

1 [Supporting California State Senate Bill No. 38 (Hill) - Flavored Tobacco Products]

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3 **Resolution supporting California State Senate Bill No. 38, authored by Senator Jerry**  
4 **Hill and co-authored by Senators Steve Glazer, Mike McGuire, and Anthony Portantino,**  
5 **to restrict sales of flavored e-cigarettes and all other flavored tobacco products to**  
6 **combat use by youths.**

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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, Electronic cigarettes (or “e-cigarettes”) entered the marketplace around  
17 2007, and since 2014, they have been the most commonly used tobacco product among  
18 youth in the United States; and

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

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

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

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

9           WHEREAS, Each day, about 2,500 children in the United States try their first cigarette;  
10 and another 400 children under 18 years of age become new regular, daily smokers; 81% of  
11 youth who have ever used a tobacco product report that the first tobacco product they used  
12 was flavored; and

13           WHEREAS, Flavored tobacco products promote youth initiation of tobacco use and  
14 help young occasional smokers to become daily smokers by reducing or masking the natural  
15 harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco  
16 products; and

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

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

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

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

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

10           WHEREAS, Senate Bill No. 38 will expand these efforts to prohibit the sale of flavored  
11 tobacco products statewide; now, therefore, be it

12           RESOLVED, That the City and County of San Francisco Board of Supervisors urges  
13 the California Legislature and Governor Gavin Newsom to support and pass California State  
14 Senate Bill No. 38; and, be it

15           FURTHER RESOLVED, That the City and County of San Francisco Board of  
16 Supervisors hereby directs the Clerk of the Board to send a copy of this resolution to the  
17 Governor of the State of California, the California State Assembly, the California State Senate,  
18 and California Senator Jerry Hill.

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