trade Commission reports that in 2011, these smokeless tobacco companies spent \$451.7 million to advertise and promote their products.

Tobacco use has been prohibited in minor league baseball games since 1993 and in the National Collegiate Athletic Association since 1994 (they also adopted a zero-tolerance policy in 2002); the Little League World Series is tobacco-free, and the San Francisco Unified School District policies prohibit use of tobacco, including smokeless tobacco, during athletic events by players and coaches since 1996. Nearly 1,000 college campuses nationwide are tobacco-free. Research shows that students, faculty and staff looking to stop their nicotine habits are more likely to do so in an environment that prohibits tobacco use.

The entire University of California system (10 campuses) is tobacco-free and smoke-free, including athletic fields and stadiums. Sacramento State University, Santa Clara University, and San Jose State University all have plans in place to become tobacco-free during 2015.

The following Major League Baseball stadiums have instituted various tobacco-free policies: the Milwaukee Brewers at Miller Park, Saint Louis Cardinals at Busch Stadium, the Seattle Mariners at Safeco Field, and the Cleveland Indians at Progressive Field. San Francisco Giants at AT&T Park is a smoke-free facility as required by San Francisco City Ordinance and prohibits smoking anywhere in the ballpark, including vaporized e-cigarette smoking. The Major League Players Association publically supports banning the use of smokeless tobacco products as a means of protecting the health of their players and the public.

Use of smokeless tobacco can also interfere with the enjoyment of spectators and others using sports field. Users of two forms of smokeless tobacco, snuff and chewing tobacco, let the tobacco sit in their mouth while they suck on the tobacco juices, spitting often to get rid of the saliva that builds up creating unsightly and offensive conditions for others.

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