

Sheree Kansas

Subject: FW: Vape Ban = NO

From: Brian Keeling <>

Sent: Monday, February 24, 2020 3:58 PM

To: jmccann@chulavista.gov; Tony Cruz <tcruz@chulavistaca.gov>; Mike Diaz <mdiaz@chulavistaca.gov>; jmgalvez@chluavistaca.gov; Mary Salas <MSalas@chulavistaca.gov>

Subject: Vape Ban = NO

**Warning:
External
Email**

City of Chula Vista Council Members

I am emailing you to ask you not to ban vaping. I am a Chula Vista tax payer that smoked for 30+ years and vaping helped me stop traditional smoking 4 years ago. I am not saying vaping is good or bad but telling you it helped improve my health due to being diagnosed with AIDS 5 years ago. I have more energy, a better life and can do more than I did when I was smoking.

This ban is all about teen vaping not adult vaping!! The parents of these kids is what needs to be addressed, not the adults that are benefitting from quitting traditional smoking.

If you ban this, adult tax payers will be forced to go back to traditional smoking and destroy the accomplishments I and they have made!

Concerned tax payer

Brian K

Sheree Kansas

Subject: FW: Proposal to Ban the Sale of Flavored Tobacco and Vape Products
Attachments: Chula Vista Letter.pdf

From: James Allison <>
Sent: Monday, February 24, 2020 3:54 PM
To: Mary Salas <MSalas@chulavistaca.gov>
Subject: Proposal to Ban the Sale of Flavored Tobacco and Vape Products

Warning:
External
Email

Hello Mayor Salas,

In response to a proposal on tomorrow's agenda, the California Fuels & Convenience Alliance would like to take this opportunity to provide a written statement regarding the impacts of this proposal.

CFCA represents California's fuel retailers and over half of all gas stations and convenience stores. These businesses are largely small, family-owned stores. Our members would be disproportionately affected as a result of this proposal.

We appreciate your consideration and welcome any and all questions you may have.

Thank you and have a great day,

James Allison
Public Affairs
California Fuels & Convenience Alliance
2520 Venture Oaks Way, Suite 100 | Sacramento, CA 95833
Main: (916) 646-5999 ext 990 | Fax: (916) 646-5985 | www.cfca.energy

CF CALIFORNIA
CA | FUELS &
CONVENIENCE
ALLIANCE



Statement of Confidentiality: The information in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify James Allison immediately at james@cfca.energy and destroy all copies of this message and any attachments. Thank you for your cooperation.



California Fuels and Convenience Alliance

2520 Venture Oaks Way, Suite 100

Sacramento, CA 95833

916.646.5999

February 24, 2020

Chula Vista City Council
276 Fourth Avenue
Chula Vista, CA 91910

Re: Proposed Ordinance to Ban the Sale of Flavored Vapor and Tobacco Products

To:

Mayor Casillas Salas
Councilmember John McCann
Councilmember Jill Galvez
Councilmember Stephen C. Padilla
Councilmember Mike Diaz

The California Fuels and Convenience Alliance (CFCA) represents about 300 members, including nearly 90% of all the independent petroleum marketers in the state and more than one half of the state's 12,000 convenience retailers. Our members are small, family- and minority-owned businesses that provide services to nearly every family in California. Additionally, CFCA members fuel local governments, law enforcement, city and county fire departments, ambulances/emergency vehicles, school district bus fleets, construction firms, marinas, public and private transit companies, hospital emergency generators, trucking fleets, independent fuel retailers (small chains and mom-and-pop gas stations) and California agriculture, among many others. CFCA appreciates the opportunity to provide comment on this proposed ordinance.

The retailers represented by CFCA are mostly small, family, and/or immigrant owned businesses that would be crippled by regulations banning legally sold and manufactured products. They have been heavily involved in keeping age restricted products out of the hands of youth, including the recent change to California's age of sale from 18 to 21 years of age. Not only does our industry comply with federal and rapidly changing state and local laws, but they also conduct internal sting operations and build their own successful prevention policies, such as the WeCard Program. The ability to sell age restricted products, including tobacco, is part of the financial stability of these community convenience stores. Through the support of CFCA, the State of California recently passed a resolution declaring September "WeCard Awareness Month", in order to promote the safe and legal sale of age restricted products.

Sale of Current Stock

If this ordinance passes, it is imperative to allow enough time for retailers to sell their current stock, as most purchase products in bulk from distributors. **The City Council should include a provision allowing retailers to sell the rest of the products they currently own or purchase prior to commencement of any ban ordinance in order to ease the burden of this ordinance.** San Francisco allowed for this in an ordinance placing similar restrictions on flavored products to assist the small business owners that will be affected.

Youth Sales

The illegal sale of tobacco and nicotine products is not a common occurrence at convenience stores. **In 2005, the California Tobacco Survey found that 82% of adolescent smokers obtained the products from "social sources", mainly older friends and family members.**¹

¹ <https://www.tobaccofreekids.org/assets/factsheets/0073.pdf>

Furthermore, smoking amongst adults and youth is at an all-time low. Fourteen percent of adults smoke, down from 16% the year prior and teen smoking has sunk to 9%, a record low.⁶ The level of smoking in the United States continues to decline while health concerns such as obesity and heart disease continue to climb at an alarming rate. **Chula Vista should focus on effective implementation of existing policies, supporting the businesses that work hard to keep age restricted products out of the wrong hands, and address the online sales that allow these products to be delivered directly to those under the legal age.**

Another study published by the New England Journal of Medicine in January 2019 shows e-cigarettes are more effective at helping smokers quit than other nicotine-replacement therapy. **Smokers in the study were twice as likely to quit using e-cigarettes as those using nicotine patches or gum.**ⁱ

Conclusion

CFCA urges the Chula Vista City Council to examine the methods by which youth are obtaining these age restricted products, including cigarettes and vapes or ENDS. We encourage the City to work with the California Department of Public Health, the FDA, and others to do the necessary research in order to effectively limit youth access to tobacco while acknowledging the hard work by convenience stores and others to achieve the same goal. The fuels and convenience industry is willing to do its part to prevent youth access to age-restricted products, especially to find a manner to do it without the harm and negative impacts that ordinances such as this will bring onto small, family- and minority-owned businesses.

Please contact James Allison at james@cfca.energy or (916) 646-5999 with any further questions or comments.

⁷ <https://www.nejm.org/doi/full/10.1056/NEJMoa1808779>

⁶ <https://apnews.com/f24650f675704019b0093e3cce23d020>

Sheree Kansas

Subject: FW: Please Support an Ordinance that Ends the Sale of All Flavored Tobacco

-----Original Message-----

From: American Cancer Society Cancer Action Network <ican@acscan.org> On Behalf Of Emma Lopez

Sent: Tuesday, February 25, 2020 12:19 AM

To: Kerry Bigelow <KBigelow@chulavistaca.gov>

Subject: Please Support an Ordinance that Ends the Sale of All Flavored Tobacco

Warning: External Email

Feb 25, 2020

City Clerk Kerry Bigelow

Dear City Clerk Bigelow,

As a resident of Chula Vista and a supporter of the American Cancer Society Cancer Action Network (ACS CAN), I ask that you take steps to protect youth from the dangers of flavored tobacco products. Tobacco products are the number one cause of preventable premature death in the U.S. and preventing youth tobacco initiation and addiction is one of the most important public health actions our policymakers can take.

Tobacco products that come in candy, mint and menthol flavors are driving the e-cigarette epidemic and the unprecedented increase in youth usage.

I urge you to support the introduction an ordinance to end the sale of all flavored tobacco products without exemptions. We need to rid store shelves of flavored tobacco, and that includes all flavors and all products. Only comprehensive restrictions on the sale of flavored tobacco will be effective in addressing the public health crisis we face. That means restricting the sale of menthol cigarettes as well as all other flavored tobacco products including e-cigarettes, cigars, cigarillos, chewing tobacco and hookah. I believe exemptions for tobacco products like smokeless tobacco or hookah would be a mistake that could potentially cause young people in Chula Vista to chase the flavors that got them addicted in the first place and encourage them to substitute one type of tobacco product for another.

In California alone, at least 50 localities have restricted the sale of flavored tobacco products, including the Imperial Beach and San Diego County.

When this item comes before you, I ask you to please support the introduction an ordinance to end the sale of all flavored tobacco products in Chula Vista without exemptions for hookah or smokeless tobacco.

Thank you in advance for your leadership in protecting youth in Chula Vista.

Sincerely,

Mrs. Emma Lopez
Chula Vista, CA 91911

Sheree Kansas

Subject: FW: Support Ending the Sale of Flavored Tobacco

From: Cristian Perez <>
Sent: Tuesday, February 25, 2020 8:49 AM
To: Mary Salas <MSalas@chulavistaca.gov>
Subject: Support Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

I am writing to you to express my support for a sales restriction on all flavored tobacco products in our city of Chula Vista.

I am concerned by the youth e-cigarette epidemic and restricting the sale of flavored tobacco in Chula Vista will be an important step toward reducing youth access and use. But e-cigarettes are not the only tobacco products we should be concerned about. Flavors hook kids to all flavored tobacco products, including candy-flavored e-cigarettes, menthol cigarettes, flavored cigarillos, flavored hookah, and flavored smokeless tobacco.

We must not forget that tobacco use remains the leading cause of preventable death in the U.S. killing more than 480,000 people every year.

Please protect our community and our kids from a lifetime of nicotine addiction and tobacco-related illness and death by championing a comprehensive flavored tobacco sales restriction that includes ALL flavors and ALL products.

Regards,
Cristian Perez

Chula Vista, CA 91911 .



February 24, 2020

The Honorable Mary Salas
City of Chula Vista
276 Fourth Ave
Chula Vista CA 91910

Dear Mayor Salas and members of the Chula Vista City Council,

The American Cancer Society Cancer Action Network's mission is to end suffering and death from cancer, and we are committed to advancing that mission in Chula Vista and throughout California. To that end, we are deeply concerned about the availability of flavored tobacco products, which is contributing to the growing epidemic that is plaguing our communities here in California and nationwide. Thank you for considering strong policies to protect the health of our youth.

Flavors are driving the epidemic of teenage e-cigarette use. The long-term health consequences of e-cigarettes are just emerging, but the consequences of combustible tobacco have long been known. If the sale of e-cigarettes is prohibited, while other flavored tobacco products like menthol cigarettes and flavored cigars remain in place, youth will continue to be lured to this deadly addiction. More than half of the youth who smoke use menthol cigarettes, at the same time flavored cigars have continued to gain popularity, especially among high school boys. Flavored cigars are available in a growing array of flavors and often packaged to be priced at 3 or 4 for 99-cents, making them even more appealing to youth who want to experiment.

We ask that you adopt the proposed ordinance and prohibit the sale of all flavored tobacco products, including flavored e-cigarettes and menthol cigarettes, with NO exemptions for any product or any flavor. Both opponents of smoking and purveyors of cigarettes have long recognized the significance of adolescence as the period during which smoking behaviors are typically developed. Adolescents are still going through critical periods of brain growth and development, and they are especially vulnerable to the long-lasting effects exposing their developing brains to nicotine. According to the US Surgeon General's Report, nicotine exposure during adolescence can impact learning, memory and attention, as well as increase risk for future addiction to other substances. A study published in the journal, *Pediatrics*, found that the earlier youth are exposed to nicotine, the less likely they will be able to quit smoking.

Tobacco companies have a long history of marketing to vulnerable populations, and target youth with imagery and by marketing appealing flavors. It is imperative to include menthol cigarettes and all other flavored tobacco products, including e-cigarettes and hookah in a policy that aims to address the

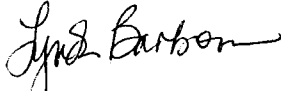
epidemic of youth tobacco use. Four out of five youth who have ever used a tobacco product started with a flavored tobacco product, and when asked why, say it is because they come in flavors they like. A recent study concluded that youth who use e-cigarettes are more than four times as likely to try cigarettes than those youth who never tried e-cigarettes.

Eliminating the sale of flavored tobacco products, including menthol cigarettes, is also a social justice issue. Tobacco companies have aggressively marketed menthol products in communities of color, low income communities and LGBTQ communities. These are the same communities who already bear a greater burden of health disparities, and increasing tobacco use only increases the disparities among some of the most vulnerable in our communities. Prohibiting the sale of all flavored tobacco products, including menthol cigarettes and hookah, removes much of the allure of these products and is a key component of a comprehensive strategy to effectively help reduce tobacco initiation, and subsequent addiction, as well as promote health equity for all.

Join your neighbors in the many communities throughout California who have adopted strong policies to end the sale of flavored tobacco products. We urge you to Vote to end the sale of all flavored tobacco products citywide, including menthol cigarettes, flavored e-cigarettes, cigars, cigarillos, hookah and all other flavored tobacco products.

We appreciate Chula Vista city council's leadership in the consideration of stronger tobacco policies that will encourage a generation of tobacco-free kids—potentially saving them from a lifetime of addiction and the deadly consequences of tobacco use and thank you in advance for your vote to pass the proposed ordinance.

Sincerely,



Lynda Barbour, MPH
Southern California Government Relations Director

Sheree Kansas

Subject: FW: Please Support an Ordinance that Ends the Sale of All Flavored Tobacco

-----Original Message-----

From: American Cancer Society Cancer Action Network <ican@acscan.org> On Behalf Of Michelle Elias

Sent: Tuesday, February 25, 2020 10:45 AM

To: Kerry Bigelow <KBigelow@chulavistaca.gov>

Subject: Please Support an Ordinance that Ends the Sale of All Flavored Tobacco

Warning: External Email

Feb 25, 2020

City Clerk Kerry Bigelow

Dear City Clerk Bigelow,

As a resident of Chula Vista and a supporter of the American Cancer Society Cancer Action Network (ACS CAN), I ask that you take steps to protect youth from the dangers of flavored tobacco products. Tobacco products are the number one cause of preventable premature death in the U.S. and preventing youth tobacco initiation and addiction is one of the most important public health actions our policymakers can take.

Tobacco products that come in candy, mint and menthol flavors are driving the e-cigarette epidemic and the unprecedented increase in youth usage.

I urge you to support the introduction an ordinance to end the sale of all flavored tobacco products without exemptions. We need to rid store shelves of flavored tobacco, and that includes all flavors and all products. Only comprehensive restrictions on the sale of flavored tobacco will be effective in addressing the public health crisis we face. That means restricting the sale of menthol cigarettes as well as all other flavored tobacco products including e-cigarettes, cigars, cigarillos, chewing tobacco and hookah. I believe exemptions for tobacco products like smokeless tobacco or hookah would be a mistake that could potentially cause young people in Chula Vista to chase the flavors that got them addicted in the first place and encourage them to substitute one type of tobacco product for another.

In California alone, at least 50 localities have restricted the sale of flavored tobacco products, including the Imperial Beach and San Diego County.

When this item comes before you, I ask you to please support the introduction an ordinance to end the sale of all flavored tobacco products in Chula Vista without exemptions for hookah or smokeless tobacco.

Thank you in advance for your leadership in protecting youth in Chula Vista.

Sincerely,

Mrs. Michelle Elias
Chula Vista, CA 91910

Sheree Kansas

Subject: FW: Please support efforts to reduce youth tobacco access in Chula Vista

From: Samantha Velazquez < >

Sent: Tuesday, February 25, 2020 10:50 AM

To: Mary Salas <MSalas@chulavistaca.gov>

Subject: Please support efforts to reduce youth tobacco access in Chula Vista

**Warning:
External
Email**

Dear Mayor Salas,

I am reaching out to ask for your support for restricting all flavored tobacco product sales in Chula Vista. Youth tobacco use is deeply concerning to me and flavors like menthol, mango, and cherry play a big role in hooking our kids. More than 80% of youth e-cigarette users say they use e-cigarettes because they come in flavors they like!

As part of this effort, I urge you to update our current policy by focusing penalties on tobacco shop owners. Under the existing policy, a minimum wage employee could be punished for a violation of the law instead of the business owner. This leaves the business owner off the hook and is proven less effective in getting tobacco shops to follow the law. It is the responsibility of the shop owner to be sure staff are properly trained, and employees should not be held accountable if the business does not comply with the law. Please consider changing the penalties to only apply to tobacco retailer owners and not on non-management employees.

A flavored tobacco sales restriction and updated retailer penalties can meaningfully reduce youth access to tobacco products and will better serve the overall health of our community. Thank you for your work to protect Chula Vista's kids!

Regards,
Samantha Velazquez
Chula Vista, CA 91911

Sheree Kansas

Subject: FW: Please Support an Ordinance that Ends the Sale of All Flavored Tobacco

-----Original Message-----

From: American Cancer Society Cancer Action Network <ican@acscan.org> On Behalf Of Israel Ibanez
Sent: Tuesday, February 25, 2020 10:45 AM
To: Mary Salas <MSalas@chulavistaca.gov>
Subject: Please Support an Ordinance that Ends the Sale of All Flavored Tobacco

Warning: External Email

Feb 25, 2020

Mayor Mary Salas

Dear Mayor Salas,

As a resident of Chula Vista and a supporter of the American Cancer Society Cancer Action Network (ACS CAN), I ask that you take steps to protect youth from the dangers of flavored tobacco products. Tobacco products are the number one cause of preventable premature death in the U.S. and preventing youth tobacco initiation and addiction is one of the most important public health actions our policymakers can take.

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I urge you to support the introduction an ordinance to end the sale of all flavored tobacco products without exemptions. We need to rid store shelves of flavored tobacco, and that includes all flavors and all products. Only comprehensive restrictions on the sale of flavored tobacco will be effective in addressing the public health crisis we face. That means restricting the sale of menthol cigarettes as well as all other flavored tobacco products including e-cigarettes, cigars, cigarillos, chewing tobacco and hookah. I believe exemptions for tobacco products like smokeless tobacco or hookah would be a mistake that could potentially cause young people in Chula Vista to chase the flavors that got them addicted in the first place and encourage them to substitute one type of tobacco product for another.

In California alone, at least 50 localities have restricted the sale of flavored tobacco products, including the Imperial Beach and San Diego County.

When this item comes before you, I ask you to please support the introduction an ordinance to end the sale of all flavored tobacco products in Chula Vista without exemptions for hookah or smokeless tobacco.

Thank you in advance for your leadership in protecting youth in Chula Vista.

Sincerely,

Mr. Israel Ibanez
Chula Vista, CA 91913

Sheree Kansas

Subject: FW: Please support efforts to reduce youth tobacco access in Chula Vista

From: Hanely Celis < >
Sent: Tuesday, February 25, 2020 10:49 AM
To: Mary Salas <MSalas@chulavistaca.gov>
Subject: Please support efforts to reduce youth tobacco access in Chula Vista

**Warning:
External
Email**

Dear Mayor Salas,

I am reaching out to ask for your support for restricting all flavored tobacco product sales in Chula Vista. Youth tobacco use is deeply concerning to me and flavors like menthol, mango, and cherry play a big role in hooking our kids. More than 80% of youth e-cigarette users say they use e-cigarettes because they come in flavors they like!

As part of this effort, I urge you to update our current policy by focusing penalties on tobacco shop owners. Under the existing policy, a minimum wage employee could be punished for a violation of the law instead of the business owner. This leaves the business owner off the hook and is proven less effective in getting tobacco shops to follow the law. It is the responsibility of the shop owner to be sure staff are properly trained, and employees should not be held accountable if the business does not comply with the law. Please consider changing the penalties to only apply to tobacco retailer owners and not on non-management employees.

A flavored tobacco sales restriction and updated retailer penalties can meaningfully reduce youth access to tobacco products and will better serve the overall health of our community. Thank you for your work to protect Chula Vista's kids!

Regards,
Hanely Celis

San Diego, CA 92154 .

Sheree Kansas

Subject: FW: Vaping Ban = NO

From: Brian Keeling <
Sent: Tuesday, February 25, 2020 8:12 AM
To: Jill Galvez <jmgalvez@chulavistaca.gov>
Subject: Re: Vaping Ban = NO

Warning:
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Email

Thank you for the invite but I have a prior engagement tonight. You are welcome to use my email as my experience to prove that vaping helped me stop traditional smoking. To your questions:

- Do you believe we should prohibit sales of ALL e-cigarette products? No because it helps stop traditional smoking
- Do you believe we should not allow any vaping products with more than 12 mg of nicotine (Juil and Puff Bar have 50 – 59 mg of nicotine) This would be good. I only have 6mg in mine and not sure why you would want more.
- Do you believe we should prohibit e-cigarette sales in any storefront that allows people younger than 21 years of age? Most vape shops are 21+ Fake ids are still around I assume or they are just not enforcing ID.
- Do you believe we should fine businesses \$2,500 for selling e-cigarettes or tobacco products to underage customers? Yes, then they will learn to ID. I think making the business responsible it will start to curb teen vaping.

Again, this is a parent/teen issue not an adult vaping issue.

If you ban Vaping, the black market then will flood the area and you will not know if the product is safe or not. At least now we know it is safe from reputable manufacturers. Also you will be putting small business out of business and that is not good for our growing city.

If you would like any more testimony or opinion please let me know.

Brian K

On Feb 24, 2020, at 4:38 PM, Jill Galvez <jmgalvez@chulavistaca.gov> wrote:

Thank you for sharing your story, Brian. Can you come to city council tomorrow at 5pm and speak to your experience? You'll have 2-3 minutes.

Meanwhile, this is what I've sent to constituents:

Dear Community Advocate,

Thank you for taking the time to share your thoughts about the dangers of vaping.

Next Tuesday, February 25th, our city council will be discussing the following ordinance:

A prohibition on the sale of all flavored tobacco products and e-cigarette products that do not have FDA premarket approval, within the City of Chula Vista.

The trouble with such a narrow ordinance is that it lets companies like Juul off the hook. Juul is currently in FDA premarket approval, and Juul flavors other than regular have already been taken off the market. But the teen vaping epidemic continues!

I think we should be really, really tough on Big Tobacco and not fall for their tricks.

I think we should make meaningful change. That is why I'm emailing you and need your help!

Is there anything else you would like to add to our proposed ordinance? For example:

- Do you believe we should prohibit sales of ALL e-cigarette products?
- Do you believe we should not allow any vaping products with more than 12 mg of nicotine (Juul and Puff Bar have 50 – 59 mg of nicotine)
- Do you believe we should prohibit e-cigarette sales in any storefront that allows people younger than 21 years of age?
- Do you believe we should fine businesses \$2,500 for selling e-cigarettes or tobacco products to underage customers?

Do you have any other thoughts? Can you help us think of ways to avoid a black market of vaping products, that is, people selling vaping products on the streets or in illegal shops?

Thank you very much for your opinions and time. If approved, the ordinance could go into effect September 2020.

Warm regards,

Jill M. Galvez | Deputy Mayor | Councilmember | District 2, Northwest
276 Fourth Avenue | Chula Vista, CA | 91910
Phone: 619.691.5177 | Cell: 619.997.1016 | Email: jmgalvez@chulavistaca.gov

<image001.jpg>

From: Brian Keeling <>
Sent: Monday, February 24, 2020 4:05 PM
To: Jill Galvez <jmgalvez@chulavistaca.gov>
Subject: Vaping Ban = NO

**Warning:
External
Email**

City of Chula Vista Council Members

I am emailing you to ask you not to ban vaping. I am a Chula Vista tax payer that smoked for 30+ years and vaping helped me stop traditional smoking 4 years ago. I am not saying vaping is good or bad but telling you it helped improve my health due to being diagnosed with AIDS 5 years ago. I have more energy, a better life and can do more than I did when I was smoking.

This ban is all about teen vaping not adult vaping!! The parents of these kids is what needs to be addressed, not the adults that are benefitting from quitting traditional smoking.

If you ban this, adult tax payers will be forced to go back to traditional smoking and destroy the accomplishments I and they have made!

Concerned tax payer

Brian K



GREG COX
CHAIRMAN

San Diego County Board of Supervisors

February 25, 2020

The Honorable Mary Casillas Salas
Mayor, City of Chula Vista
276 Fourth Avenue
Chula Vista, California 91910

Dear Mayor Salas,

After decades of progress to reduce teen tobacco use, there is now an alarming reversal of our efforts. Last fall, the County's Public Health Officer shared the impacts of vaping on kids. Over five million children and youth who are not even old enough to vote are currently vaping – or about double the number of youth who vaped the previous year. A decade ago, one in one hundred students was vaping nicotine. Now it is one in four students.

A new generation is getting addicted to nicotine, and flavors are key to that addiction. Nearly seven of ten kids who vape are using flavored products like mango, bubblegum and crème brulee. According to the Yale School of Medicine, kids would not vape if they did not have access to flavored products.

The County acted to prohibit the sale and distribution of flavored tobacco products, including vaping nicotine liquids, menthol cigarettes, and smokeless tobacco products. Due to the vaping-related illness public health crisis, the Board implemented a temporary moratorium on the sale and distribution of unregulated e-cigarette devices. These ordinances will go into effect July 1, 2020.

The County of San Diego, and jurisdictions like the Cities of Imperial Beach, Encinitas, Chula Vista and others who are helping tackle this crisis represents the leadership of the future. Our kids deserve bold action to protect health and wellbeing. We offer our support for the actions that you are undertaking at the City of Chula Vista. A truly regional approach to tackling vaping can help us begin to reverse the rise in teen nicotine use. Please feel free to reach out if our offices can be utilized as a resource.

Sincerely,

A handwritten signature in black ink that reads "Greg Cox".

GREG COX
Chairman

A handwritten signature in black ink that reads "Nathan Fletcher".

NATHAN FLETCHER
Supervisor, Fourth District

From: [Danny Magana](#)
To: [Mary Salas](#)
Subject: Please support efforts to reduce youth tobacco access in Chula Vista
Date: Tuesday, February 25, 2020 1:19:01 PM

**Warning:
External
Email**


Dear Mayor Salas,

I am reaching out to ask for your support for restricting all flavored tobacco product sales in Chula Vista. Youth tobacco use is deeply concerning to me and flavors like menthol, mango, and cherry play a big role in hooking our kids. More than 80% of youth e-cigarette users say they use e-cigarettes because they come in flavors they like!

As part of this effort, I urge you to update our current policy by focusing penalties on tobacco shop owners. Under the existing policy, a minimum wage employee could be punished for a violation of the law instead of the business owner. This leaves the business owner off the hook and is proven less effective in getting tobacco shops to follow the law. It is the responsibility of the shop owner to be sure staff are properly trained, and employees should not be held accountable if the business does not comply with the law. Please consider changing the penalties to only apply to tobacco retailer owners and not on non-management employees.

A flavored tobacco sales restriction and updated retailer penalties can meaningfully reduce youth access to tobacco products and will better serve the overall health of our community. Thank you for your work to protect Chula Vista's kids!

Regards,
Danny Magana


Chula Vista, CA 91910

From: [Keira Carbaial](#)
To: [Mary Salas](#)
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco
Date: Tuesday, February 25, 2020 1:20:16 PM

Warning:
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Email

Dear Mayor Salas,

As an American Heart Association advocate, I respectfully urge you to support legislation that will end the sale of flavored tobacco products in our city. With the easy availability of kid-friendly flavored tobacco products, we're seeing an increase in youth tobacco use of epic proportion.

The tobacco industry targets young people and communities of color with candy flavored tobacco products. Flavors such as menthol, cotton candy, cherry, and lemonade mask the harsh taste of tobacco and are highly appealing to youth, encouraging young smokers to start a life of addiction. We cannot let this predatory practice continue in Chula Vista.

A flavored tobacco sales restriction that includes all tobacco products will help protect our youth from nicotine addiction. Many tobacco products come in kid-friendly flavors, including flavored cigarillos, e-cigarettes, hookah, smokeless tobacco, and menthol cigarettes. For this reason, it is critically important that a sales restriction policy include all flavored tobacco products, without exemptions.

Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
Keira Carbaial

San Diego, CA 92173

From: [Dennisse Perez](#)
To: [Mary Salas](#)
Subject: Support Ending the Sale of Flavored Tobacco
Date: Tuesday, February 25, 2020 1:20:26 PM

**Warning:
External
Email**

Dear Mayor Salas,


I am writing to you to express my support for a sales restriction on all flavored tobacco products in our city of Chula Vista.

I am concerned by the youth e-cigarette epidemic and restricting the sale of flavored tobacco in Chula Vista will be an important step toward reducing youth access and use. But e-cigarettes are not the only tobacco products we should be concerned about. Flavors hook kids to all flavored tobacco products, including candy-flavored e-cigarettes, menthol cigarettes, flavored cigarillos, flavored hookah, and flavored smokeless tobacco.

We must not forget that tobacco use remains the leading cause of preventable death in the U.S. killing more than 480,000 people every year.

Please protect our community and our kids from a lifetime of nicotine addiction and tobacco-related illness and death by championing a comprehensive flavored tobacco sales restriction that includes ALL flavors and ALL products.

Regards,
Dennisse Perez


Chula Vista, CA 91910

From: [melissa_arenas](#)
To: [Mary Salas](#)
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco
Date: Tuesday, February 25, 2020 1:18:57 PM

**Warning:
External
Email**

Dear Mayor Salas,


As an American Heart Association advocate, I respectfully urge you to support legislation that will end the sale of flavored tobacco products in our city. With the easy availability of kid-friendly flavored tobacco products, we're seeing an increase in youth tobacco use of epic proportion.

The tobacco industry targets young people and communities of color with candy flavored tobacco products. Flavors such as menthol, cotton candy, cherry, and lemonade mask the harsh taste of tobacco and are highly appealing to youth, encouraging young smokers to start a life of addiction. We cannot let this predatory practice continue in Chula Vista.

A flavored tobacco sales restriction that includes all tobacco products will help protect our youth from nicotine addiction. Many tobacco products come in kid-friendly flavors, including flavored cigarillos, e-cigarettes, hookah, smokeless tobacco, and menthol cigarettes. For this reason, it is critically important that a sales restriction policy include all flavored tobacco products, without exemptions.

Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
melissa_arenas


Chula Vista, CA 91911

From: [Hailey buchans](#)
To: [Mary Salas](#)
Subject: Support Ending the Sale of Flavored Tobacco
Date: Tuesday, February 25, 2020 1:18:55 PM

Warning:
External
Email

Dear Mayor Salas,


I am writing to you to express my support for a sales restriction on all flavored tobacco products in our city of Chula Vista.

I am concerned by the youth e-cigarette epidemic and restricting the sale of flavored tobacco in Chula Vista will be an important step toward reducing youth access and use. But e-cigarettes are not the only tobacco products we should be concerned about. Flavors hook kids to all flavored tobacco products, including candy-flavored e-cigarettes, menthol cigarettes, flavored cigarillos, flavored hookah, and flavored smokeless tobacco.

We must not forget that tobacco use remains the leading cause of preventable death in the U.S. killing more than 480,000 people every year.

Please protect our community and our kids from a lifetime of nicotine addiction and tobacco-related illness and death by championing a comprehensive flavored tobacco sales restriction that includes ALL flavors and ALL products.

Regards,
Hailey buchans


Chula Vista, CA 91910

Leah Larrarte

From: Alex fuero [REDACTED]
Sent: Tuesday, February 25, 2020 1:30 PM
To: Mary Salas
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

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Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
Alex fuero

[REDACTED]
Chula Vista, CA 91910

Leah Larrarte

From: Jacob Johnson <[REDACTED]>
Sent: Tuesday, February 25, 2020 1:25 PM
To: Mary Salas
Subject: Please support efforts to reduce youth tobacco access in Chula Vista

Warning:
External
Email

Dear Mayor Salas,

I am reaching out to ask for your support for restricting all flavored tobacco product sales in Chula Vista. Youth tobacco use is deeply concerning to me and flavors like menthol, mango, and cherry play a big role in hooking our kids. More than 80% of youth e-cigarette users say they use e-cigarettes because they come in flavors they like!

As part of this effort, I urge you to update our current policy by focusing penalties on tobacco shop owners. Under the existing policy, a minimum wage employee could be punished for a violation of the law instead of the business owner. This leaves the business owner off the hook and is proven less effective in getting tobacco shops to follow the law. It is the responsibility of the shop owner to be sure staff are properly trained, and employees should not be held accountable if the business does not comply with the law. Please consider changing the penalties to only apply to tobacco retailer owners and not on non-management employees.

A flavored tobacco sales restriction and updated retailer penalties can meaningfully reduce youth access to tobacco products and will better serve the overall health of our community. Thank you for your work to protect Chula Vista's kids!

Regards,
Jacob Johnson
[REDACTED]
Chula Vista, CA 91910

Leah Larrarte

From: keilana garalde <[REDACTED]>
Sent: Tuesday, February 25, 2020 1:25 PM
To: Mary Salas
Subject: Support Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

I am writing to you to express my support for a sales restriction on all flavored tobacco products in our city of Chula Vista.

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Please protect our community and our kids from a lifetime of nicotine addiction and tobacco-related illness and death by championing a comprehensive flavored tobacco sales restriction that includes ALL flavors and ALL products.

Regards,
keilana garalde
[REDACTED]
Chula Vista, CA 91911

Leah Larrarte

From: Fanny Palomares [REDACTED]
Sent: Tuesday, February 25, 2020 1:25 PM
To: Mary Salas
Subject: Please support efforts to reduce youth tobacco access in Chula Vista

**Warning:
External
Email**

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Regards,
Fanny Palomares

[REDACTED]
Chula Vista, CA 91911

Leah Larrarte

From: keilana garalde <[REDACTED]>
Sent: Tuesday, February 25, 2020 1:28 PM
To: Mary Salas
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

As an American Heart Association advocate, I respectfully urge you to support legislation that will end the sale of flavored tobacco products in our city. With the easy availability of kid-friendly flavored tobacco products, we're seeing an increase in youth tobacco use of epic proportion.

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Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
keilana garalde
[REDACTED]
Chula Vista, CA 91911

Leah Larrarte

From: nataly perez <[REDACTED]>
Sent: Tuesday, February 25, 2020 1:28 PM
To: Mary Salas
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco

**Warning:
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Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
nataly perez

[REDACTED]
Chula Vista, CA 91911

Leah Larrarte

From: charlotte gonzalez <[REDACTED]>
Sent: Tuesday, February 25, 2020 1:26 PM
To: Mary Salas
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

As an American Heart Association advocate, I respectfully urge you to support legislation that will end the sale of flavored tobacco products in our city. With the easy availability of kid-friendly flavored tobacco products, we're seeing an increase in youth tobacco use of epic proportion.

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Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
charlotte gonzalez

[REDACTED]
Chula Vista, CA 91910

Leah Larrarte

From: Keira Carbajal <[REDACTED]>
Sent: Tuesday, February 25, 2020 1:20 PM
To: Mary Salas
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

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Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
Keira Carbajal
[REDACTED]
San Diego, CA 92173

Leah Larrarte

From: Jacob Johnson [REDACTED]
Sent: Tuesday, February 25, 2020 1:24 PM
To: Mary Salas
Subject: Protect our Youth by Ending the Sale of Flavored Tobacco

Warning:
External
Email

Dear Mayor Salas,

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Please take a stand for Chula Vista youth and the health of our community by ending the sale of all flavored tobacco products.

Regards,
Jacob Johnson
[REDACTED]
Chula Vista, CA 91910

Leah Larrarte

From: anthony orozco [REDACTED]
Sent: Tuesday, February 25, 2020 1:24 PM
To: Mary Salas
Subject: Please support efforts to reduce youth tobacco access in Chula Vista

**Warning:
External
Email**

Dear Mayor Salas,

I am reaching out to ask for your support for restricting all flavored tobacco product sales in Chula Vista. Youth tobacco use is deeply concerning to me and flavors like menthol, mango, and cherry play a big role in hooking our kids. More than 80% of youth e-cigarette users say they use e-cigarettes because they come in flavors they like!

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Regards,
anthony orozco
[REDACTED]
Chula Vista, CA 91910

Leah Larrarte

From: Michael huerta [REDACTED] >
Sent: Tuesday, February 25, 2020 1:20 PM
To: Mary Salas
Subject: Support Ending the Sale of Flavored Tobacco

Warning:
External
Email

Dear Mayor Salas,

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We must not forget that tobacco use remains the leading cause of preventable death in the U.S. killing more than 480,000 people every year.

Please protect our community and our kids from a lifetime of nicotine addiction and tobacco-related illness and death by championing a comprehensive flavored tobacco sales restriction that includes ALL flavors and ALL products.

Regards,
Michael huerta
[REDACTED]
Chula Vista, CA 91910

Leah Larrarte

From: Juan yniguez [REDACTED]
Sent: Tuesday, February 25, 2020 1:22 PM
To: Mary Salas
Subject: Support Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

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Regards,
Juan yniguez
[REDACTED]
San Diego, CA 92154

Leah Larrarte

From: yvette valdez <[REDACTED]>
Sent: Tuesday, February 25, 2020 1:22 PM
To: Mary Salas
Subject: Support Ending the Sale of Flavored Tobacco

**Warning:
External
Email**

Dear Mayor Salas,

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Regards,
yvette valdez
[REDACTED]
Chula Vista, CA 91910

Sheree Kansas

Subject: FW: Multi-agency letter of support for e-cigarette ordinance and concerns about alternative policies
Attachments: Memo to CV CC nicotine age regs.docx; Chula Vista - Letter of Support for 2.25.20 Final.pdf

From: Debra Kelley <>
Sent: Tuesday, February 25, 2020 3:30 PM
To: Mary Salas <MSalas@chulavistaca.gov>; Jill Galvez <jimgalvez@chulavistaca.gov>; John McCann <jmccann@chulavistaca.gov>; Mike Diaz <mdiaz@chulavistaca.gov>; Steve C. Padilla <spadilla@chulavistaca.gov>
Cc: Alexa Wohrman <Alexa.Wohrman@heart.org>; Lynda Barbour <Lynda.Barbour@cancer.org>
Subject: Multi-agency letter of support for e-cigarette ordinance and concerns about alternative policies

Warning:
External
Email

Dear Mayor Salas, Deputy Mayor Galvez, Councilmember Diaz, Councilmember McCann and Councilmember Padilla

Attached for your information are a letter of support for the proposed ordinance and a document outlining concerns from the public health community about the effectiveness of alternative policies such as regulating nicotine levels and limiting sales of e-cigarette products to certain locations.

Thank you for the time you have invested in this issue. We are looking forward to the city council meeting this evening.

Warm regards,

Debra Kelley
Kelley Public Health Consulting

February 25, 2020

TO: Mayor Salas, Deputy Mayor Galvez, Councilmember McCann, Councilmember Padilla, Councilmember Diaz

FR: Public Health Advocates

RE: Policy Concerns re: Regulating Nicotine Levels and/or Exempting Vape Shops/Adult-Only Retailers

Policies eliminating the sale of all flavored tobacco products in all venues are proven to reduce youth tobacco use, including e-cigarettes. However, policies to regulate nicotine levels and/or exempt vape shops or adult only retailers may not be effective in addressing youth use of tobacco.

Regulating Sales of Products with High Nicotine Levels

- High nicotine products like Juul have magnified the youth e-cigarette epidemic, but we also saw high levels of youth use with lower nicotine level products that preceded Juul. Researchers and experts don't know what nicotine level will effectively prevent youth from becoming addicted, but we do know that banning flavors will prevent kids from ever trying e-cigarettes. While the nicotine keeps kids hooked, the wide array of flavors is what entices kids to try e-cigarettes. If flavored products are still available, kids will continue to use them, and by manipulating the device or vaping more frequently, they may still be able to attain their nicotine fix.
- It is not feasible or practical to ask local governments to take on the responsibility of accurately determining the nicotine level in tobacco products, including e-cigarettes:
 - Tobacco manufacturers, including e-cigarette manufacturers, are not required to disclose nicotine content on their packaging, and local communities are pre-empted by federal law from requiring tobacco companies to do so.
 - Research shows that nicotine level labeling on e-cigarettes is often inaccurate. Products labeled as 0% nicotine have been found to contain nicotine.
 - There are over 15,000 e-cigarette flavors and in addition, many local vape shop owners mix their own flavors at various nicotine concentrations. It is highly unlikely that localities have the capacity, expertise and resources to lab test the wide array of available products to determine compliance.
- We don't know enough about this issue to set a maximum level of nicotine that can be sold. There is limited, if any, research on what is the appropriate level of nicotine in these products and how to prevent the tobacco companies from simply making design changes to their products to get around any limits.
- Setting a limit on nicotine content may be ineffective because there are many methods for both the manufacturer and the individual user to alter the amount of nicotine delivered, regardless of nicotine content. While nicotine content is one factor, nicotine delivery is also determined by other factors, including the battery power and the type of heating element in the device.
- We don't know the impact of regulating the nicotine level in e-cigarettes and there may be unintended consequences. For example, e-cigarette users could be exposed to more toxicants if

they try to compensate for the lower nicotine content by using e-cigarettes more frequently, inhaling more deeply, or using a higher-powered device.

Exempting Vape Shops or Adult-Only Retailers

- Vape shops and/or adult-only retailers should not be exempted from a policy that removes flavored e-cigarettes from the market.
- The evidence is clear that vape shops, which often claim to be adult-only, are selling to kids and should not get special treatment. Many more youth report buying e-cigarettes at a vape shop than from a gas station or convenience store (16.5% vs. 9.8%). A study in *JAMA Pediatrics* found that in California, 44.7% of tobacco and vape shops sold e-cigarettes to underage buyers.
- About two-thirds of tenth-graders say that it's easy to get vaping devices and e-liquids. If flavored products are allowed for sale anywhere in the city, kids will get them. Kids will still get these products from older social sources, and by asking others to buy for them.
- Vape shops sell thousands of kid-friendly flavors. In fact, many of the most egregious and kid-friendly flavors—like cotton candy and gummy bear—you'll only find in vape shops and online. Exempting vape shops will keep the most youth appealing flavors readily available.
- Juul devices and pods are not just available in convenience stores and gas stations. In addition to other e-liquids, many vape shops also sell the e-cigarette devices most popular among youth—Juul, Suorin and Smok and now Puff Bar.
- Many vape shops mix their own e-liquids and we don't know what's in these products, what people are breathing into their lungs and what the health risks are. None of the e-cigarette products sold in vape shops have been reviewed for health and safety impact. This is a giant experiment on the health of kids and the public.
- There's no evidence that adults need flavored e-cigarettes. No flavored e-cigarette has been approved or even reviewed for smoking cessation purposes by the Food and Drug Administration. Public health authorities in the U.S., including the CDC and the Surgeon General, have found that there is not enough evidence to recommend e-cigarettes for tobacco cessation.
- E-cigarette companies may claim that adult smokers are their target audience, but that is not who is using the product. E-cigarettes have become increasingly popular among youth and young adults, while there has been no significant uptake among older adults.
- A comprehensive policy that bans all flavored e-cigarettes in all retailers is the best way to reduce youth access and protect Chula Vista's kids. We are facing a public health crisis. With the skyrocketing rate of youth e-cigarette use, protecting our kids' health should be the top priority.

The public health community appreciates the city council's interest in finding ways to curb the youth vaping epidemic and strongly believe that restricting the sale of all flavored tobacco products is the most effective approach. The tobacco industry is promoting ineffective policies that will maintain children's access to these dangerous products.

Who has the best interests of children in mind: the tobacco industry or public health agencies?



American
Heart
Association.

AMERICAN
LUNG
ASSOCIATION



February 25, 2020

The undersigned organizations support restricting the sale of all flavored tobacco products in the city of Chula Vista. Prohibiting sales of flavored tobacco products will help protect Chula Vista youth from tobacco use and a lifetime of addiction, which is crucial to preventing tobacco-related death and disease.

Flavored tobacco products hook kids on nicotine. Sweet flavors like mango, mint, menthol, and cotton candy mask the harshness of tobacco products and are highly appealing to youth. More than 80 percent of kids who use tobacco started with a flavored product.

We support flavored tobacco sales restrictions that include all tobacco products. Kid-friendly flavors can be found in many tobacco products including e-cigarettes, menthol cigarettes, little cigars or cigarillos, smokeless tobacco, and hookahs. Youth use of any tobacco product is of critical concern.

Over 1 in 4 high school students are now current e-cigarette users. Mounting evidence shows that young people who use these products are more likely to try cigarettes. Tobacco use is the leading cause of preventable disease and death in the United States, claiming more than 480,000 lives each year. Smoking increases the risk for heart disease and stroke and is a known cause of over 10 types of cancer. The best way to prevent tobacco-related illness and death is to prevent people from starting to smoke in the first place.

We commend the Council's attention to this important issue and willingness to take action to protect the youth in our community from the harmful effects of flavored tobacco. Thank you for your leadership on this critical effort to improve the health and quality of life for all by eliminating the sale of all flavored tobacco products in the city of Chula Vista.

American Cancer Society – Cancer Action Network
American Heart Association
American Lung Association
Campaign for Tobacco Free Kids
San Diego County Tobacco Control Coalition