

FINDINGS IN SUPPORT OF ORDINANCE NO. 2017-01

(Tobacco Product and Retail Sales Control)

1. Children are particularly influenced by cues suggesting that smoking is acceptable.¹
2. The density of tobacco retailers, particularly in neighborhoods surrounding schools, has been associated with increased youth smoking rates.²
3. A study of California high school students found that the prevalence of smoking was higher at schools in neighborhoods with five or more tobacco outlets than at schools in neighborhoods without tobacco outlets.³
4. A California study found that the density of tobacco retailers near schools was positively associated with the prevalence of students reporting experimental smoking.⁴
5. Electronic smoking devices and other non-FDA approved nicotine delivery products have a high appeal to youth due to their high tech design and availability in child-friendly flavors like cotton candy, bubble gum, chocolate chip cookie dough, and cookies and cream milkshake.
6. Youth who vape are four times more likely to smoke cigarettes a year later.⁵
7. A 2014 Centers for Disease Control and Prevention survey of U.S. youth found that about 70 percent of U.S. middle and high school tobacco users have used at least one flavored tobacco product in the past 30 days.⁶

¹ DiFranza JR, Wellman RJ, Sargent JD, et al. 2006. "Tobacco Promotion and the Initiation of Tobacco Use: Assessing the Evidence for Causality." *Pediatrics* 6: e1237-e1248.

² Henriksen L, Feighery EC, Schleicher NC, et al. 2008. "Is Adolescent Smoking Related to Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?" *Preventive Medicine* 47: 210-214.

³ Henriksen L, Feighery EC, Schleicher NC, et al. 2008. "Is Adolescent Smoking Related to Density and Proximity of Tobacco Outlets and Retail Cigarette Advertising Near Schools?" *Preventive Medicine* 47: 210-214.

⁴ McCarthy WJ, Mistry R, Lu Y, et al. 2009. "Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students." *American Journal of Public Health*, 99(11): 2006-2013.

⁵ Soneji S, Barrington-Trimis JL, Wills TA, et al. Association between initial use of e-cigarettes and subsequent cigarette smoking among adolescents and young adults: a systematic review and meta-analysis. *JAMA Pediatr*. Published online June 26, 2017. doi:10.1001/jamapediatrics.2017.1488.

⁶ Corey, C.G., et al., Flavored tobacco product use among middle and high school students—United States, 2014. *Morbidity and Mortality Weekly Report*, 2015. 64(38): p. 1066-1070.

8. In 2015, 80% of youth age 12-17 who reported experimenting with tobacco started with a flavored tobacco product.⁷
9. A University of Michigan national survey of substance use among students in 8th, 10th and 12th grade found that more teens use e-cigarettes than traditional, tobacco cigarettes or any other tobacco product – the first time a U.S. national study has shown that teen use of e-cigarettes surpasses use of tobacco cigarettes. Specifically, 9 percent of 8th-graders, 16 percent of 10th graders, and 17 percent of 12th-graders reported e-cigarette use.⁸
10. Menthol cigarettes, flavored e-cigarettes, flavored little cigars, and flavored smokeless products are targeted toward youth.⁹
11. In addition to its candy-like appeal, menthol’s sensory effects and ability to mask irritation make menthol cigarettes appealing as a starter product. Youths disproportionately smoke menthols, in part because of these sensory characteristics and targeted marketing by the tobacco industry.¹⁰
12. E-cigarettes may be a first product used by youth not using other tobacco products: 20.3% of middle school youth and 7.2% of high school youth who had tried e-cigarettes had not tried a conventional tobacco cigarette.¹¹
13. Flavored tobacco products can promote youth initiation and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and increasing the acceptability of a toxic product.¹²
14. With colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays that they are frequently placed near the cash register in retail outlets.¹³

⁷ Ambrose, B. K., et al., Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*, 2015: p 1-3.

⁸ Johnston, L.D., O'Malley, P.M., Miech, R.A., Bachman, J.G., & Schulenberg, J.E., Monitoring the Future national results on adolescent drug use: Overview of key findings, 2014. Ann Arbor, Mich.: Institute for Social Research, the University of Michigan, January 2015.

⁹ Tobacco Education and Research Oversight Committee. Changing Landscape: Countering New Threats, 2015-2017. Toward a Tobacco-Free California Master Plan. Sacramento, CA: Tobacco Education and Research Oversight Committee. 2014.

¹⁰ Youn, O.L., and Glantz, S.A. Menthol: Putting the pieces together. *Tobacco Control*. May 2011, pp ii1-ii7.

¹¹ Centers for Disease Control & Prevention. *Notes from the field: electronic cigarette use among middle and high school students – United States, 2011-2012*. Morbidity and Mortality Weekly Report. 62(35): 729-730. 2013.

¹² G.F. Wayne and G.N. Connolly, "How Cigarette Design Can Affect Youth Initiation into Smoking: Camel Cigarettes 1983-93," *Tobacco Control* 11, no. 1 Supp. (2002): I32-I39.

¹³ Campaign for Tobacco-Free Kids. *Big Tobacco's Guinea Pigs: How an Unregulated Industry Experiments on America's Kids & Consumers*. February 20, 2008.

15. Flavored tobacco products are often sold individually or in two-packs, increasing their affordability and appeal to children.¹⁴
16. Overall, studies suggest that youth who may have otherwise never smoked cigarettes are now getting hooked on nicotine due to e-cigarettes, and that adolescents who use e-cigarettes are more likely to progress from experimenting with cigarettes to becoming established smokers.¹⁵
17. The U.S. Centers for Disease Control and Prevention has reported that electronic cigarette use among middle and high school students tripled between 2013 and 2014.¹⁶ Nicotine solutions, which are consumed via electronic smoking devices such as electronic cigarettes, are sold in dozens of flavors that appeal to youth, such as cotton candy and bubble gum.¹⁷ The California Attorney General has stated that electronic cigarette companies have targeted minors with fruit-flavored products.¹⁸
18. A 2006 study published in the *Journal of Nicotine and Tobacco Research* showed that 50% of youth start smoking with menthol flavored cigarettes, and that these are “starter” cigarettes for many youth who go on to become regular smokers. Youth who smoke menthol cigarettes are significantly more likely to show signs of nicotine addiction than their peers who smoke non-menthol brands.¹⁹
19. More than 80% of stores near schools in Contra Costa County sell flavored non-cigarette tobacco products, like “watermelon” and “tropical blast” flavored cigarillos and little cigars.²⁰ Many of these products sell for under a dollar, making them very attractive and affordable for youth.

¹⁴ McCarthy WJ, Mistry R, Lu Y, et al. 2009. “Density of Tobacco Retailers Near Schools: Effects on Tobacco Use Among Students.” *American Journal of Public Health*, 99(11): 2006-2013.

¹⁵ California Department of Public Health. *Electronic Cigarettes: A Summary of the Public Health Risks and Recommendations for Health Care Professionals Health Advisory*. January 28, 2015.

¹⁶ Arrazola R, Singh T, Corey C, et al. [Tobacco Use Among Middle and High School Students – United States, 2011-2014](#). *MMWR*. 4/17/2015; Vol. 64 (#14): pp 381-385.

¹⁷ Cameron JM, Howell DN, White JR, et al. 2013. “Variable and Potentially Fatal Amounts of Nicotine in E-Cigarette Nicotine Solutions.” *Tobacco Control*. [Electronic publication ahead of print], <http://tobaccocontrol.bmj.com/content/early/2013/02/12/tobaccocontrol-2012-050604.full>; U.S. Department of Health and Human Services. 2012. *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*. Atlanta: U.S. National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, p. 549, www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.

¹⁸ Press Release, State of California Department of Justice, Office of the Attorney General, Brown Announces Electronic Cigarette Maker’s Agreement to Stop Deceptive Marketing and Sales to Minors (Aug. 3, 2010), oag.ca.gov/news/press-releases/brown-announces-electronic-cigarette-makers-agreement-stop-deceptive-marketing.

¹⁹ Hersey JC, Ng SW, Nonnemaker JM, et al. Are menthol cigarettes a starter product for youth? *Nicotine & Tobacco Research*. 2006;8:403-413.

²⁰ 2013 Health Stores for a Healthy Community (HSHC) Survey, California Department of Public Health.

20. More than eight out of 10 stores in Contra Costa County sell packs of 5 or less of cigarillos/little cigars, and close to 70% of stores sell these products as “singles.”²¹ These products are also available very cheaply, making them affordable for youth. Eighty-five percent of tobacco retailers sell the most popular brand of cigarillos for under \$1.
21. Close to half of all stores that sell tobacco in Contra Costa County sell e-cigarettes.²² The number of stores that are selling e-cigarettes statewide has quadrupled, from just over 10% in 2011 to over 45% in 2013. Electronic cigarette use among middle and high school youth tripled between 2013 and 2014.²³ Many of these products are attractive to youth because they are relatively cheap and come in flavors like cherry-limeade and mint.
22. Seven out of 10 stores in Contra Costa County have exterior advertising for *unhealthy products* like tobacco, alcohol and sugary drinks.²⁴ This compares with 1 in 10 stores with exterior advertising for *healthy* items including fruits, vegetables and non-fat/low-fat milk.
23. Of stores selling tobacco throughout Contra Costa County, 34% are located within 1,000 feet of a school.²⁵ One-third of youth who buy tobacco purchase these products within 1,000 feet of school.²⁶ Every school day, youth are exposed to tobacco influences such as advertising and product promotions on their way to and from school. Many of the Contra Costa County communities with high numbers of stores selling tobacco near schools are low-income. Low-income communities have high rates of smoking and tobacco-related diseases like heart disease, cancers and stroke.
24. By selling tobacco products, pharmacies reinforce positive social perceptions and send a message that it is not so dangerous to smoke.^{27, 28}
25. Tobacco related diseases have resulted in over \$334 million annually in excess healthcare costs in Contra Costa County alone.²⁹

²¹ 2013 Health Stores for a Healthy Community (HSCH) Survey, California Department of Public Health.

²² 2013 Health Stores for a Healthy Community (HSCH) Survey, California Department of Public Health.

²³ Arrazola R, Singh T, Corey C, et al, Tobacco Use Among Middle and High School Students – United States, 2011-2014. MMWR. 4/17/2015; Vol. 64 (#14): pp 381-385.

²⁴ 2013 Health Stores for a Healthy Community (HSCH) Survey, California Department of Public Health.

²⁵ 2013 Health Stores for a Healthy Community (HSCH) Survey, California Department of Public Health.

²⁶ Lipton, R, Banerjee A, Levy D, Manzanilla N, Cochrane M., The spatial distribution of underage tobacco sales in Los Angeles. Subst Use Misuse. 2008;43(11):1594-614.

²⁷ Katz MH. 2008. “Banning Tobacco Sales in Pharmacies: The Right Prescription.” Journal of the American Medical Association, 300(12):1451-1453.

²⁸ Hudmon KS, Fenlon CM, and Corelli RL. 2006. “Tobacco Sales in Pharmacies: Time to Quit.” Tobacco Control, 15(1): 35-38.

²⁹ Max W, Sung H-Y, Shi Y, & Stark B. The Cost of Smoking in California, 2009. San Francisco, CA: Institute for Health & Aging, University of California, San Francisco, 2014.