

## David Cutaia

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**From:** Jeffrey C. Fried, MD <jfried@sbch.org>  
**Sent:** Monday, September 13, 2021 2:41 PM  
**To:** City Clerk Group  
**Subject:** Letter to the Goleta City Council Regarding proposed ordinance to prohibit the sale of Flavored Nicotine/Tobacco Products, scheduled for Meeting September 21  
**Attachments:** Address to the Goleta City Council Regarding Vaping-Letter- Sept 21-2021.docx

Dear City Clerk:

I am not able to attend the City Council meeting on Sept 21. Please distribute the attached letter to the Mayor, City Council Members and include in the public record.

Thank You,

Jeffrey C. Fried, MD  
[jcfried@aol.com](mailto:jcfried@aol.com)  
805-448-5508

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**September 13, 2021**

**To Goleta Mayor Perotte and City Council Members:**

**Regarding proposed ordinance to prohibit the sale of Flavored Nicotine/Tobacco Products**

While the current COVID-19 pandemic has justifiably garnered everyone's utmost attention, prior to the onset of this pandemic last year, we had been experiencing a twin epidemic of nicotine addiction and vaping induced lung injury amongst our students in middle school, high school, and college, and other young adults. These epidemics have not disappeared. While vaping of e-cigarettes declined somewhat in 2020, levels of tobacco and e-cigarette use amongst middle school and high school students last year was still higher than 2018. By all accounts, the slight reduction in usage was likely due to widespread school closures. Most of these students report that they get e-cigarettes from "friends", and with school closures, their time together, and opportunities to share these products, was limited. Now that schools are re-opening again, it is almost certain that the numbers of students vaping will surge once again.

Vaping flavors have been a major factor driving the vaping epidemic of nicotine, THC and other substances. At least 2/3 of middle and high school students who vape, started because of flavors, and most of these had no idea they were also vaping nicotine. Flavors have been demonstrated in adolescents to lead to the persistent use of vaping products over time. These attractive flavors include mint and menthol, which are very popular amongst both teens and adults. The flavors themselves often contain chemicals known to cause lung damage. The combination of flavors, other vape liquids, and device components with heat, produces a multitude of potentially toxic and carcinogenic substances.

Studies have shown that vaping e-cigarettes by adolescents and young adults is a gateway to smoking cigarettes and other tobacco products, as well as THC and other substances of abuse. Some adults claim that vaping has helped them quit smoking cigarettes. Unfortunately, studies have shown most of these individuals continue to depend on the nicotine in vaping products, and only a small number completely quit the addiction to nicotine. There are other medical products available on the market which are about as effective as aids to quitting nicotine addiction as e-cigarettes.

This is a completely unregulated industry with essentially no safety studies of the acute or chronic effects on humans. Because they contain fewer chemicals, it is claimed that e-cigarettes are safer than combustible tobacco. Unfortunately, it only takes one toxic substance to cause lung or other organ injury or death. Recent animal studies have demonstrated that nicotine vapor itself is carcinogenic. It took 30 years to demonstrate the long-term health effects of tobacco, and another 40 years of denials by the tobacco industry before the health dangers were acknowledged by those purveyors of death. Because it took decades to adequately regulate tobacco products, 480,000 Americans currently die each year from illness due to

tobacco. Inaction by the FDA in 2015 on banning flavors has led to the current epidemics of nicotine addiction and vaping associated lung injury .

Do we really want to make the same mistake, and wait another 30 years to do something to curtail this epidemic? Will we be subjecting generations of our children and young adults to both known and potential harms of vaping nicotine, THC and other substances? I implore you to take action now to, protect our children and ban the sale of all vaping flavors including mint and menthol, and additionally to ban the sale of all vaping devices, products, liquids and pods. While this won't completely solve the problem, it will be a large step forward in curtailing the recruitment of our youth into this highly addictive and dangerous practice. While action at the state and federal level may come at some time in the future, we can act locally now. Our adjacent unincorporated communities in Santa Barbara County, as well as Carpinteria, and Santa Maria have already done so. I implore you to join them in this fight.

Thank you for your time, and your sincere efforts to address this growing disaster.

Jeffrey Fried, MD, FCCM, FCCP

I'm Jeffrey Fried, a pulmonologist and critical care specialist, Director of Critical Care for the Internal Medicine Residency Program at Santa Barbara Cottage Hospital, and Adjunct Clinical Professor of Medicine, Keck School of Medicine, USC.

These comments are entirely my own and do not necessarily represent the organizations above with which I am affiliated.

[jcfried@aol.com](mailto:jcfried@aol.com)

805-448-5508

## David Cutaia

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**From:** Margaret Weiss <Mweiss@sansumclinic.org>  
**Sent:** Wednesday, September 15, 2021 2:19 PM  
**To:** City Clerk Group  
**Subject:** Letter of Support Attached  
**Attachments:** Tobacco Flavor Ban 9.1.21.pdf

Hello,

Attached please find a letter of support from Sansum Clinic regarding the ban of flavored tobacco.

Thank you for your attention,

Margaret Weiss, MPH  
Health Education Director, Sansum Clinic  
805-681-1705

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9/1/21

Goleta City Hall  
130 Cremona Dr #B  
Goleta, CA 93117  
ATTN: Goleta City Council Members

Re: Supporting Goleta Flavor Ban

Dear Mayor Perotte, Mayor Pro Tempore Kyriaco, Councilmember Aceves, Councilmember Kasdin and Councilmember Richards,

Sansum Clinic and Ridley-Tree Cancer Center strongly support a ban on the sale of flavored tobacco products in the City of Goleta in order to protect the health and wellbeing of our community's youth. As health care providers, we see that flavored tobacco use is rampant among our youth. A wealth of information tells of the danger of flavored tobacco and vaping. We know that:

- Flavored and menthol tobacco are "starter" products that promote addiction and make it harder to quit<sup>1</sup>
- Four out of five youth who use tobacco started with a flavored product<sup>2</sup>
- Teens are nearly seven times more likely to vape nicotine than adults<sup>3</sup>
- Flavors are created and marketed for kids. Some products even share the same names, packaging, and logos as popular candy brands like Jolly Rancher, Kool-Aid and Life Savers as well as gaming systems like Wii and Gameboy.
- E-cigarettes are designed so that users inhale high levels of nicotine easily and with little or no discomfort.<sup>4</sup>

A flavor ban in Goleta would be consistent with policies in neighboring Isla Vista and other unincorporated areas, thus reducing confusion among local residents and allowing for ease of enforcement. Goleta would join four jurisdictions, Guadalupe, Carpinteria, Santa Maria, and County Unincorporated, in banning flavored tobacco products.

We urge you to prioritize our children and our community's health by supporting this flavor ban. Let's protect youth from battling the lifelong struggles of nicotine addiction.

Sincerely,

Marjorie Newman, MD  
Medical Director, Sansum Clinic  
805-681-7700

<sup>1</sup> California Medical Association. *Flavored and Mentholated Tobacco Products: Enticing a New Generation of Users – CMA White Paper*. Sacramento, CA; 2016 May.

<sup>2</sup> Villanti AC, Johnson AL, Ambrose BK, et al. Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013-2014). *Am J Prev Med*. 2017;53(2):139–151. doi:10.1016/j.amepre.2017.01.026

<sup>3</sup> Mirbolouk M, Charkhchi P, Kianoush S, et al. Prevalence and Distribution of E-Cigarette Use Among U.S. Adults: Behavioral Risk Factor Surveillance System, 2016. *Ann Intern Med*. 2018;169:429–438

<sup>4</sup> E-cigarettes: Facts, stats and regulations. Truth Initiative. (n.d.). <https://truthinitiative.org/research-resources/emerging-tobacco-products/e-cigarettes-facts-stats-and-regulations>.

## David Cutaia

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**From:** Deborah Lopez  
**Sent:** Thursday, September 16, 2021 3:40 PM  
**To:** Liana Campos; David Cutaia  
**Subject:** FW: support letter for upcoming Council agenda item B1 Flavored Tobacco Ban  
**Attachments:** 2021 09 08 Support letter for Goleta Flavored Tobacco Ban from St George Youth Center.pdf

**From:** Fischer, Gina <gFischer@countyofsb.org>  
**Sent:** Thursday, September 16, 2021 3:14 PM  
**To:** Deborah Lopez <dlopez@cityofgoleta.org>  
**Subject:** re: support letter for upcoming Council agenda item B1 Flavored Tobacco Ban

Hi Deborah,

Please include this letter in the public comments for item B1 a Flavored Tobacco Ban. It is from the teens at the St. George Youth Center in Isla Vista:

Yoselin Neri, Omar Gonzalez, Angel Salazar, Ana Anguiano, and Juan Anguiano  
The Isla Vista Teen Leaders  
St. George Youth Center  
Isla Vista, CA

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### Gina Fischer

*District Representative & Scheduler*  
Office of Supervisor Joan Hartmann  
Barbara, CA 93101  
C 805.319.0498 | E [gfisher@countyofsb.org](mailto:gfisher@countyofsb.org)



105 E. Anapamu Street, 4<sup>th</sup> Floor, Santa

To: Mayor Perotte [pperotte@cityofgoleta.org](mailto:pperotte@cityofgoleta.org)  
Mayor Pro Tempore Kyriaco [jkyriaco@cityofgoleta.org](mailto:jkyriaco@cityofgoleta.org)  
Councilmember Aceves [raceves@cityofgoleta.org](mailto:raceves@cityofgoleta.org)  
Councilmember Richards [krichards@cityofgoleta.org](mailto:krichards@cityofgoleta.org)  
Councilmember Kasdin [skasdin@cityofgoleta.org](mailto:skasdin@cityofgoleta.org)  
City of Goleta Clerk of the Board: [dlopez@cityofgoleta.org](mailto:dlopez@cityofgoleta.org)

## **Re: Support for Goleta Flavor Tobacco Ban**

Dear Goleta City Council:

Our names are Yoselin Neri, Omar Gonzalez, Angel Salazar, Ana Anguiano, and Juan Anguiano. We are students between 8<sup>th</sup> and 11<sup>th</sup> grade who represent the St. George Youth Center's Isla Vista Teen Leaders, and we strongly support banning the sale of flavored tobacco products in the City of Goleta in order to protect the health and wellbeing of our community's youth. As students at Dos Pueblos High School and Goleta Valley Junior High, we have seen flavored tobacco product usage become a serious issue among our peers, especially vaping. We have all seen colorful, flavored vapes littered on the ground around our community in Isla Vista, a place with mostly young people, and our schools. In fact, we have seen more vapes at school in middle school than we see in high school, because many of our peers were exposed to vaping and began using vapes that early.

We were shocked to find out some of the facts about youth tobacco product use, such as:

- FDA has denied marketing approval for 55,000 flavored products after determining the products constitute a “public health threat posed by the well-documented, alarming levels of youth use of such products”<sup>1</sup>
- Flavored and mentholated tobacco products are “starter” products that promote addiction and make it harder to quit<sup>2</sup>
- Four out of five (81%) of youth who have ever used tobacco started with a flavored product<sup>3</sup>
- Teens are nearly seven times more likely to vape nicotine than adults<sup>4</sup>
- Flavors are created and marketed for kids. Some flavor products even share the same names, packaging, and logos as popular candy brands like Jolly Rancher, Kool-Aid, and Life Savers and gaming systems like Wii and Gameboy.

A flavor ban in Goleta would achieve consistency in policy with respect to neighboring areas such as Isla Vista (under county unincorporated law), ultimately reducing confusion among local residents and allowing for ease of enforcement. In fact, Goleta would join four other Santa Barbara County jurisdictions (Guadalupe, Carpinteria, Santa Maria, and the County) in banning flavored tobacco products.

We urge the councilmembers to prioritize youth and our community's public health and support this flavor ban. Let's protect younger generations like ours from battling the lifelong struggles of nicotine addiction.

Sincerely,

Yoselin Neri, Omar Gonzalez, Angel Salazar, Ana Anguiano, and Juan Anguiano

The Isla Vista Teen Leaders

St. George Youth Center

Isla Vista, CA

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<sup>1</sup> Food and Drug Administration. *FDA Denies Marketing Applications for About 55,000 Flavored E-Cigarette Products for Failing to Provide Evidence They Appropriately Protect Public Health*. 8/26/21 <https://www.fda.gov/news-events/press-announcements/fda-denies-marketing-applications-about-55000-flavored-e-cigarette-products-failing-provide-evidence>

<sup>2</sup> California Medical Association. *Flavored and Mentholated Tobacco Products: Enticing a New Generation of Users – CMA White Paper*. Sacramento, CA; 2016 May.

<sup>3</sup> Villanti AC, Johnson AL, Ambrose BK, et al. Flavored Tobacco Product Use in Youth and Adults: Findings From the First Wave of the PATH Study (2013-2014). *Am J Prev Med*. 2017;53(2):139–151. doi:10.1016/j.amepre.2017.01.026

<sup>4</sup> Mirbolouk M, Charkchi P, Kianoush S, et al. Prevalence and Distribution of E-Cigarette Use Among U.S. Adults: Behavioral Risk Factor Surveillance System, 2016. *Ann Intern Med*. 2018;169:429–438

## David Cutaia

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**From:** Hollister Smoke-n-Vape <hollistersmokeshop@gmail.com>  
**Sent:** Thursday, September 16, 2021 6:03 PM  
**To:** City Clerk Group  
**Cc:** Deborah Lopez; Liana Campos; gorgfrah99@yahoo.com; fkaroum@hotmail.com; Jennifer McGrath; Ed Pinchiff; Michelle Greene  
**Subject:** RE: City Council Meeting Sep 21, Ordinance Banning Sales of Flavored Tobacco Products, Adult Only 21+ Tobacco Retailers of Goleta Submission for Public Record  
**Attachments:** Goleta Residents' Letters to Councilmembers RE Flavored Tob Ban.pdf; Report by Adults Only 21+ Tobacco Retailers of Goleta Sep 2021.pdf; Signed Letter to City of Goleta Standing Committee RE Banning Sales of Flavored Tob.pdf; Examples of Cities Adopting Balanced Flavored Tob Ord..pdf; Proposed Changes to Goleta Flavored Tobacco Ordinance Amend..pdf; Suggested Age-Verification Performance.pdf

Hello City Clerk Group,

On behalf of the three (3) Adult Only 21+ Tobacco Retailers of Goleta:

**Goleta Smoke Shop**  
**Hollister Smoke Shop**  
**Smoke4Less**

Please submit the following attached documents to Public Record, City Councilmembers, City Manager and City Attorney:

1. Goleta Residents' Letters to Councilmembers RE Flavored Tob Ban
2. Report by Adults Only 21+ Tobacco Retailers of Goleta Sep 2021
3. Signed Letter to City of Goleta Standing Committee RE Banning Sales of Flavored Tob.
4. Examples of Cities Adopting Balanced Flavored Tob Ord.
5. Proposed Changes to Goleta Flavored Tobacco Ordinance Amend.
6. Suggested Age-Verification Performance

The attached documents pertain to Discussion/Action Item: **(B1) 21-398** on the City Council's meeting agenda for Sep 21, 2021 "**Ordinance Banning Sales of Flavored Tobacco Products.**"

Thank you

## David Cutaia

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**From:** David Cutaia  
**Sent:** Friday, September 17, 2021 9:04 AM  
**To:** David Cutaia  
**Subject:** FW: Adult Only 21+ Tobacco Retailers of Goleta

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**From:** Hollister Smoke-n-Vape <[hollistersmokeshop@gmail.com](mailto:hollistersmokeshop@gmail.com)>  
**Sent:** Thursday, September 16, 2021 4:32 PM  
**To:** Stuart Kasdin <[skasdin@cityofgoleta.org](mailto:skasdin@cityofgoleta.org)>  
**Cc:** Dawn Christensen <[dchristensen@cityofgoleta.org](mailto:dchristensen@cityofgoleta.org)>; [gorgfrah99@yahoo.com](mailto:gorgfrah99@yahoo.com); [fkaroum@hotmail.com](mailto:fkaroum@hotmail.com); Jennifer McGrath <[jmcgrath1.atty@gmail.com](mailto:jmcgrath1.atty@gmail.com)>; Ed Pinchiff <[Edward.pinchiff@gmail.com](mailto:Edward.pinchiff@gmail.com)>  
**Subject:** Adult Only 21+ Tobacco Retailers of Goleta

Hello Councilman Kasdin,

We hope all is well with you. We've attached some of the information you had requested from us (examples of other cities' flavored tobacco ordinances and information on advanced age-verification ID-scanners) as well as our 30-page report (based on peer-reviewed studies) on the issue of flavored tobacco and things to consider when regulating it. We hope that you are able to find some time to read it, as we've put a lot of work and effort into expanding on many important points being discussed.

We've also attached a red-lined version of the Ordinance Amendment as a rough example should you and other Councilmembers (like in other cities) decide to adopt a more balanced approach that would:

1. Preserve Adult 21+ ex-smokers rights to a less-harmful alternative to combustible tobacco.
2. Enhance City's ability to enforce state/local laws where flavored tobacco is sold.
3. Greatly reduce the number of physical outlets where flavored tobacco is sold, especially where most underage sales are likely to occur.
4. Preserve local Adult Only 21+ tobacco retailing businesses (and city residents they employ) and where online and out of city/state sales would take place regardless of local law.

Additionally, we've collected some letters in the past few days to Councilmembers from our customers who may not have the time (due to work and other responsibilities) to make their voices heard during City Council meetings. We hope you would read them to get an idea of how important flavored tobacco is to adult residents of the city who are ex-smokers.

We really appreciate your time Councilman, please let us know if you have any questions about any of the attached information.

-Norris, George and Fouad

**HOLLISTER SMOKE SHOP INC.**  
5718 Hollister Ave. #103  
Goleta, CA 93117

**TEL: (805) 845-9534**  
**FAX: (805) 845-9543**

Date: 9-12-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

It is with a heavy heart that I ~~am writing to you today~~ am writing to you today in the wake of the possible flavored tobacco ban. As a father of a beautiful son, I am proud to have continued to stay away from cigarettes for years now before my son is able to walk, talk, and remember me like that. I never want him to grow up remembering me by the potent lingering stink of cigarettes nor inhaling the contaminated air. ~~My nephew~~ <sup>My nephew</sup> ~~introduced~~ <sup>introduced</sup> me to flavored vape products which have removed me from the usage of cigarettes. Slowly over time, I have been able to safely decrease the amount of nicotine I am vaping and in time I will get down to none. As a father I fear that with the ban, I will revert back to my old habits and it will open up ~~the doors for~~ <sup>the doors for</sup> illegal selling ~~on the streets~~ <sup>on the streets</sup> ~~when~~ <sup>increasing</sup> exposure to younger underage kids like my son in the absence of stores being able to turn kids away. Additionally, I will lose the relationships I have built with my local shop over the year of getting to know them and knowing a great deal of them rely on that job for their dinner weekly. All I ask

Sincerely,

Print: Don Aug

Sign:



Age 30 Phone: (805) 252-0123



Date: 9-14-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

As a former smoker I can say that Flavored vape products have been a game changer when quitting. My wife and I both use and enjoy the different flavors as a reliable substitute to cigarettes. We only purchase from local retailers as supporting local is more important than lining big corporate america's pockets.

Sincerely,

Print: M. Holden

Sign:

Age 49 Phone: (805) 206-6723

Date: 9-14-2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

By trying to BAN Flavored Nicotine  
you are Really Not Resolving issue.  
You would Actually Be creating more vacant  
Buildings and thats not what this canty needs.  
Those of us that smoke nicotine do it as  
a personal choice. Why not leave it up to  
the individual rather than try and take something  
away from them. I respectfully ask that  
you re-consider this proposition and allow  
individuals to make their own choice.  
Remembes if you ban it, this just means  
we will go to other places and purchase  
them.

Sincerely, John K.

Print:

Sign:



Age 34 Phone: (     )



Date: 9-14-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

No on flavor ban

Sincerely,

Print: Michelle L Copass

Sign:



Age 30 Phone: (805) 964-5588

Date: 9/9/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Age 22 I've been cigarette free for 2 years  
since flavored nicotine & it helps me function  
& smoke less

Sincerely,

Print: Emily Franklin

Sign:



Age 22 Phone: (810) 516-8432

Date: 9-14-2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I'VE BEEN A LONG TIME CIG SMOKER -  
AT ALMOST 50 I'VE HAD MULTIPLE HEART  
ATTACKS A 3X BYPASS - I SERIOUSLY NEED TO  
QUIT BUT QUITTING HAS BEEN DIFFICULT  
UNTIL THE WORLD OF VAPING BEGAN -  
THRU FLAVORED VAPES I'VE BEEN ABLE  
TO WEEN MYSELF OFF CIGS AND NOW  
TRY TO ONLY USE POUCHES, ... PLEASE  
PLEASE RECONSIDER BANNING FLAVORS  
AS MOST ALL POUCHES ARE FLAVORED -  
NOT CRAZY FLAVORS BUT LIKE CINNAMON  
& COFFEE ETC ETC ... IF U BAN FLAVORS  
THE IMPACT WILL BE FAR GREATER  
THAN SIMPLY REMOVING VAPES AIMED  
AT KIDS - NUMEROUS ADULTS ARE ON THE  
PATH TO QUITTING AND LIMITING OUR  
OPTIONS WILL ONLY LEAD BACK TO TOBACCO!!!

Sincerely,

Print:

Sign:

Age 48 Phone: (805) 403-6751

Date: 9/9/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I was addicted to cigarettes and flavored vapes  
helped me quit. My skin has cleared up a lot since  
and I feel healthier.

Sincerely,

Print:

Sign:



Age 21

Phone: ( 789 ) 642-3854



Date: 9/11/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I am writing this because I believe the flavor ban is a mistake for the city as a whole. I smoked cigarettes for 5-10 years and the only thing that has helped me on the path to quitting all together is the option to have a flavor alternative. Regular tobacco flavored products still trigger that need for an actual cigarette and flavored items do not.

Sincerely,

Print: Forrest Hatch

Sign: 

Age 28 Phone: (     )

Date: 9/13/2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

about a year ago I quite smoking cigarettes when I found the flavored vapes gave me the nicotine I needed and was better to smoke around other people and I stopped smelling like cigarette. The flavored vapes w/ ice or freeze are the only kind I will purchase since Menthol is my choice of tobacco. If Goleta stops selling flavored vapes they suffer a severe drop in money. I will go anywhere else, any city to buy them and will stop purchasing anything from any smoke shop in Goleta.

Sincerely,

Print: Leiana Arzate

Sign:



Age 45

Phone: (     )

Date: 9-9-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I AM WRITING TO YOU BECAUSE I AM VERY  
CONCERNED ABOUT THE INDIVIDUAL LIBERTIES THAT  
ARE SLOWLY BEING STRIPPED AWAY. BANNING FLAVORED  
TOBACCO PRODUCTS BECAUSE OF THE POSSIBILITY OF CHILDREN  
USING THEM IS SOMETHING THAT SHOULD BE DONE BY THE  
PARENT. HOW IS KILLING SMALL TAX PAYING BUSINESSES  
FOR SOMETHING A PARENT SHOULD BE DOING A GOOD IDEA?  
WHAT'S NEXT? WHERE DOES IT STOP? AND HOW LONG  
UNTIL GOLETA IS NOT A FREE CITY?

Sincerely,

Print: TODD WARREN

Sign:

Todd Warren

Age 47 Phone: (     )

Date: 9-9-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I am an adult that is capable  
of making my own decisions. I feel  
as if the city telling me what  
I can or not smoke is a violation  
against my basic rights. Please  
do not ban flavored vapes as  
it has been a way for me  
to quit smoking cigarettes.

Sincerely,

Print:

Sam Green

Sign:

9-9-21

Age 22

Phone: (747) 477-9537



Date: 9/11/2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I have not smoked a cigarette  
in 3 years because of vaping/alternative  
nicotine products. I have a 14 y/o old  
and she knows better and likes that  
I don't smoke. This ban would  
be hard for me.

Sincerely, *Camille Carlos*

Print:

Sign:



Age 38 Phone: (     )

Date: Sept 10 2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I strongly urge you to not ban  
flavored tobacco. Flavored tobacco  
products have helped me to ~~quit~~  
quit smoking nicotine and if there  
are no more flavored products I  
am afraid I might go back to  
smoking cigarettes. Please don't  
ban flavored tobacco.

Sincerely,

Print: Amanda Givella

Sign: 

Age 21 Phone: (760) 703-2167

Date: 9-10

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I AM WRITING THIS LETTER BECAUSE I BELIEVE THE BAN OF FLAVORED TOBACCO WOULD BE A VERY BIG MISTAKE. MY MOM WAS AN EVERY DAY SMOKER FOR 40 YEARS AND WAS ONLY ABLE TO QUIT DUE TO CHANGING TO FLAVORED E-CIGARETTES. FLAVORED TOBACCO DOES MORE PEOPLE GOOD THEN BAD.

Sincerely,

Print:



Sign:



Age

28

Phone: (      )

)

Date: 9/11/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

These really help me quit smoking.

Sincerely,

Print: Karlle Healy

Sign:



Age 23 Phone: (818) 933-1044



Date: 8-14-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

vaping keeps me from smoking cigarettes which  
is more harmful and smells more. Vaping is  
also more considerate to other people.

Sincerely,

Print: Eric Ford

Sign: 

Age 47 Phone: (      )

Date: 9/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I've been smoking cigarettes for the last  
7 years but managed to reduce and stop with  
cigarettes because of the help ~~for~~ from vapes

Sincerely,

Print: Martin Green

Sign: 

Age 24 Phone: (     )

Date: 09/14/2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

~~PLEASE SIGN~~ NO ON FLAVOR BAN!

Freedom of choice!

my body my choice!

Sincerely,

Print: ERIN VOST

Sign: Erin Vost

Age 33 Phone: (805) 291-7230

Date: September 18<sup>th</sup>

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Don't take away my pina colada  
vapes, its all I have left!

Sincerely,

Print:

*Sam Smith* Sign: Sam Smith

Age 22

Phone: (949) 291-8064



Date: 9-14-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I'D APPRECIATE IF YALL DID NOT TAKE  
AWAY FLAVORED TOBACCO. MOST OF US  
NEED THEM FLAVORS TO GET THROUGH THE  
DAY. YALL CAN TAKE THEM SWISHERS DOE.  
MUCH APPRECIATED, AS WELL AS THANK YOU.  
TOBACCO AS WELL HELPS PEOPLE WITH  
ANXIETY & OTHER SYMPTOMS AS WELL.

Sincerely, ROB

Print: ROB SOLO

Sign: RS

Age 27 Phone: (     )

Date: 9/11/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I began smoking cigs at age 12 and continued  
to until I was 16 and got a JUUL as a way to quit  
and it worked!!! Please consider the consequences of  
having vaping devices.

Sincerely,

Print: Joshua

Sign:



Age 21 Phone: ( 510 ) 227 - 7627

Date: 9/9/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I used to smoke ~~for~~ for years, when introduced to vaping for the first time, the wide variety of flavors made it not only enjoyable but easier to get off cigarettes. If I didn't have local sources to buy my flavors I would be forced to go online. I would much rather support local businesses because locally owned business care about their customers and product quality. I have many friends who switched to vaping who can now be around their kids more because they don't smell of cigarettes. I have seen my best friend's marriage grow since she switched to vaping! No more fights with her husband. Vaping has changed not only my life but others too.

Sincerely,

Print:

Yanett Cadena

Sign:



Age

45

Phone:

(805) 698 5492

Date: 09/10/2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

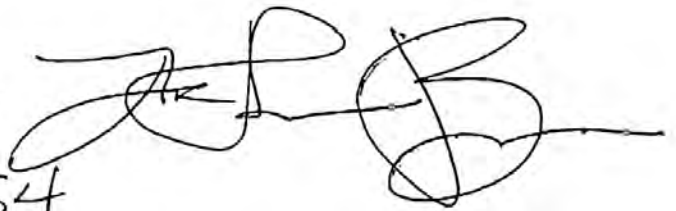
STAY OUT of my life.<sup>1</sup>

CR

Sincerely,

Print: ARTHUR BARBA Sign:

Age 48 Phone: (805) 685-3254

A handwritten signature in black ink, appearing to read 'ARTHUR BARBA', written over a series of horizontal lines.

Date: 9/11/21

**Letter to the City of Goleta Councilmembers**


**RE: Ordinance Amendment Banning Sales of Flavored Tobacco**

Dear Councilmembers,

Flavored vapes helped me quit cigarettes. Please  
do not remove them. They have helped me and other  
choose a healthy alternative

Sincerely,

Print: Bailey Smith

Sign: 

Age 21 Phone: (916) 813-3050



Date: 9.9.21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Age 46 helps me to stop smoke cigarette

Sincerely,

Print: maria Zamudio

Sign:

Maria Zamudio

Age 46 Phone: (805) 366-5451

Date: 9.9.21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Age 51 Live been Cigarette free 7 years  
Since Flavored nicotine it helps me function  
& smoke less

Sincerely,

Print: Georg Farah

Sign: Georg

Age 51 Phone: (805) 336-4385

Date: Sept 10, 2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I strongly urge against the ban of flavored tobacco. Flavored tobacco is less addictive, due to the glycerol causing lower levels of vaping. Additionally flavored tobacco ban will cause an influx of counterfeit products to inundate the market, causing an adverse effect.

Sincerely,

Print: TREY HENRY

Sign: 

Age 21 Phone: (444) 444-3640



Date: 9/9/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Age 28 been 3 yrs Tobacco Free  
as cigarette smoker. Flavored Nicotine  
Vape has been my substitute and  
smoke less.

Sincerely,

Print:

Ramon O

Sign:

Age 28 Phone: (~~805~~) 737-0751

Date: 9/10/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Heather I smoked a pack a week  
a pack a day and now I smoke  
cigs way less like a pack ever 2 or  
3 days. *Heather*

Sincerely, *Hea*

Print: *Heather Hoggard*

Sign:

Age 35 Phone: (805) 284-5599

Date: 4/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Don't take vaping away! I was smoking  
cigarettes for over 2 years straight and they  
helped me quit permanently!

Sincerely,

Print: Izank

Sign:

Age 21 Phone: ( 805 ) 450 - 8350

Date: 9/9/21

Letter to the City of Goleta Councilmembers


RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I was a smoker & was unable to smoke  
any where in SB, and so I started  
Vaping. Now I'm totally addicted to these  
fruity bloody products, and so it's harsh  
to disallow these too.  
Have you tried nicotine gum?!

Sincerely,

Print: Helena Leanos

Sign: 

Age 30 Phone: (805) 837 5183.



Date: 9/9/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Flavored vaping is an alternative to traditional smoking. It allows a user to regulate the amount of nicotine delivered via controlled blends. IF Flavored vaping liquid is not sold in Goleta, I will purchase the same product online and will not support our local business.

Sincerely,

Print: John Gambini

Sign:



Age 42 Phone: (805) 453-7437

Date: 9/8/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I have severe concerns about the proposed flavor ban. My life is on the line. As an ex smoker, vaping has increased the quality of my life exponentially. I have finally quit cigarettes after 10 years. If I were to have no access to flavored tobacco, I would be at a loss. I cannot imagine going back to cigarettes as I am so close to quitting tobacco/nicotine fully. I would much rather support a local business than go online, which I don't really have much access to anyway. I would love to continue supporting these shops that have helped me in quitting my addiction.

Sincerely,

Karen Lum

Age 65 Phone: (858) 207-8285



Date: 9/12/2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Please don't ban these. I don't smoke  
cigs anymore.

Sincerely,

Print: Ann - Maria  
Tried

Sign: 

Age 22 Phone: (     )

Date: 9/9/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I wanted to express my concern over the possibility that flavored tobacco would be banned here locally.

I just wanted to mention that I smoked Newport cigs for almost 20 years before I was able to luckily be introduced to vaping. I am a mother to 2 local Goleta children, have a professional job and the switch to vaping has been 100% positive for me.

I also have many friends and family members that would be negatively affected by this ban.

Hollister Smoke Shop has wonderful employees with great customer service which is why I frequent that location twice a week. It would be very sad to see them not allowed to continue selling those products.

Sincerely,

Print:

Melissa Haggerty

Sign:

Melissa Haggerty

Age

40

Phone:

(805) 305 5444

Date: 9/9

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Vaping is a better substitute to smoking  
cigarettes. & flavors make it easier to smoke  
my vape.

Sincerely,

Print:

Sign:



Age 25 Phone: ( 805 ) 637 8853

Date: 9/10/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I started smoking cigarettes at age 9 & was finally able to quit only because I found vaping. It has been a life saver. I come to my local retailer since I don't trust online shopping. The shop I use has an unsweetened flavor I can't find any where else. Please hear my plea and keep the flavored products in Goleta. I like shopping local & keeping my taxes local.

Sincerely,

Print:

Tammy Rompal

Sign:



Age

52

Phone: ( )



Date: September 12, 2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I have had ~~an~~ a very bad nicotine addiction. The ~~flavor~~ flavored vapes are too immaculate and I need them to stay. Otherwise I am going back to cigs and will die.

Sincerely,

Print: Nico Garbari

Sign: 

Age 27 Phone: ( · )

Date: 9/12

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I used to smoke for 20 years. Vaping has helped me quit cigarettes once and for good. Flavors make it easy for me to vape. I no longer smell like smoke. My kids don't say I stink anymore, I get to spend more time with my kids. Banning flavors would force me to search online when we have plenty of local businesses that I would much rather support!

Sincerely,

Print: Brandy Geeson

Sign: Brandy Geeson

Age 43 Phone: (805) 708-0680



Date: 9/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Banning flavored vape juice options will not get minors to stop vaping. Taking vape flavors away from adults using them to quit smoking cigarettes will only harm those people's chances of quitting.

Sincerely, Pearl R.

Print:

Sign:



Age 27 Phone: (     /     )

Date: 9/14/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I began smoking cigarettes when I was 15 years old. I picked up the habit from watching my father and grandparents, they were also smokers for most their lives. When I turned 18 years old, my dad began to use e-liquids and stepped away from tobacco. I watched him make the switch and it inspired me to do the same. I am now completely off cigarettes and I exclusively use flavored e-liquid, as well as my dad and grandparents. I love being able to support my local retailer and contribute to the local economy. Without them I would be forced to buy online or go out of the city. I love being smoke-free and hope we can continue to purchase flavored e-liquid locally.

Sincerely,

Print: Shannon Rice

Sign:



Age 23 Phone: ( 805 ) 712-8014

Date: 9/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Vaping has helped me quit smoking.

Sincerely,

Print: Thomas Whitney

Sign:



Age 28 Phone: (805) 215 6557

Date: 11/9/2020

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

The flavored vape products, help me quit smoking cigarettes. I need them or else I will have to start smoking cigarettes again and I really don't want to.

Sincerely,

Print: Ellie Somers

Sign:



Age 21 Phone: (424) 382-6474



Date: 9/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I have been a smoker for over 10 years  
I was smoking around a pack of cigarettes  
a day. Vaping actually helped me get off  
of cigarettes all together. I still vape  
with a low dose of nicotine. My smoking  
~~can~~ Even with vaping I have been smoking  
less everyday. Getting rid of the flavors  
will take away that opportunity that I had  
in ~~for~~ getting the help I needed to stop smoking  
cigarettes

Sincerely,

Print: Agustin Contreras

Sign:



Age 30 Phone: (805) 709-7437



Date: 9/9/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Age 21, Hello I'm currently  
a student at UCSB and I'm currently  
tobacco free and it would hurt my  
~~so~~ soul. If you guys take away  
all of the ~~flavors~~ flavors it would  
affect many people. Thank you!

Sincerely,

Print: Simon Villanueva

Sign: 

Age 21 Phone: (925) 725-5339

Date: 9/14/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I Can Relax After work. Helps me  
Relax!

Sincerely,

Don

Print:

Sign:

Don

Age 25 Phone: (      )

Date: 09/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Having quit smoking in favor of vaping,  
a big part, aside from health, was both better  
taste/ flavor as well as a significantly better  
smell for those around. The banning of such  
flavors does little to deter the purchase/ consumption  
of juices and just hurts local businesses  
focusing on selling them.

Sincerely,

Print:

Austin Wimet

Sign:



Age

24

Phone:

(707) 398-5558

Date: 9/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

VAPING HELPED ME QUIT SMOKING.  
THE EASE OF SWITCHING TO VAPING  
WAS THE QUALITY FLAVORS. PLEASE  
KEEP THE VARIETY.

Sincerely,

Print: KEVIN STRASBURG

Sign:



Age 54 Phone: (805) 964 3231

Date: 9/12

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Vaping has really helped me reduce  
my cig. Smoking + I plan to continue  
until I can stop both

Sincerely,

Print: L Vastola

Sign:

L Vastola

Age 61 Phone: (            )



Date: 9/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I stopped smoking cigs because  
of vapes. DO NOT BAN. I'll start  
smoking a pack of Red Marlboros  
everyday if you do.

Sincerely,

Print: Isha

Age 22 Phone: (     )

Sign:



Date: 9/13/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

I have recently switched from cigarettes to a vape pen in an effort to quit smoking.

I always shop local because since the pandemic I want to support local business.

I prefer the flavored vape as it is less like a cigarette so I smoke less.

Sincerely,

Print: Jacoby Montano

Sign:

Age 60 Phone: (805) 6832255

Date: 09/12/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

THE BANNING OF FLAVORED TOBACCO MEANS A  
SWITCH BACK TO CONVENTIONAL LEAF TOBACCO FOR  
MYSELF AND MANY OTHERS. WITH THE AVAILABILITY  
OF FLAVORS HAS KEPT ME FROM REACHING FOR  
A CIGARETTE FOR OVER 3 YEARS. THE VARIETY  
MAKES SURE I NEVER BECOME NOSE OR TONGUE  
BLIND TO THE SMELL OR TASTE (AS ONE DOES WITH  
TRADITIONAL TOBACCO). THIS HAS REDUCED BOTH MY  
LEAF PRODUCTION AS WELL AS AN UNPLEASANT ADDICTION.  
SHOPPING LOCALLY MEANS I'M HELPING LOCAL  
BUSINESSES INSTEAD OF FACELESS ONLINE  
CORPS.

Sincerely,

Print: SPENCER ESTELLE

Sign:



Age 26 Phone: (805) 618-4725

Date: 9/11/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Disposables helped me quit  
Smoking.

Sincerely, 

Print: Kamar P

Sign: 

Age 24 Phone: (     )



Date: 9/11/21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Plz don't. I will become a cig  
addict again. Don't do this to us.

Sincerely,

Print: William Harris

Sign:

*William Harris*

Age 30 Phone: (732) 611-9579



Date: September 12, 2021

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

these keep me from smoking cigarettes  
which are more harmful to my health,  
please do not ban them

Sincerely, Nikki Goodman

Print:

Sign:



Age 22 Phone: (     )

Date: 9-14-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

No on flavor ban

Sincerely,

Print: Josh J. Ward

Sign:



Age 42 Phone: (805) 350-9946

Date: 9.9.21

Letter to the City of Goleta Councilmembers


RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

They help with quitting cigarettes  
and ease anxiety

Sincerely,

Print:

  
Luke Vindasius

Sign:

Age 22 Phone: (408) 596-6424

Date: 7-11-21

Letter to the City of Goleta Councilmembers

RE: Ordinance Amendment Banning Sales of Flavored Tobacco

Dear Councilmembers,

Please don't Ban any of the Flavored Tobacco products cause my Disabled elderly Mother of 65 was able to Quit Smoking of Regular cigarettes completely and not go back and she has COPD.  
Thank you.

Sincerely,

Print:

Sign:

Bonnie Joan Itanna

Age

34

Phone: (805) 825 9089

***Health & Economic Impact  
of Proposed City of Goleta Amendment  
to Ban Flavored Tobacco Products***

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**Exploring A Balanced Solution**

**City of Goleta Adults Only 21+ Tobacco Retailers:**

**Hollister Smoke Shop  
Goleta Smoke Shop  
Smoke4Less**

**September 1<sup>st</sup>, 2021**



***I. Health Impacts of Proposed Amendment***

- A. Public Health England
- B. Scott Gottlieb
- C. Discerning Electronic Cigarette Vapor from Tobacco Smoke
- D. Ingredients in Vaping Products
- E. Importance of Flavor Variety for the Efficacy of Electronic Cigarettes
- F. Estimated Number of Adult Vapers in the City of Goleta
- G. The Increased Likelihood of a Black Market

***II. Economic Impact of Proposed Amendment***

- A. C-Stores & Their Share of Sales v. Profit on Tobacco Products
- B. Non-21 & Over Retailers: The Biggest Culprits of Underage Tobacco Sales in the City of Goleta
- C. Crippling Sales Potential of Adult Only 21+ Tobacco Retailers Citywide
- D. The Foreseeable Effects of Proposed Amendment: Online Sales
- E. Impact on Local Priority & Underprivileged Groups

***III. Big Tobacco V. Small Businesses in the Industry***

- A. Juul & the Proliferation of Juul products Among Minors
- B. American Vape Companies Taking Initiative Against Big Tobacco Within the Industry
- C. Self-Regulation Within the Industry

***IV. Federal Regulations & Recommendations***

- A. Recent Federal Measures to Curb Underage Tobacco Use
- B. Reasoning Behind Recent Federal Measures

***V. Recommendations & the Role of Adults Only 21+ Outlets in Goleta***

## **SUMMARY:**

**This report is based on research using published peer-reviewed studies, articles and empirical data. The research suggests that the proposed amendment to ban flavored tobacco products in the city of Goleta will have several foreseeable consequences on the health of residents and the economy of the city as follows:**

- **Negatively impact the health of city residents, especially underprivileged groups including low income, people of color<sup>1</sup>, transients, less-educated<sup>2</sup>, those without internet access and members of the LGBTQ+<sup>3</sup> community who will be disproportionately affected by the proposed amendment. (see section II-E)**
- **Disproportionately impact Adults Only 21+ smoke and vape shop establishments in the city where over 80% of all tobacco products carried and sold at such establishments would be considered “flavored tobacco” and thus banned under the proposed amendment, risking the jobs and livelihoods of the three Adults Only 21+ tobacco retailers in the city and their employees.**
- **The economic impact (of proposed amendment) on other business models that incorporate tobacco licensing and sales (e.g. C-stores, gas stations and liquor) would be much less severe and certainly survivable, given the income generated from sales of flavored tobacco products as a percentage of overall income<sup>4</sup>.**
- **Online sales of flavored tobacco products will continue virtually unimpeded and likely to increase (including sales to minors) if the proposed amendment is to pass as is. Additionally, Goleta residents making online purchases from out-of-city vendors are unlikely to be prompted to pay state and city sales or excise tax, costing the state and city tax revenue.**

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<sup>1</sup> Centers for Disease Control and Prevention. (2020a). *African Americans and Tobacco Use*. Retrieved from <https://www.cdc.gov/tobacco/disparities/african-americans/index.htm>

<sup>2</sup> HRYNOWSKI, Z. (2019). *What Percentage of Americans Vape?* Washington D.C.

<sup>3</sup> *Transgender Persons and Tobacco Use*. Retrieved from <https://www.cdc.gov/tobacco/disparities/lgbt/index.htm>

<sup>4</sup>White, L. (2018, June 04). Cigarettes Remain On Top. Retrieved July 24, 2020, from <https://cstoredecisions.com/2017/06/20/cigarettes-remain-top/>

- **According to California Department of Health and California Tobacco Control Program, C-stores, gas stations and liquor stores have been shown to be the outlets most responsible for sales of tobacco products to minors<sup>5</sup>.**
- **Adults Only 21+ establishments rely exclusively on maintaining city tobacco licenses (TRL), in good standing, in order to do any business. Convictions of tobacco sales to minors would suspend (or revoke) such establishments' ability to remain in business. The same cannot be said about C-stores, gas stations and liquor establishments that would continue to profitably operate, regardless of the status of their TRL.**
- **Suggestion to treat Adults Only 21+ smoke and vape stores as a separate (and distinct) category from other business models that do not rely on a tobacco license to remain profitably in business. Relegating all flavored tobacco products to Adult Only 21+ establishments would:**
  - **Limit the number of outlets where flavored tobacco products can be sold to minors at a physical location.**
  - **Significantly enhance the city's ability to regulate and supervise (adoption of advanced age-verification methods) physical outlets of flavored tobacco products.**
  - **Preserve the rights of ex-smokers, transitioning smokers, people of color, transients, low-income, low formal education, people without internet access, and people of the LGBTQ+ community.**
  - **Prohibit the loss of jobs provided by Adults Only 21+ smoke and vape stores in the city of Goleta.**

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<sup>5</sup> C., & C. (2018). California Tobacco Facts and Figures 2018. Retrieved from [https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CATobaccoFactsFigures2018\\_Printers.pdf](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CATobaccoFactsFigures2018_Printers.pdf)

## **I. Health Impacts of Proposed Amendment**

Recent research on electronic nicotine delivery systems has provided a more comprehensive look at how these devices function, and the opportunity they provide as a safer alternative to combustible tobacco. The renowned research institution, Public Health England (PHE), has released data over the last several years that prove e-cigarettes provide a safer alternative to combustible cigarettes (McNeill, et. al., 2018)<sup>6</sup>. E-cigarettes contain a fraction of the carcinogens relative to combustible tobacco use, and in turn cause much less damage to the lung tissue of the user (Goniewicz, et. al., 2014)<sup>7</sup>. E-cigarettes have aided adult smokers across the city of Goleta (and around the world) in transitioning from harmful combustible tobacco products to a much safer alternative. Removing these products from the market would foreseeably lead to health issues among a substantial segment of Goleta's population. Following a flavored tobacco ban, adult smokers may return to smoking combustible tobacco, black market products may begin to emerge, and we may see a regression in the progress made towards a combustible tobacco free society. **Utilizing e-cigarettes as a smoking cessation tool is far less harmful to the user and those who may be in the vicinity of that person** (Goniewicz, et. al., 2014).<sup>8</sup>

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<sup>6</sup> McNeill, A., Brose, L. S., Calder, R., Bauld, L., & Robson, D. (2018, February). Evidence review of e-cigarettes and heated tobacco ... Retrieved July, from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/684963/Evidence\\_review\\_of\\_e-cigarettes\\_and\\_heated\\_tobacco\\_products\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684963/Evidence_review_of_e-cigarettes_and_heated_tobacco_products_2018.pdf)

<sup>7</sup> Goniewicz, Maciej Lukasz, Knysak, J., Gawron, M., Kosmider, L., Sobczak, A., Kurek, J., ... Benowitz, N. (2014). Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tobacco Control*.

<sup>8</sup> Goniewicz, Maciej Lukasz, Knysak, J., Gawron, M., Kosmider, L., Sobczak, A., Kurek, J., ... Benowitz, N. (2014). Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tobacco Control*.



*A. Public Health England & Vaping as a Smoking Cessation Tool*

Public Health England (PHE) is a public health agency tasked with serving the public of England as well as conducting research related to the health and safety of England's citizens. PHE is one of the few prominent public health agencies in the developed world to acknowledge that e-cigarettes are less harmful to consumers than combustible tobacco cigarettes.

PHE's research concluded that e-cigarettes are an effective and lower risk tool tobacco users can utilize to become and stay combustible tobacco-free (McNeill et. al., 2018)<sup>9</sup>. Following the publication of their findings, hospitals throughout the United Kingdom began to open on-site vape

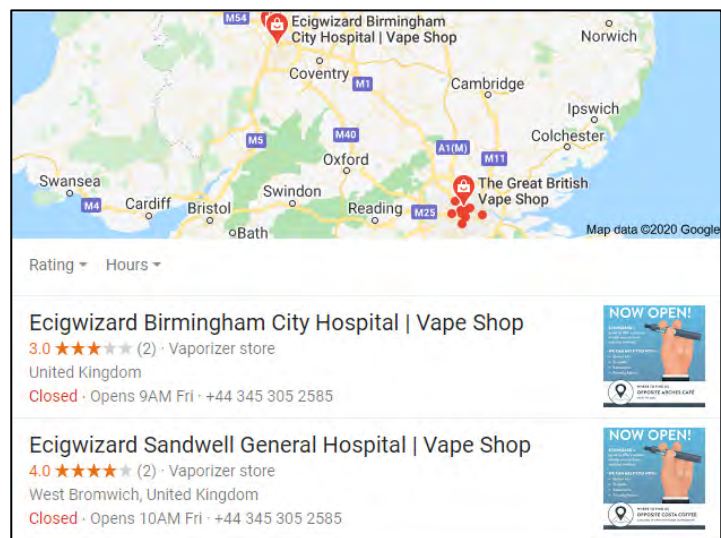


Figure 1: English Hospital On-Site Vape Shops

shops (*Figure 1*). These vape shops act as a beacon of information for citizens regarding the health and safety facts concerning vaping and allows citizens to make informed decisions regarding their nicotine consumption habits.

<sup>9</sup> McNeill, A., Brose, L. S., Calder, R., Bauld, L., & Robson, D. (2018, February). Evidence review of e-cigarettes and heated tobacco. Retrieved July, from [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/684963/Evidence\\_review\\_of\\_e-cigarettes\\_and\\_heated\\_tobacco\\_products\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/684963/Evidence_review_of_e-cigarettes_and_heated_tobacco_products_2018.pdf)

*B. Dr. Scott Gottlieb On E-Cigarettes as a Smoking Cessation Tool*

The former FDA commissioner, Dr. Scott Gottlieb, maintains a similar position as PHE does regarding the use of e-cigarettes as a smoking cessation tool for adults. During his time as the head of the FDA, Dr. Gottlieb worked diligently to tackle the youth vaping epidemic while also preserving the unique and special opportunity e-cigarettes present to transition adult smokers away from combustible



Dr. Scott Gottlieb  
Former FDA Commissioner

tobacco products and onto a much safer form of nicotine consumption. Dr. Gottlieb stated, **“While it’s the addiction to nicotine that keeps people smoking, it’s primarily the combustion which releases thousands of harmful constituents into the body at dangerous levels, that kills people... E-cigarettes may present an important opportunity for adult smokers to transition off combustible tobacco products and onto nicotine delivery products that may not have the same risks associated with them.”** (Gottlieb, 2018)<sup>10</sup>.

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• <sup>10</sup> Gottlieb, S. (2018). *Statement on new steps to address epidemic of youth e-cigarette use*. Food & Drug Administration.

*C. Discerning E-Cigarette Vapor from Combustible Tobacco Smoke*

In order to understand the true health impact of e-cigarettes, the health consequences of combustible tobacco smoke must be distinguished from electronic cigarette vapor. Comprehensive research (Talhout et al., 2011)<sup>11</sup> identifies over 5000 toxins and carcinogens in combustible tobacco smoke. The levels of these noxious components are 84 times higher in combustible tobacco smoke than in electronic cigarette vapor (Maciej Lukasz Goniewicz et al., 2014)<sup>12</sup>. When the concentrations of toxins and carcinogens in combustible tobacco were quantified and compared to the concentrations in e-cigarette vapor; their findings showed that electronic cigarettes' chemical concentrations are exponentially lower than the levels found in combustible tobacco. For instance, 1.36 ug of acetaldehyde was found in electronic cigarette vapor, whereas 140 ug of acetaldehyde was found in combustible tobacco smoke (Maciej L. Goniewicz et al., 2018)<sup>13</sup>. Figure 2 is a chart from the study comparing exposure to heavy metals and toxic chemicals from smokers, dual users (vaping and tobacco), and vapers. According to the study, the levels of nearly all chemicals were significantly lower for vapers than for tobacco users. As of today, every peer-reviewed study has concluded that e-cigarettes have some risks, but the risks almost never surpass those of combustible tobacco smoke.

It is also important to address the difference between nicotine salts and freebase nicotine e-liquids. As mentioned in City Attorney Jenkins' letter, nicotine salts have entered the market in

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<sup>11</sup> Talhout, R., Schulz, T., Florek, E., van Benthem, J., Wester, P., & Opperhuizen, A. (2011). Hazardous compounds in tobacco smoke. *International Journal of Environmental Research and Public Health*. <https://doi.org/10.3390/ijerph8020613>

<sup>12</sup> Goniewicz, Maciej L., Smith, D. M., Edwards, K. C., Blount, B. C., Caldwell, K. L., Feng, J., ... Hyland, A. J. (2018). Comparison of Nicotine and Toxicant Exposure in Users of Electronic Cigarettes and Combustible Cigarettes. *JAMA Network Open*. <https://doi.org/10.1001/jamanetworkopen.2018.5937>

<sup>13</sup> Goniewicz, Maciej L., Smith, D. M., Edwards, K. C., Blount, B. C., Caldwell, K. L., Feng, J., ... Hyland, A. J. (2018). Comparison of Nicotine and Toxicant Exposure in Users of Electronic Cigarettes and Combustible Cigarettes. *JAMA Network Open*. <https://doi.org/10.1001/jamanetworkopen.2018.5937>

recent years and allow high levels of nicotine to be suspended in the e-liquid. However, it is important to note that nicotine salts and freebase nicotine e-liquids are not used in the same types of Electronic Nicotine Delivery Systems (ENDs). Nicotine salt e-liquids are used with lesser powerful devices, resulting in much smaller vapor clouds. While freebase e-liquids are used in more powerful devices, resulting in larger vapor clouds. The nicotine salts were introduced to the market to satisfy mature ex adult smokers who do not want to have massive vapor clouds following them and want a smaller, more discrete device. Nicotine salt ENDs are ideal for mature adult ex-smokers who want a device that will only produce as much vapor as a cigarette would smoke. When vaping a nicotine salt on a less powerful device, the nicotine intake will be similar to that of vaping a lower level of nicotine on a more powerful device.

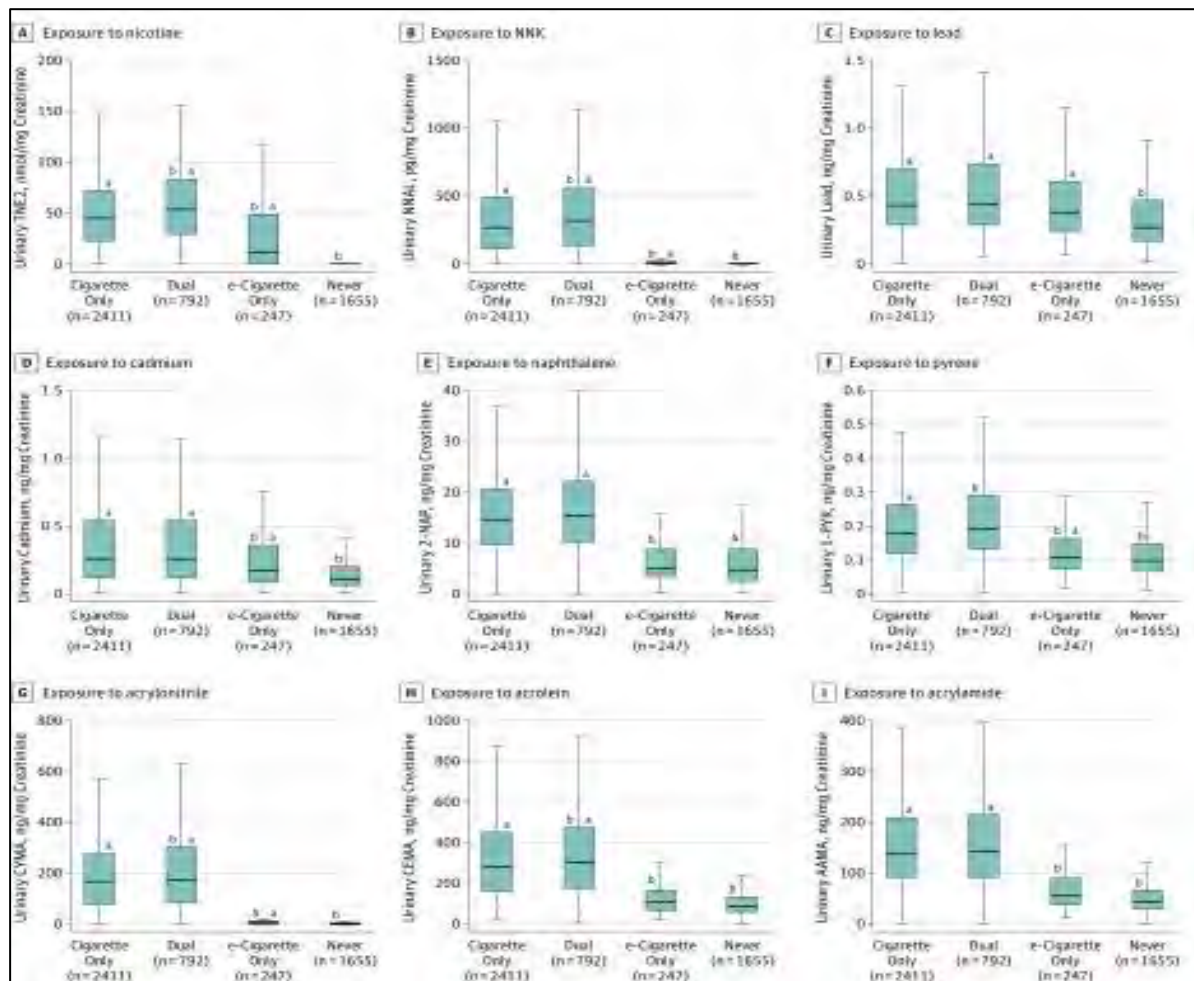


Figure 2: Biomarkers of Exposure Among Dual Users of Tobacco Cigarettes and e-Cigarettes, Population Assessment of Tobacco and Health Study, Wave 1, 2013-2014 (n = 792) Maciej L. Goniewicz et al., 2018

*D. Ingredients in Vaping Products*

Every e-liquid product on the market has the same four ingredients: vegetable glycerin, propylene glycol, natural & artificial flavorings, and nicotine. The base of all e-liquid is exclusively, or a combination of, vegetable glycerin and propylene glycol. The FDA has recognized both substances as generally safe, and they have been used in countless food and cosmetic products for decades (Department of Health and Human Services, 2019)<sup>14</sup>. In addition to their base, the characterizing flavorings imparted by e-liquids is produced by natural & artificial flavorings. Similar to vegetable glycerin and propylene glycol, natural & artificial flavorings are used in numerous food and cosmetic products, and the companies that produce these flavorings are very transparent about the ingredients their products are comprised of. Contrary to what City Attorney Jenkins mentioned in his letter, chemicals such as diacetyl, 2-3 pentanedione, and acetoin should not be present in any tobacco product at this time. Any inquisitive person can access a company's data sheets, and no flavorings include ingredients prohibited by the FDA. This is due to the introduction of the Premarket Tobacco Product Application (PMTA), in which companies must provide scientific data that demonstrates each tobacco product they carry is "appropriate for the protection of public health". In detail, the PMTA requires a full statement of the components, ingredients, additives, properties, and principles of operation. Any PMTA denials may prevent the introduction of the product into

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<sup>14</sup> Department of Health and Human Services. *Title 21 Chapter 1 Subchapter B Section 182.1320 Glycerin.* , (2019).



interstate commerce (U.S. Food and Drug Administration & Center for Tobacco Products, 2019)<sup>15</sup>.

*E. Importance of Flavor Variety for Efficacy of Electronic Cigarettes*

It is crucial to understand why non-tobacco, natural, and artificial flavors in electronic vape devices are essential to their success as smoking cessation tools. Ex-smokers transitioning to electronic vape devices for their nicotine needs are not inclined to vape artificial emulations of tobacco. They do not like the taste or the pungent and lingering smell, which can be analogous to combustible cigarettes. Given how undesirable tobacco flavors are, almost all vapers will instead choose a non-tobacco flavor (Russell et. al., 2018)<sup>16</sup>. Research (Russell et. al., 2018)<sup>17</sup> published in Harm Reduction Journal, concluded the following:

Adult frequent e-cigarettes users in the USA who have completely switched from smoking cigarettes to using e-cigarettes are increasingly likely to have **initiated e-cigarette use with non-tobacco flavors and to have transitioned from tobacco to non-tobaccos over time**. Restricting access to non-tobacco flavors may discourage smokers from attempting to switch to e-cigarettes. (pg. 1)

For many, quitting nicotine cold turkey is very difficult, only about 7% of people succeed annually (Mckenna, 2021)<sup>18</sup>. One analysis shows that people who utilize e-cigarettes as a

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<sup>15</sup> (U.S. Food and Drug Administration & Center for Tobacco Products. (2019, June). *Premarket Tobacco Product Applications for Electronic Nicotine Delivery Systems*. Retrieved from <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/premarket-tobacco-product-applications-electronic-nicotine-delivery-systems-ends>

<sup>16</sup> Russell, C., McKeganey, N., Dickson, T., & Nides, M. (2018). Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA. *Harm Reduction Journal*, 15(1), 1–14. <https://doi.org/10.1186/s12954->

<sup>17</sup> Russell, C., McKeganey, N., Dickson, T., & Nides, M. (2018). Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA. *Harm Reduction Journal*, 15(1), 1–14. <https://doi.org/10.1186/s12954->

<sup>18</sup> Mckenna, Stacey A. “Banning Flavored E-Cigarettes Could Have Unintended Public Health Consequences.” *Shibboleth Authentication Request*, R Street, Mar. 2021, [www.jstor-](http://www.jstor-)

smoking cessation tool were 1.71 times more likely to quit smoking than those who used other smoking cessation tools such as patches or gums (Mckenna, 2021)<sup>19</sup>. The proposed amendment will force many electronic cigarette users to choose between tobacco flavored e-cigarettes, other smoking cessation tools, or combustible tobacco, thus significantly decreasing the probability of a successful transition away from harmful combustible tobacco and onto much less harmful tobacco product. As seen in one study conducted in San Francisco city, there was a decrease in overall flavored tobacco use, but there was also a 35% increase in overall cigarette smoking for individuals 18-24-years old. In addition, flavored e-cigarette use decreased by only 1% for people 18-24-years old in the first year the ban was in effect (Yang, et., al., 2020)<sup>20</sup>. A second study published in May 2021 also suggests that San Francisco's flavor ban was associated with increased cigarette smoking amongst high school students (JAMA, 2021)<sup>21</sup>. The data from these two studies concludes that in San Francisco where a flavor ban has been put into effect, there is an increased number of people ages 18-24 smoking cigarettes rather than utilizing e-cigarettes.

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ion%2FdoBasicSearch%3FQuery%3Dyouth%2Band%2Be%2Bcigarette%26acc%3Don%26wc%3Don%26fc%3Doff%26group%3Dnone%26ref  
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default%3Ac6f6fae6f56b5a71e5ea2a830fb8ab9c6&seq=6#metadata\_info\_tab\_contents.

<sup>19</sup> Mckenna, Stacey A. "Banning Flavored E-Cigarettes Could Have Unintended Public Health Consequences." *Shibboleth Authentication Request*, R. Street, Mar. 2021, www.jstor-  
org.sbccc.idm.oclc.org/stable/resrep31908?Search=yes&resultItemClick=true&searchText=youth%2Band%2Be%2Bcigarette&searchUri=%2Fact  
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default%3Ac6f6fae6f56b5a71e5ea2a830fb8ab9c6&seq=6#metadata\_info\_tab\_contents.

<sup>20</sup> Yang, Yong, et al. "The Impact of a Comprehensive Tobacco PRODUCT Flavor Ban in San FRANCISCO among Young Adults." *Addictive Behaviors Reports*, Elsevier, 1 Apr. 2020, www.sciencedirect.com/science/article/pii/S2352853220300134?via%3Dihub.

<sup>21</sup> Abigail S. Friedman, PhD. "A Difference-in-Differences Analysis of Youth Smoking and a Ban on Sales of FLAVORED Tobacco Products in San Francisco." *JAMA Pediatrics*, JAMA Network, 1 Aug. 2021, jamanetwork.com/journals/jamapediatrics/fullarticle/2780248?utm\_source=twitter&.

*F. Estimated Number of Adult Vapers in Goleta*

Using national data gathered by a Gallop Poll (2019)<sup>22</sup>, it was determined that about 8% of adult Americans utilize e-cigarettes. Given the national average, **an estimated 2,500 to 3,500 Goleta residents, of voting age, rely on e-cigarettes to remain free of combustible tobacco.**

*G. The Increased Likelihood of an Emerging Black Market*

As seen throughout lawmaking history, the outright ban of a specific product(s) will not eliminate that product from society; it will only eliminate the ability of individuals to obtain that product through legitimate and regulated means. The dangers of overregulation in an industry is exemplified by the US war on drugs, specifically targeting marijuana, as well as the American Prohibition of alcohol, spanning from 1922 through 1933, which targeted the production and sale of alcohol in the US. As these specific products were targeted and prohibited, black markets began to emerge.

In the city of Goleta, an outright ban on flavored tobacco products is **very likely to similarly give rise to black-market flavored tobacco products**. According to a policy study put out by R Street, nearly 50% of the participants reported that they would “find a way” to buy preferred flavors or add the flavoring agent themselves if nontobacco flavors are banned (Mckenna, 2021)<sup>23</sup>. When legitimate brick & mortar outlets for purchasing flavored tobacco are barred from selling such products, illegitimate operations will begin to take their place.

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<sup>22</sup> Hrynowski, Z. (2020, April 08). What Percentage of Americans Vape? Retrieved July 24, 2020, from <https://news.gallup.com/poll/267413/percentage-americans-vape.aspx>

<sup>23</sup> Mckenna, Stacey A. “Banning Flavored E-Cigarettes Could Have Unintended Public Health Consequences.” *Shibboleth Authentication Request*, R Street, Mar. 2021, [www.jstor.org/stable/resrep31908?Search=yes&resultItemClick=true&searchText=youth%2Band%2Be%2Bcigarette&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dyouth%2Band%2Be%2Bcigarette%26acc%3Don%26wc%3Don%26fc%3Doff%26group%3Dnone%26ref](http://www.jstor.org/stable/resrep31908?Search=yes&resultItemClick=true&searchText=youth%2Band%2Be%2Bcigarette&searchUri=%2Faction%2FdoBasicSearch%3FQuery%3Dyouth%2Band%2Be%2Bcigarette%26acc%3Don%26wc%3Don%26fc%3Doff%26group%3Dnone%26ref)

It is also likely that following a ban on flavored tobacco, many individuals (e.g. underprivileged **persons lacking internet access** who wish to remain free of combustible tobacco) may resort to manufacturing their own flavored e-liquids or purchasing such products from illegitimate and unregulated sources, **creating a (preventable) risk to the public** as pointed out by the R Street report. Black market products pose a very serious threat to consumers. As highlighted by the CDC (2020), there was a **direct link discovered between the most recent outbreak of mystery lung disease/damage and the use of black market, counterfeit THC cartridges.**<sup>24</sup> Black market products are manufactured in unregulated and potentially hazardous facilities, leading to dangerous end products.

The production and manufacturing of flavored e-liquids is complex and cannot be safely be conducted by people who have not been properly trained. For example, the alcohol content of flavor extracts, Propylene Glycol and Vegetable Glycerin ratios, nicotine levels, and steep times are all a part of the expertise required by an e-liquid manufacturer to create safe products. In addition, lab safety and sanitization methods also play a large role in the safety of the products being produced. A lack of health and safety regulations and means of enforcement will most likely result in the production of e-liquid in unsafe, unsanitary, or hazardous environments. Cross-contamination, sub-par equipment, incorrect ratios, as well as improper aeration time **can all result in hazardous or unsafe products.** The likelihood of these events occurring increases exponentially if regulated manufacturing of such products is banned in the city of Goleta.

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<sup>24</sup> Centers for Disease Control and Prevention. (n.d.). *Outbreak of Lung Injury Associated with the Use of E-Cigarette, or Vaping, Products.* Retrieved from [https://www.cdc.gov/tobacco/basic\\_information/e-cigarettes/severe-lung-disease.html](https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html)

Furthermore, when it comes to the sales of black-market products, **age verification is unlikely to be enforced**. By removing these products from licensed retailers who risk losing their Tobacco Retailer License (TRL) for selling to underage individuals, the likelihood of these products emerging on the black-market increases significantly, thus becoming **more** accessible to youth. These illegitimate outlets will have no system of accountability when it comes to enforcing age verification checks. Additionally, in that scenario, the **city would lose the ability to collect sales tax on flavored tobacco products**.



## **II. Economic Impact of Proposed Amendment**

In the event of this proposed amendment passing into law as it stands, Adults Only 21+ brick-and-mortar tobacco outlets (tobacco stores and vape shops) would be **disproportionately affected**. Unlike gas stations, liquor stores, and convenience/grocery stores, Adult Only 21+ tobacco outlets are almost **entirely dependent** on their sales of tobacco products. Gas stations, liquor stores and convenience stores (C-Stores) rely in large part on the sales of gas, alcoholic beverages, and food/drink products, respectively, to remain gainfully in business. Profits generated from the sales of tobacco products are negligible for gas station, liquor store, and C-Store business models.

Under this proposed amendment **the vast majority of tobacco products sold at Adults Only 21+ brick-and-mortar outlets would be considered flavored tobacco products**, and as such, the three Adult Only 21+ tobacco retailers in the city of Goleta **will very likely go out of business entirely**.

### **A. C-Stores/Gas Stations & Their Share of Sales V. Profit on Tobacco Products**

**C-stores maintain a 70% share of total U.S nicotine sales volume** (Industry Report, 2018)<sup>25</sup>. However, such sales **only account for 18.2% of gross profit** dollars at these gas-stations and C-stores (White, 2018).<sup>26</sup> Additionally, **only 11.5% of those sales are e-cigarette products** as shown in Figure 3. **The profits generated at gas stations and C-stores from the**

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<sup>25</sup> C. (2018). Industry Report 2018: Tobacco Deep Dive.

<sup>26</sup> White, L. (2018, June 04). Cigarettes Remain On Top. Retrieved July 24, 2020, from <https://storedecisions.com/2017/06/20/cigarettes-remain-top/>

sales of e-cigarette products is negligible and such business models will continue to be operational and profitable if the proposed amendment is adopted, which is not the case for small and independently operated Adults Only 21+ tobacco outlets.

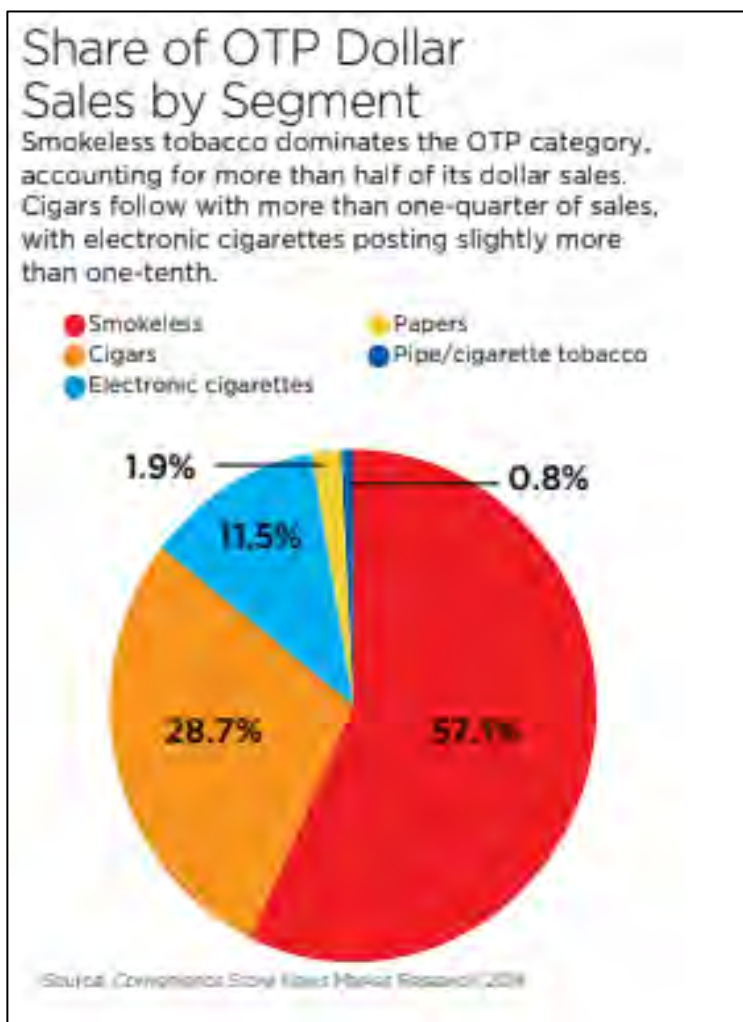


Figure 3

B. C-stores & Gas Stations: The Biggest Culprits of Underage Tobacco Sales in the City of Goleta

Given the recent increase in underage use of e-cigarettes (JUULing) and the media's attention to the phenomenon, the public began demanding some action on the part of the government to curtail youth use of nicotine products. **What the media failed to mention, however, is that C-stores and gas stations are the business models most responsible for the sale of tobacco products to minors** as shown in Figure 4 (California Department of Health & California Tobacco Control Program, 2019).<sup>27</sup>

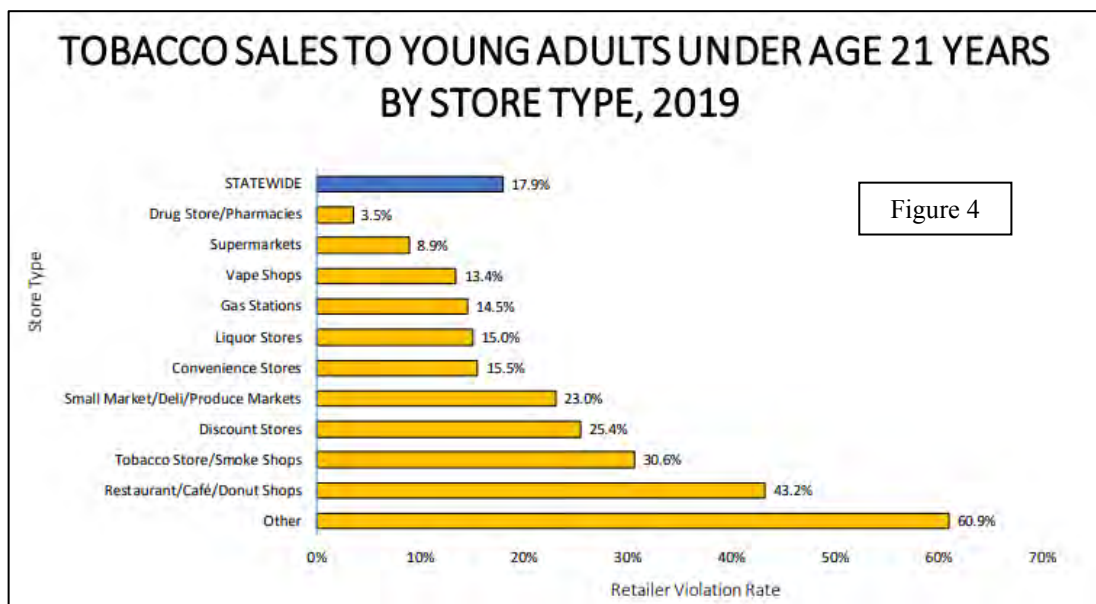


Figure 4

**While Adults Only 21+ tobacco and vape stores rely exclusively on their tobacco retailer licenses (TRL) in order to do any business, C-stores and gas stations would be able to remain operational and profitable (even if their tobacco licenses were to be revoked)**

<sup>27</sup> C., & C. (2018). California Tobacco Facts and Figures 2018. Retrieved from [https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CATobaccoFactsFigures2018\\_Printers.pdf](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CATobaccoFactsFigures2018_Printers.pdf)

given the fact that the vast majority of their profits come from selling products other than tobacco and therefore the risk of being convicted of selling tobacco products to a minor does not pose an existential threat to the gas station and convenience store business models.

*C. Crippling Sales Potential of Adults Only 21+ Tobacco Retailers*

The vast majority of products (over 80%, conservatively) sold by Adults Only 21+ tobacco and vape stores would be considered flavored tobacco products under the proposed amendment. Flavored products such as blunt wraps, cigars, cigarettes, and flavored e-liquid constitute for the overwhelming majority of gross sales and profits generated by the Adults Only 21+ business model, and **barring these products will result in a non-survivable loss of income for these three (3) businesses in the city of Goleta.**

Under the proposed amendment, online sales of flavored tobacco products (both in-city and out-of-city) will be unimpeded. While some online tobacco (including flavored tobacco) retailers have systems in place to verify the purchaser's age and the ability to comply with local laws (e.g. flavor bans), **numerous online retailers utilize ineffective age verification methods and will ship to a location without any regards for local laws.** Regulation of such online outlets can pose a serious challenge to government agencies given the ease of shutting down one website and establishing another with a different domain name as needed for those online retailers to remain in business. Considering these ramifications, **regulation of Adults Only 21+ brick-and-mortar retailers would be far more effective in curtailing underage vaping than the proposed ban for in-person sales and the foreseeable shift of such sales to online vendors.**

*D. The Foreseeable Effects of the Proposed Amendment: Online Sales*

As mentioned previously in *Section II-D* of this report, the proposed amendment does not touch upon the online sale of flavored tobacco products in the city of Goleta. Online tobacco retailers can offer highly competitive pricing due to the much lower overhead expenses of online business models, in addition to being able to sell their tobacco products **without including city and state tobacco excise & sales tax (if based outside of California)**. Given this fact, it is clear that Adults Only 21+ brick-and-mortar tobacco and vape stores most likely be put out of business, **eliminating much needed jobs within the city, especially during these unprecedented times.**

*E. Impact on Local Priority & Underprivileged Groups*

**Goleta's underprivileged populations will be disproportionately affected by this proposed amendment.** According to a 2019 Gallup poll (Hrynowski, 2019)<sup>28</sup>, **Americans who earn less than \$40,000 per year are nearly twice as likely (9%) to use e-cigarettes** than those earning \$100,000 or more a year (5%). Additionally, **Americans without a college degree are three times more likely to vape (10%)** than those with a college degree (3%) (Hrynowski, 2019)<sup>29</sup>.

As highlighted by CDC data, **African American adults and members of the LGBTQ+ community disproportionately use menthol cigarettes compared to other demographics**

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<sup>28</sup> HRYNOWSKI, Z. (2019). *What Percentage of Americans Vape?* Washington D.C. Office of Management and Budget, W. D. C. (2020). *STATEMENT OF ADMINISTRATION POLICY*. Washington D.C.

<sup>29</sup> HRYNOWSKI, Z. (2019). *What Percentage of Americans Vape?* Washington D.C. Office of Management and Budget, W. D. C. (2020). *STATEMENT OF ADMINISTRATION POLICY*. Washington D.C.



(CDC, 2019).<sup>3031</sup> The proposed amendment targets the products most preferred and utilized by these underprivileged groups. By specifically targeting the products African American adults and LGBTQ+ community members prefer, this proposed amendment strips these groups of their autonomy to make decisions regarding their health.

As mentioned before, **this proposed amendment will not eliminate the distribution and sales of flavored tobacco products but will likely deflect most electronic cigarette sales to online (out-of-city) vendors.** Consequently, people of low-income, transients (those without internet access) and relatively low formal education will be disproportionately restricted, and **more likely to resort to combustible tobacco, or the black market** and unregulated products, for their nicotine needs.

### **III. Big Tobacco V. Small Businesses in the Industry**

Big Tobacco companies have had a dominant hold on the nicotine product market for nearly a century. It is no surprise that the Big Tobacco companies attempted (and succeeded) at gaining access to a new and up-and-coming sector of the tobacco product market. With Phillip Morris' acquisition of



Figure 5b



Figure 5a

JUUL in 2019, and the introduction of similar e-cigarettes to the market by other Big Tobacco

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<sup>30</sup> Centers for Disease Control and Prevention. (2020a). *African Americans and Tobacco Use*. Retrieved from <https://www.cdc.gov/tobacco/disparities/african-americans/index.htm>

<sup>31</sup> Centers for Disease Control and Prevention. (2020b). *Lesbian, Gay, Bisexual, and Transgender Persons and Tobacco Use*. Retrieved from <https://www.cdc.gov/tobacco/disparities/lgbt/index.htm>

companies, it became increasingly obvious that their goal was to continue to profit from nicotine addiction for generations to come, even if combustible tobacco becomes obsolete. In his letter, City Attorney Jenkins has mentioned that e-liquid companies directly market and package their products to appeal to youth. However, this has not been the case since mid-2019 with the introduction of the PMTAs by the FDA. **Small, independently owned e-liquid manufacturers have made immense efforts to reduce the youth-appealing themes featured on their packaging and labels such as: cartoon characters, images depicting fruits/other foods, and logos, etc** (Figure 5a, 5b). Brands that failed to remove these youthful characteristics would receive denials for their PMTAs from the FDA.

*A. Juul & the Proliferation of Juul products Among Minors*

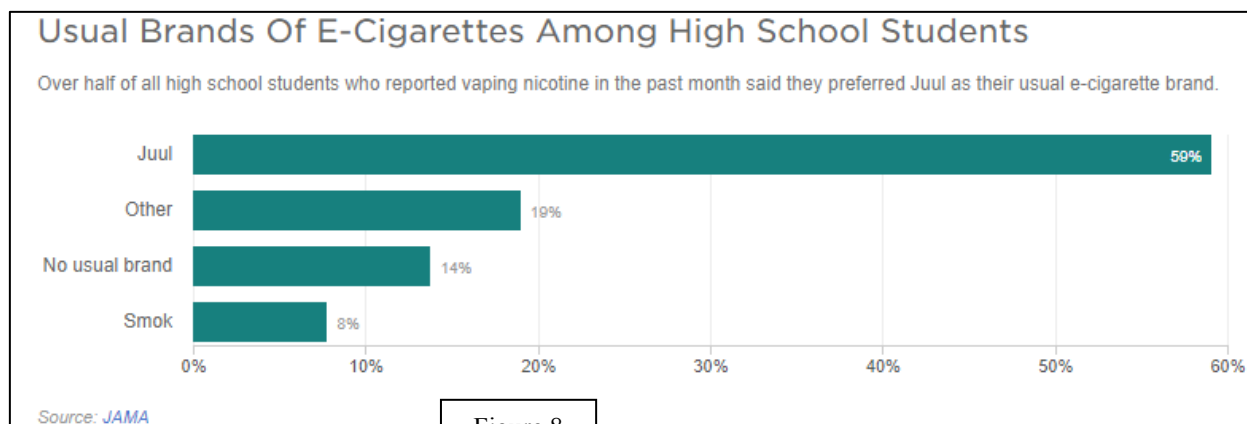


Figure 8

As shown in Figure 8, the JUUL e-cigarette is by far the most common device utilized by underage individuals. According to this survey (Figure 3), 59% of high schoolers who reported vaping nicotine in the past month said that they preferred JUUL over the other e-cigarette brands available (Cullen, 2019).<sup>32</sup> As mentioned in Section III-A, exposure to e-cigarette advertisements

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<sup>32</sup> Cullen, K., Gentzke, A., & Sawdey, M. (2019, December 03). E-Cigarette Use Among Youth in the United States, 2019. Retrieved July 23, 2020, from <https://jamanetwork.com/journals/jama/fullarticle/2755265>

increases the likelihood of e-cigarette use among minors. Thus, we can correlate the rates in which minors use JUUL with the ruthless advertising by that company.

*B. American Vape Companies Taking Initiative Against Big Tobacco Within the Industry*

As mentioned in the previous section, small and privately owned vape companies are in full support of the FDA's most recent guidance, and hundreds of American vape companies have been proactively improving their business models. These companies have taken many steps over the years, including, but not limited to, submitting PMTAs to the FDA, ensuring their



products do not appeal to youth, following FDA regulations as outlined, and disseminating vital information about vaping to help consumers make informed decisions. The PMTA guidance applies to Electronic Nicotine Delivery Systems (ENDS) as well, and thus the development of both vaping devices and e-liquid are being addressed by the FDA.



*C. Self-Regulation Within the Industry*

As a response to the rising number of adolescents utilizing flavored e-cigarettes, both small and large brands have dramatically transformed their packaging to exclude youth-appealing designs and have implemented age-verification procedures. Companies who have not

been in compliance with the FDA's guidance have received cease and desist letters (U.S. Food and Drug Administration & Center for Tobacco Products, 2020)<sup>33</sup>, all the while preserving compliant companies' ability to manufacture and sell less harmful alternatives to combustible tobacco.

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<sup>33</sup> U.S. Food and Drug Administration, & Center for Tobacco Products. (2019). *Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization: Guidance for Industry*. (January 2020). Retrieved from <https://www.fda.gov/tobacco-products/products->

#### **IV. Federal Recommendations & Regulations**

##### **A. Recent Federal Measures to Curb Underage Tobacco Use**

In the beginning of 2020, the federal government implemented multiple measures to curb underage tobacco use. In January 2020, the federal minimum age for tobacco use was increased from 18 to 21 years of age (U.S. Food and Drug Administration & Center for Tobacco Products, 2019). In February 2020, the FDA began enforcement of their policy banning the manufacturing and sales of flavored, cartridge-based electronic nicotine delivery systems (ENDS) (U.S. Food and Drug Administration & Center for Tobacco Products, 2019)<sup>34</sup>. **This narrowly-tailored and balanced measure targets two critical aspects of under-age vaping: the product most prevalent amongst underage vapers (JUUL), and young adults’ ability to purchase and resell tobacco products to underage peers.**

##### **B. Reasoning Behind Recent Federal Measures**

In their most recent guidance, the FDA thoroughly discussed their reasoning to limit restrictions to cartridge-based electronic nicotine delivery systems. The FDA argued that ENDS are statistically most prevalent amongst underage vapers, and according to the research published in the Journal of Harm Reduction (Russell et. al., 2018)<sup>35</sup>, their policy **“strikes an appropriate balance between restricting youth access to ENDS products and maintaining availability of potentially less harmful options for current and former adult smokers who have**

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<sup>34</sup> U.S. Food and Drug Administration, & Center for Tobacco Products. (2019). *Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization: Guidance for Industry*. (January 2020). Retrieved from <https://www.fda.gov/tobacco-products/products->

<sup>35</sup> Russell, C., McKeganey, N., Dickson, T., & Nides, M. (2018). Changing patterns of first e-cigarette flavor used and current flavors used by 20,836 adult frequent e-cigarette users in the USA. *Harm Reduction Journal*, 15(1), 1–14. <https://doi.org/10.1186/s12954-018-0238-6>



transitioned or wish to transition completely away from combusted tobacco products.” (pg. 24).

Additionally, the FDA discussed how their policy will affect small and privately owned vape companies. As stated in their guidance, flavored cartridge-based e-cigarettes “are produced primarily by large manufacturers. This policy **should have minimal impact on small manufacturers (e.g. smoke and vape shops)** that primarily sell non-cartridge-based electronic nicotine delivery system products...” (U.S. Food and Drug Administration & Center for Tobacco Products, 2019, pg. 17)<sup>36</sup>. The federal government supports the FDA’s pragmatic policy, and opposes the proposed bill H.R. 2339, which calls for an outright ban on all non-tobacco natural & artificial flavorings in electronic nicotine delivery systems. The federal government **cites the same argument that non-tobacco flavored ENDS provide a less harmful alternative to millions of adults who smoke combustible cigarettes** (Office of Management and Budget, 2020)<sup>37</sup>. The considerations of the FDA should be taken into account when making city-level legislation.

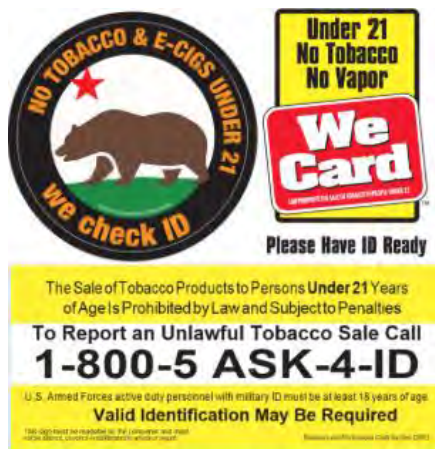
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<sup>36</sup> U.S. Food and Drug Administration, & Center for Tobacco Products. (2019). *Enforcement Priorities for Electronic Nicotine Delivery Systems (ENDS) and Other Deemed Products on the Market Without Premarket Authorization: Guidance for Industry*. (January 2020). Retrieved from <https://www.fda.gov/tobacco-products/products->

<sup>37</sup> Office of Management and Budget, W. D. C. (2020). *STATEMENT OF ADMINISTRATION POLICY*. Washington D.C.

## **V. Conclusions & Recommendations of Adults Only 21+ Outlets**

It is anticipated that if flavored tobacco is banned in the city of Goleta, tobacco users who have access to the internet and transportation will simply venture online, to the black market, or to other cities to purchase these products, resulting in a disproportionate loss of revenue for the three Adults Only 21+ businesses in Goleta. Given the ineffective age verification methods of many online outlets, youth access to tobacco is likely to increase should the proposed amendment go into effect. In the city of Goleta in 2018, an individual named Andrea Mendoza was given an administrative citation for the sale of tobacco products to minors. This instance is a prime example of the potential rise of black-market



sales following the ban of flavored tobacco. Furthermore, the low income, transient population of Goleta are more likely to return to more harmful, combustible cigarette smoking. Considering these ramifications, regulation of the Adults Only 21+ tobacco retailers in Goleta would be far more effective in curtailing underage vaping than the proposed amendment. To further prevent youth access in

the city of Goleta, requiring the adoption of age-verification technology (i.e. ID-scanners) for the three Adults Only 21+ tobacco retailers in the city would help prevent the use of fake identification by minors attempting to make purchases at these establishments.

Cities in the state (e.g. Santa Clara and South San Francisco) and across the nation (Philadelphia, Boston and many others) have created new policies in order to maintain a

more focused control on outlets where flavored tobacco is sold. Growing studies have demonstrated that these policies may be more effective in reducing youth access to tobacco overall while still providing adult ex-smokers (over 21) the right to a less harmful alternative to combustible tobacco.

A year after the City of San Francisco's flavored tobacco ban ordinance came into effect, researchers found that flavored tobacco use was reduced, but combustible cigarette smoking among 18 to 24 year olds increased by over 35% (Yang, et., al., 2020)<sup>38</sup>. Thus, a complete ban on flavored tobacco in the city of Goleta may drive a substantial number of city residents back to the use of combustible tobacco.

All three Adults Only 21+ tobacco retailers in Goleta are locally owned, operated and staffed by residents of the city. Given that approximately 80% of products of the Adult Only 21+ tobacco retailers in town would be considered "flavored tobacco" products, a flavor ban would result in a non-survivable loss in income for these three businesses. Furthermore, Adults Only 21+ businesses' ability to remain in operation will prevent the loss of much-needed jobs in the city, and allow for these employed residents to serve the community with knowledge and experience in the industry.

This proposed amendment would primarily harm the three brick-and-mortar Adults Only 21+ tobacco retailers in the city of Goleta, their staff, and the communities that rely on those establishments to remain free of combustible tobacco. A thorough understanding of all the issues and details discussed in this report is vital to the creation of a balanced and effective legislation for the city and its residents.

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<sup>38</sup> Yang, Yong, et al. "The Impact of a Comprehensive Tobacco PRODUCT Flavor Ban in San FRANCISCO among Young Adults." *Addictive Behaviors Reports*, Elsevier, 1 Apr. 2020, [www.sciencedirect.com/science/article/pii/S2352853220300134?via%3Dihub](https://www.sciencedirect.com/science/article/pii/S2352853220300134?via%3Dihub).

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August 5<sup>th</sup> 2021

**Letter to the City of Goleta Ordinance Review Standing Committee**

**RE: Ordinance Amendment Banning Sales of Flavored Tobacco**

From/on behalf of:

**Goleta Smoke Shop**

**Smoke4Less**

**Hollister Smoke Shop**

All above-mentioned are „Adults Only 21+“ Tobacco Retailers in Goleta, CA.

Dear Standing Committee, Councilmembers, City Attorney and City Manager,

We „Adults Only 21+“ Tobacco Retailers of Goleta want to make our voices heard concerning the proposed ordinance amendment banning the sales of flavored tobacco in the city of Goleta, and we appreciate you taking the time to read our letter.

We would like to keep this letter as short and quick to the point as possible and in plain language. Citations for statistics and numbers have been provided in the past, but we would be happy to provide them again and answer any questions upon request.

First and foremost, we absolutely agree that the youth in our city should have no access whatsoever to any tobacco products. We want to make that very clear to the committee and all concerned members of our community.

## **Sales to Minors Violations**

The recent increase in the use of flavored tobacco products by minors, especially flavored E-cigs like Juul, has been a major source of concern to parents and to those of us in the tobacco retail business alike. Our industry has come under great scrutiny and has been accused of “peddling tobacco to children.” However in reality, our business model relies entirely on our tobacco licenses being in “good-standing” where a suspension for any amount of time would mean shutting down business entirely and possibly permanently.

Statistics on tobacco violations (sales of tobacco products to minors) from the city of Goleta and the Santa Barbara area were provided to members of the Council, city attorney and the Department of Public Health 18 months ago during a meeting that was held with local tobacco retailers. Those statistics showed that 100% of violations were committed by “convenience/liquor stores” or “gas stations.”

To those of us in the tobacco retail industry these numbers were not surprising. Convenience stores, liquor stores and gas stations make the vast majority of their profits through the sales of products other than tobacco, and they also happen to be responsible for the vast majority of tobacco violations in the state of California and across the country [citation provided in 2020 presentation]. When liquor stores or a gas stations receive citations for violating tobacco laws, and even in the event of their tobacco license being suspended, they can (and do) continue doing business as usual since the vast majority of their profits come from the sales of liquor and gas respectively. Consequently for those businesses, making a tobacco sale to a minor (intentionally or unintentionally) does not carry the same risk as it does for tobacco retailers.

## **Adult Ex-smokers at Risk in Goleta**

The media and political coverage concerning flavored tobacco has always focused on the negative effects of tobacco on the youth. What is seldom mentioned however, is that for every case of a youth acquiring flavored tobacco illegally, tens of adults who are over the age of 21 (the vast majority being ex-smokers) are legally purchasing and relying on flavored E-cigs in order to stay

away from cigarettes and combustible tobacco. The overwhelming majority of our client base fit that criterion.

Being face to face with hundreds of ex-smokers on a daily basis, we get to hear about their success stories and their growing concerns of where and how they would go about purchasing the products that they need, or worse, being tempted to go back to cigarettes if flavored E-cigs were banned. As shown in the presentation to city councilmembers in 2020, the vast majority of those who use E-cigs “strongly dislike” the flavor of so-called “tobacco” flavors as they are synthesized and if they must consume something so terrible-tasting to them, they would rather go back to regular cigarettes at that point.

This predicament disproportionately affects our poor and marginalized clients, many of whom have no credit cards or shipping addresses to order less harmful alternatives to cigarettes online. While more affluent clients have the option of stocking up when out of town or purchasing online, which means the money of the residents of the city is being spent elsewhere while they deal with additional cost (e.g. gas & shipping) and many inconveniences, including the inability to ask for information and directions from knowledgeable local retailers.

When the California legislature decided to ban flavored tobacco (SB793) in late 2020, many of our clients were in disbelief and some were confused as to why the government would want to take away what our clients saw as helpful tools in order to stay away from cigarettes and eventually be able to quit. While everyone agreed that youth use of flavored tobacco is a problem that must be addressed, the ban created a larger problem for the adults who would now be at risk of going back to smoking cigarettes. The outrage and disappointment across the state were sufficient to gather enough signatures (over 750,000) in a very short period to suspend the bill and to allow California voters to decide for themselves in 2022. Thousands of those signatures were collected by „Adults Only 21+“ tobacco retailers in Goleta and the Santa Barbara area from clients who will do whatever it takes to retain their right to a less harmful alternative to combustible tobacco in the flavors of their choice.

An interesting fact that many of us in the industry know, but perhaps has not garnered enough attention in the public sphere, is that sales of cigarettes have been in a steady decline. Our stocks of cigarettes (both quantities and varieties) have been reduced to less than half of what they were around 5 years ago. And many chains have completely stopped carrying cigarettes altogether. This is largely due to the displacement of cigarettes by E-cigs as a less harmful substitute to countless ex-smokers, many of whom were able to eventually quit entirely with the help of flavored E-cigs. This fact should give policymakers an insight as to what is really going on in the industry and the effects flavored E-cigs are having in helping smokers to quit.

### **Controlling Flavored Tobacco Outlets**

To those of us who have experience in the tobacco industry (some of us being ex-smokers as well) it is clear that an outright ban on flavored tobacco would be an unbalanced policy that will almost certainly do more harm than good. The U.S. Food and Drug Administration (FDA) has realized the importance of the opportunity that flavored E-cigs present in providing a less harmful alternative to smoking and are working on the approval of many of those products. Many cities in California (Oakland, Hayward and Palo Alto to name a few) and across the nation (Boulder, Chicago, Boston and many others) have put a lot of thought into creating policies that allow them much more focused control over the outlets at which flavored tobacco is sold. Instead of an outright ban, those cities chose to only allow „Adults only 21+“ tobacco retailers to sell flavored tobacco, thus balancing the rights of adults (over 21) to a less harmful alternative to combustible tobacco, while youth access is greatly reduced.

We „Adults Only 21+“ tobacco retailers of Goleta urge the city standing committee and councilmembers to adopt a similar approach to the cities mentioned above, where flavored tobacco can only be sold by proper „Adults Only 21+“ tobacco retailers in the city. Further, we would like to urge the city to require the adoption of age-verification technology such as ID-scanners for those retailers. This approach would have numerous benefits, the most important of which are:



1. Focus the city's ability to enforce local and state tobacco laws where flavored tobacco is being sold. Enforcing the law at a total of three (3) retail location is exponentially easier and more efficient than enforcing it across hundreds of locations (i.e. convenience/liquor, gas stations). Thus greatly limiting youth access to flavored tobacco.
2. Provide an essential outlet for the purchase of flavored tobacco E-cig products for thousands of ex-smokers in the city, especially residents with limited means.
3. Protecting local small business and the local economy by keeping the money of the residents in the city and allowing local small business to continue employing residents and serving the community with knowledge and experience in the industry.

### **Running a Small Business in Goleta, CA**

It has become common knowledge that the state of California ranks very low in national surveys (49<sup>th</sup> to 50<sup>th</sup>) in terms of "business friendliness." Between the introduction of new state excise taxes on tobacco products, raising of existing excise and sales taxes, increased cost of state and city business licenses, increased workers-comp, unemployment insurance, general liability insurance, product liability insurance, increased rent and bills, COVID restrictions and lockdowns, shortages in the supply chain, shortages of people who want to work and too many other factors to list. Needless to say, it is becoming more difficult by the day to run a business in this state. Government regulations is another very important factor, and at this time, it is in the hands of the city's standing committee and council members to make a decision that will impact the lives of many of our clients who reside in the city of Goleta as well as our own livelihoods and futures. We hope and pray that the standing committee and councilmembers will pay attention to all the facts and arguments we provided, and we prefer to believe that our local government is not out-of-touch with the residents and small businesses in the city.

Sincerely,

„Adults Only 21+“ Tobacco Retailers of Goleta

Signed by:

Goleta Smoke Shop

6831 Hollister Ave (Stork Plaza)

Goleta, CA 93117

Georg Farah  
Georg L. owner

Smoke4Less

5801 Calle Real STE D

Goleta, CA 93117

[Signature]  
Attn: Manager

Hollister Smoke Shop

5718 Hollister Ave STE 103

Goleta, CA 93117

Norris Halak, President  
[Signature]

## **BOSTON, MASSACHUSETTS**

### **SECTION II. DEFINITIONS**

“1. Adult-Only Retail Tobacco Store means a retail establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and paraphernalia, and in which the entry of persons under the age of twenty-one (21) is prohibited at all times. The Executive Director may establish additional guidelines to strengthen age restriction compliance.”

### **SECTION III. SALE OF TOBACCO PRODUCTS**

“5. No retailer, retail establishment, or other individual or entity shall sell or distribute or cause to be sold or distributed or offer for sale any flavored tobacco product or tobacco product flavor enhancer to a consumer. This provision shall not apply to an adult-only retail tobacco store or smoking bar as defined by this regulation.”

Boston Public Health Commission, Youth Access Regulation § III(5) (2019).

## **CHICAGO, ILLINOIS**

“No person shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products, samples of such products, or accessories for such products at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. **This subsection does not apply to retail tobacco stores.** For purposes of this subsection, ‘retail tobacco store’ has the meaning ascribed to the term in Section 7-32-010.”

Chicago, Ill., Code § 4-64- 151(b) (2019) (emphasis added).

“‘Retail tobacco store’ means a **retail establishment that derives more than 80% of its gross revenue** from the sale of loose tobacco, cigarettes, cigarillos, cigars, pipes, other smoking devices and accessories, hookahs and related products, and/or electronic cigarettes and related products, and in which the sale of other products is merely incidental. ‘Retail tobacco store’ does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license.”

Chicago, Ill., Code § 7-32-010 (2019).

### **SANTA CLARA, CALIFORNIA**

The law “shall not apply to any Retailer that meets all of the following criteria: (i) primarily sells tobacco products; (ii) generates more than 60 percent of its gross revenues annually from the sale of Tobacco Products; (iii) does not permit any individual under 21 years of age to be present or enter the premises at any time ... (iv) does not sell alcoholic beverages or food consumption on the premises; and (v) posts a sign outside a retail location that clearly, sufficiently, and conspicuously informs the public that individuals under 21 years of age are prohibited from entering the premises.”

Santa Clara Cty., Cal. Code § B11-578 (i)(3) (2020).

### **SOUTH SAN FRANCISCO, CALIFORNIA**

Adult-only retailers and hookah bars/smoking lounges.

S. San Francisco, Cal. Code § 6.47.050 (b) & 6.47.020 (a) (2019).

## **PHILADELPHIA, PENNSYLVANIA**

“No person shall sell or offer for sale, or possess with intent to sell or offer for sale, any Electronic Smoking Device, except at an Adults-Only Establishment.”

Philadelphia, Pa. Code § 9-638(4) (2019).

## **MINNEAPOLIS, MINNESOTA**

“No person shall sell, offer for sale, give away, barter, exchange, or otherwise deal in flavored tobacco products or samples of such products. **This subsection does not apply to tobacco products shops or to a licensed tobacco dealer** [under certain conditions]. This subsection does not apply to licensed off sale liquor stores with regard to menthol, mint or wintergreen flavored tobacco products provided that such **an establishment does not permit any persons under the age of twenty-one (21) to be present within the establishment unaccompanied by a parent or guardian.**”

Minneapolis, Minn., Code § 281.45(f) (2019) (emphasis added).

## **Proposed Changes to Flavored Tobacco Ordinance Amendment:**

### **5.07.010 Definitions.**

The words, terms, phrases, and their derivations set forth in this chapter have the meanings set forth below.

“Adults Only 21+ Tobacco Retailer” means a tobacco retailing business which derives at least 60% of its annual revenue from sales of tobacco products, does not permit any person less than 21 years of age to enter the premises, unless accompanied by the person’s parent or legal guardian, does not sell alcoholic beverages or food for consumption on the premise and has a tobacco retailing license on the date of adoption of this ordinance.”

“Bona fide purchaser for value” means a person who purchases legal title to a tobacco retailing business without actual or constructive notice of any infirmities, claims or equities against the title.

“Delinquency date” means the first business day after the expiration of a tobacco retailing license.

“Flavored tobacco product” means any tobacco product that contains a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, molasses, or any candy, dessert, alcoholic beverage, herb, or spice.

“Licensee” means any proprietor(s) who holds a valid tobacco retailing license issued pursuant to this chapter.

“Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

“Proprietor” means a person with a minimum of 10% ownership interest in a tobacco retailing business.

“School” means any daycare program licensed by the State Department of Social Services and any public or private preschool, kindergarten, elementary, middle, junior high, or high school.

“Self-service display” means the open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the



general public without the assistance of the licensee or employee of the licensee and a direct person-to-person transfer between the purchaser and the licensee or employee of the licensee. A vending machine is a form of self-service display.

“Smoking” or to “smoke” means inhaling, exhaling, burning or carrying any lighted or heated pipe, cigar, cigarette, weed, plant or other combustible organic or chemical substance, the smoke or vapor emission from which is specifically designed or intended to be inhaled or drawn into the nose or mouth.

~~“Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products. means any item designed for the consumption, use, or preparation of tobacco products.~~

~~“Tobacco product” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation, including vaporizing products, of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body. “Tobacco product” does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.~~

- ~~1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus; and~~
- ~~2. Any electronic smoking device, with or without nicotine.~~
- ~~3. Any component, part, or accessory of a tobacco product, whether or not sold separately, notwithstanding any provision of this definition to the contrary.~~

“Tobacco retailing” shall mean selling, offering for sale, or offering to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange.

“Tobacco retailing business” means a physical location at which tobacco retailing occurs.

“Tobacco retailing license” means the license required pursuant to this chapter.

#### 5.07.020 Requirements and Prohibitions.

- A. No person shall engage in tobacco retailing in the City without first obtaining and maintaining a valid tobacco retailing license for each location at which any tobacco retailing is to occur.
- B. Licenses may be issued only to authorize tobacco retailing at one fixed location at a time.
- C. No person may engage in tobacco retailing on foot or from vehicles, also known as mobile vending.
- D. In the course of tobacco retailing or in the operation of a tobacco retailing business or maintenance of the location in the City for which a license issued, it shall be a violation of this chapter for a licensee, or agents or employees thereof, to violate any local or State tobacco control law.
- E. A licensee shall prominently display the license in a publicly visible location at the licensed location.
- F. No licensee shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of 27 years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under State law to purchase and possess the tobacco product or tobacco paraphernalia.
- G. No person who is younger than ~~21~~18 years of age shall engage in tobacco retailing.
- H. No licensee shall allow a person who is younger than ~~21~~18 years of age to engage in tobacco retailing.
- I. No person shall allow a self-service tobacco display at any location for which a tobacco retailing license under this chapter or business license under Chapter 5.01 of this title is required.
- J. A proprietor without a valid tobacco retailing license, including a proprietor whose license has been suspended or revoked, shall:
  - 1. Keep all tobacco products and tobacco paraphernalia out of public view; and
  - 2. Not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products from the proprietor's tobacco retailing location or that could lead a reasonable consumer to believe that such products can be obtained at that location.
- K. No person may engage in tobacco retailing within 1,000 feet of a school, except if a person has already been tobacco retailing lawfully within 1,000 feet of a school on the effective date of the ordinance codified in this chapter.
  - 1. All distances shall be measured in a straight line from the nearest point on the parcel boundary of an existing or proposed tobacco retailing business to the nearest point on the parcel boundary of the nearest school.

- L. A tobacco retailing license may not be transferred from one proprietor to another or from one location to another. A new tobacco retailing license is required whenever there is a change in proprietors to a tobacco retailing license or a change in the location of a tobacco retailing business. When a transfer of a license is purely from one tobacco retailing business location to another, the licensee must pay two dollars to the Finance Department to effectuate such transfer.
- M. With regard to the imposition of conditions,
- N. Sections [5.01.220](#), [5.01.230](#), [5.01.240](#), and [5.01.250](#) of Chapter [5.01](#) of this title are incorporated.
- O. *Prohibition of the Sale of Flavored Tobacco Products. No tobacco retailer shall sell any flavored tobacco product, except Adults Only 21+ Tobacco Retailers. There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has a taste or smell other than tobacco including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product is a flavored tobacco product.*

#### **5.07.030 Application and Procedure.**

- A. Application for a tobacco retailing license shall be submitted in the name of each proprietor of a tobacco retailing business and shall be signed by each proprietor or authorized agent thereof.
- B. All applications shall be submitted on a form supplied by the City and shall contain the following information:
  - 1. The name, address, and telephone number of each proprietor of the tobacco retailing business seeking a license.
    - a. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation, state of incorporation, and the name and address of an officer who is duly authorized to accept service of legal process shall be provided.
    - b. If the applicant is a partnership, the name and address of each general partner shall be stated.
  - 2. The name, address, and telephone number of the tobacco retailing business.
  - 3. A single name, address, and telephone number authorized by each proprietor to receive all communications and notices (the "authorized address") required by, authorized by, or convenient to the enforcement of this chapter. If an authorized address is not supplied, each proprietor shall be understood to consent to the provision of notice at the tobacco retailing business.
  - 4. Proof that the proprietor seeking a license under this chapter has been issued a valid State tobacco retailing license by the California Board of Equalization.
  - 5. Whether or not any proprietor, or agent or employee thereof, has admitted to violating this chapter or has been found after a hearing to have violated this

chapter and, if so, the dates and locations of all such violations within the previous five years.

6. Such other information as the City deems necessary for the administration or enforcement of this chapter as specified on the application form required by this section.

C. A licensee shall inform the City in writing of any change in the information submitted on an application for a tobacco retailing license within 10 business days of a change.

#### **5.07.040 License Term and Renewal.**

A. The term of each tobacco retailing license shall be one year.

B. A licensee may renew a license by submitting a renewal application and paying the renewal fee.

#### **5.07.050 Initial and Renewal Fees—Late Penalty After Expiration.**

A. The fee to issue or to renew a tobacco retailing license shall be established from time to time by resolution of the City Council.

B. Renewal fees are due on the delinquency date of a tobacco retailing license.

C. If a proprietor does not renew a tobacco retailing license and pay the renewal fee by the delinquency date, a late penalty of 50% of the renewal fee shall be imposed.

The penalty shall not attach until 30 days after the delinquency date.

D. With regard to the collection and disposition of fees,

Sections [5.01.020](#), [5.01.030](#), [5.01.380](#), [5.01.390](#), [5.01.400](#) and [5.01.410](#) of Chapter [5.01](#) of this title are incorporated.

#### **5.07.060 When License Commences.**

If the date specified in either subsection A or B of this section is the first of a calendar month, the period of the license shall begin on such date. Otherwise, the period of the license shall begin on the first of the calendar month which first follows the date specified in subsection A or B. The dates are:

A. In the case of a new license:

1. If the applicant is already engaging in the activity for which the license is required, the date on which he or she began such activity or the date on which such activity became subject to the license, whichever is later.

2. If the application has not begun such activity, the date requested in the application. If no date is requested, the date on which the application for the license is filed.

B. In the case of a renewal, the expiration date of the license renewed.

#### **5.07.070 Grounds for Denial, Suspension and Revocation.**

A. Denial.

1. An application may be denied upon any of the following:

- a. The information presented in the application is inaccurate or false.
- b. The required fee has not been paid.

- c. The application seeks authorization for tobacco retailing that is prohibited pursuant to this chapter (e.g., mobile vending), Code (e.g. zoning regulations), or any other law.
- d. The application seeks authorization for tobacco retailing at a tobacco retailing business for which a license has been revoked unless the applicant provides the City with documentation demonstrating that the applicant has acquired or is acquiring the tobacco retailing business as a bona fide purchaser of value.
- e. The application seeks authorization for a license that has been suspended and the suspension period has not ended yet unless the applicant provides the City with documentation demonstrating that the applicant has acquired or is acquiring the tobacco retailing business as a bona fide purchaser of value.

B. Suspension.

1. A tobacco retailing license may be suspended if the City finds that the licensee, or an agent or employee thereof, has violated:

- a. Any provision of this chapter; or
- b. Any State law governing the sale, distribution, advertisement or display of tobacco, tobacco products or tobacco paraphernalia, including, but not limited to, [Penal Code](#) Section 308(a), [Business and Professions Code](#) Section 22950 et seq. (Stop Tobacco Access to Kids Enforcement Act (STAKE Act)), and [Business and Professions Code](#) Section 25612.5(c)(7).

2. Suspension Periods.

- a. Upon a first finding by the City of a violation of this chapter by a licensee, or an agent or employee thereof, within any five-year period, the license may be suspended for up to 30 days.
- b. Upon the second finding by the City of a violation of this chapter by a licensee, or an agent or employee thereof, within any five-year period, the license may be suspended for up to 90 days.
- c. Upon the third finding by the City of a violation of this chapter by a licensee, or an agent or employee thereof, within any five-year period, the license may be suspended for up to 12 months.

C. Revocation.

1. A tobacco retailing license may be revoked if the City finds that one or more of the bases for denial exists. The revocation shall be without prejudice to the filing of a new application for a license following correction of the conditions that required revocation of the license.

2. On revocation of a license, no part of the money paid to the City as a fee shall be returned.

**5.07.080 Notice of Denial, Suspension or Revocation—Appeal.**

A. The City may give notice of intention to deny, suspend or revoke to a licensee or applicant in writing. Within five days thereafter, the licensee or applicant may request in writing a hearing before the City Manager, or designee.

B. The City Manager, or designee, shall hold a hearing in accordance to Chapter 5.01 of this title.

C. After a hearing, the City Manager, or designee, shall affirm or reverse the denial, suspension or revocation in writing. If the licensee does not timely request a hearing, the notice of intention to deny, suspend or revoke shall be final.

#### 5.07.090 Adult Only 21+ Requirements Age Verification Technology Required

A. Adult Only 21+ Tobacco Retailers are required to use age verification technology for all customers entering the business.

B. Adult Only 21+ Tobacco Retailers are required to prohibit entry to any person under age 21.

C. Adult Only 21+ Tobacco Retailers are required to post signage prohibiting the entry of persons under age 21 at all entry doors to the business.



## Suggested Age-Verification ID & Passport Scanners “Performance” Level



Roll over image to zoom in

IDVisor Smart V2 ID Scanner - Drivers License and Passport Age Verification & Customer Management + Charger Cradle, Hand Strap & More.

Brand: TokenWorks

★★★★★ 39 ratings | 25 answered questions

Amazon's Choice for "id scanner"

Price: **\$995.00** ✓prime & FREE Returns

Save up to 10% with business pricing. Sign up for free Amazon Business account

Media Type	Photo
Brand	TokenWorks
Connectivity Technology	Wi-Fi, 4G and USB

### About this item

- TokenWorks IDVisor Smart V2 reads Passports & IDs from all 50 states, Canadian provinces, and their Military IDs. Fast operation - 1 second per scan. 12+ hour battery operation, 350+ standby time. LIFETIME SOFTWARE UPDATES and complimentary US-based phone/email support
- Calculates Age Automatically - Intuitive Icons, Vibration & Human voice warnings. Notifications for Underage & Expired ID; Pop-Up alerts for Underage, Passback (Looping), Tagged. Challenge questions (Zodiac sign, state capital/motto, area code etc), customizable age verification for Alcohol, Tobacco, Cannabis & Gambling depending on the jurisdiction.
- VIP/Banned Software - Tag customers with custom categories, add notes such as "VIP, banned started a fight, owes money, etc". 6 expiration. FIND MY DEVICE- Through GPS locate your scanner, lock/erase its data remotely and see the scanner on Google Maps
- This is Age Verification Scanner, For a Fake ID Scanner - Enter "Fake ID" in Question & Answers Section Below. Two (2) Photos per record ( ID and person). Saves over 50,000 customers with two(2) free photos with an 8mp Camera for each record..

Age-verification technology has come a long way in recent years. The example shown here is “IDVisor Smart V2 ID Scanner”, it is certainly not the only brand/model on the market to meet certain “performance” criteria, but is nonetheless a great example of what the city should aim for if/when requiring age-verification scanners at certain types of businesses within city limits. The main criteria that should be met are as follows:

1. **Must be able to scan/verify official ID cards from all 50 U.S. states.**
2. **Must be able to scan/verify Military IDs.**
3. **Must be able to scan/verify international passports.**
4. **Must be able to receive regular/periodic software updates; as many states, the military and countries regularly introduce new ID cards and passports and/or modify the way they are scanned and recognized as valid.**

Other options should be considered as “nice to have”, however the above-mentioned criteria should be considered the “standard/par” that must be met when implementing age-verification technology.

**David Cutaia**

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**From:** Lindsey Freitas <lfreitas@TobaccoFreeKids.org>  
**Sent:** Friday, September 17, 2021 1:07 PM  
**To:** City Clerk Group  
**Subject:** Support for Ending the Sale of All Flavored Tobacco  
**Attachments:** Goleta TFK letter of support\_flavored tobacco 9.17.21.pdf

Attached, please find a letter of support for ending the sale of all flavored tobacco products.

Please reach out with any questions, thank you.

Lindsey Freitas, MPA  
*Regional Advocacy Director*  
Campaign for Tobacco-Free Kids // Tobacco-Free Kids Action Fund  
Phone: (530) 906-0867 | Email: [lfreitas@tobaccofreekids.org](mailto:lfreitas@tobaccofreekids.org)  
[www.tobaccofreekids.org/](http://www.tobaccofreekids.org/)



The Honorable Paula Perotte, Mayor  
Goleta City Council  
130 Cremona Drive, Suite B  
Goleta CA 93117

September 17, 2021

**Re: Flavored Tobacco Products**

Dear Mayor Perotte and Members of the Goleta City Council:

The Campaign for Tobacco-Free Kids applauds the City of Goleta for being a leader in tobacco control. As a leader, Goleta adopted a strong policy that prohibited the sale of flavored tobacco products. This policy had a sunset date of January 2021, and we encourage the city council to make permanent that policy so that the youth in Goleta are no longer targeted by the tobacco industry.

The Campaign for Tobacco-Free Kids is the nation's largest non-profit, non-governmental advocacy organization solely devoted to reducing tobacco use and its deadly toll by advocating for public policies that prevent kids from using tobacco, and help smokers quit. It is encouraging to see cities and counties in California continue to take thoughtful, evidenced-based steps to reduce the number of kids who start using tobacco and help tobacco users quit. While California has made great strides in reducing tobacco use, tobacco use remains the number one preventable cause of premature death and disease in the nation, killing 480,000 Americans annually.

**Prohibiting the sale of flavored tobacco products, including menthol cigarettes, in all tobacco retailers is a critical step that will help protect children living in Goleta from the unrelenting efforts by the tobacco industry to hook them to a deadly addiction.** Flavored tobacco products are designed to alter the taste and reduce the harshness of tobacco products so they are more appealing and easy for beginners, who are almost always kids. These products are pervasive and are marketed and sold in a variety of kid-friendly flavors. With their colorful packaging and sweet flavors, flavored tobacco products are often hard to distinguish from the candy displays near which they are frequently placed

in retail outlets. **Nationally**, eight out of ten of current youth tobacco users have used a flavored tobacco product in the past month.<sup>1</sup>

### **Menthol is the Most Popular Tobacco Flavor Among Youth**

Most insidious among the flavors preferred by youth, are mint and menthol, which should not be exempted from any proposed ordinance. Menthol delivers a pleasant minty taste and imparts a cooling and soothing sensation. These characteristics successfully mask the harshness of tobacco, making it easier for beginner smokers and kids to tolerate smoking. The FDA's Tobacco Product Scientific Advisory Committee (TPSAC) has reported that:

- Menthol cigarettes increase the number of children who experiment with cigarettes and the number of children who become regular smokers, increasing overall youth smoking.
- Young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.
- The availability of menthol cigarettes reduces smoking cessation, especially among African-Americans, and increases the overall prevalence of smoking among African Americans.
- Menthol cigarettes are marketed disproportionately to younger smokers and are disproportionately marketed per capita to African Americans.

After a thorough review of the evidence, TPSAC concluded that "Removal of menthol cigarettes from the marketplace would benefit public health in the United States."<sup>2</sup>

### **Flavored Tobacco Products Are Pervasive**

A 2009 federal law, the Family Smoking Prevention and Tobacco Control Act, prohibited the sale of cigarettes with characterizing flavors other than menthol or tobacco, including candy and fruit flavors. While overall cigarette sales have been declining since the 2009 law, the proportion of smokers using *menthol* cigarettes (the only remaining flavored cigarette) has been increasing.<sup>3</sup> Menthol cigarettes comprised 36 percent of the market in 2018.<sup>4</sup>

The Tobacco Control Act's prohibition on characterizing flavors did not apply to other tobacco products, and as a result, tobacco companies have significantly stepped up the introduction and marketing of flavored non-cigarette tobacco products. In fact, the overall market for flavored tobacco products is actually growing. In recent years, there has been an explosion of sweet-flavored tobacco products, especially e-cigarettes and cigars. These products are available in a wide assortment of flavors – like gummy bear, cotton candy, peanut butter cup, cookies 'n cream and pop rocks for e-cigarettes and chocolate, watermelon, lemonade and cherry dynamite for cigars. Tobacco companies are making and

marketing deadly and addictive products that look and taste like a new line of flavors from a Ben and Jerry's ice cream store. (See Appendix for examples).

As of 2017, researchers had identified more than 15,500 unique e-cigarette flavors available online.<sup>5</sup> Flavors are not just a critical part of the product design, but are a key marketing ploy for the industry. The 2016 Surgeon General Report on e-cigarettes concluded, "E-cigarettes are marketed by promoting flavors and using a wide variety of media channels and approaches that have been used in the past for marketing conventional tobacco products to youth and young adults."<sup>6</sup> The 2016 National Youth Tobacco Survey found that 78.2 percent of middle and high school students—20.5 million youth—had been exposed to e-cigarette advertisements from at least one source, an increase from 68.9 percent in 2014.<sup>7</sup>

Sales of flavored cigars, meanwhile, have increased by nearly 50 percent since 2008, and flavored cigars made up more than half (52.1%) of the U.S. cigar market in 2015. The number of unique cigar flavor names more than doubled from 2008 to 2015, from 108 to 250.<sup>8</sup> The top five most popular cigar brands among 12- to 17-year olds who have used cigars – Black & Mild, Swisher Sweets, White Owl, Backwoods, and Dutch Masters – all come in flavor varieties.<sup>9</sup> These products are often sold singly or can be priced as low as 3 or 4 for 99 cents, making them even more appealing to price-sensitive youth. Note that cigar smoke is composed of the same toxic and carcinogenic constituents found in cigarette smoke.<sup>10</sup>

Although tobacco companies claim to be responding to adult tobacco users' demand for variety, it's clear that flavored tobacco products play a key role in enticing new users, particularly kids, to a lifetime of addiction. This growing market of flavored tobacco products is undermining progress in reducing youth tobacco use in Elk Grove.

### **Flavored Tobacco Products Are Popular Among Youth**

These sweet products have fueled the popularity of e-cigarettes and cigars among youth. A government study found that 81 percent of kids who have ever used tobacco products started with a flavored product. Across all tobacco products, the data is clear: flavored tobacco products are overwhelmingly used by youth as a starter product, and preference for flavors declines with age.

Recently released data from the 2019 National Youth Tobacco Survey shows that the youth e-cigarette epidemic continues to grow--27.5% of high school students are current e-cigarette users, a 135% increase from just two years ago.<sup>11</sup> Just like with cigarettes, menthol e-cigarette are popular among youth. 57.3% of high school e-cigarette users use menthol or mint flavored e-cigarettes, making these the second most popular flavors, just behind fruit-flavored products.<sup>12</sup> Another national survey found that 97% of current youth e-cigarette users have used a flavored e-cigarette in the past month.<sup>13</sup> Moreover, youth cite flavors as a major reason for their current use of non-cigarette tobacco products, with 70.3% say they use e-cigarettes "because they come in flavors I like."<sup>14</sup>

The Surgeon General has concluded that, “The use of products containing nicotine in any form among youth, including in e-cigarettes, is unsafe.”<sup>15</sup> The manufacturer of JUUL, the most popular e-cigarette, claims that each JUULpod contains as much nicotine as a pack of twenty cigarettes. Youth use of e-cigarettes also increases the risk for trying more dangerous combustible products. A 2018 report from the National Academies of Science, Engineering & Medicine found that “There is substantial evidence that e-cigarette use increases risk of ever using combustible tobacco cigarettes among youth and young adults.”<sup>16</sup> Therefore, it is critical for any policy restricting sales of flavored tobacco products to include e-cigarettes.

As the only flavored cigarette left on the market, it’s also no surprise that menthol cigarettes are popular among youth. Menthol cools and numbs the throat, reducing the harshness of cigarette smoke, thereby making menthol cigarettes more appealing to youth who are initiating smoking. More than half of youth smokers use menthol cigarettes, including seven out of ten African American youth smokers.<sup>17</sup> The popularity of menthol flavored cigarettes is also evidenced by brand preference among youth. According to data from the National Survey on Drug Use and Health, one in five smokers ages 12-17 prefers Newport cigarettes, a heavily marketed menthol cigarette brand. Preference for Newport is even higher among African-American youth smokers (69.1 percent) because of targeted marketing by the tobacco industry.<sup>18</sup> As noted previously, young people who initiate using menthol cigarettes are more likely to become addicted and become long-term daily smokers.<sup>19</sup>

**Tobacco companies have a long history of targeting and marketing flavored tobacco products to African Americans and youth.** Tobacco industry marketing, often targeted at minority communities, has been instrumental in increasing the use of menthol products and in the disproportionate use of menthol products by minority groups and youth. TPSAC concluded that menthol cigarettes are marketed disproportionately to younger smokers and African Americans.<sup>20</sup> Dating back to the 1950s, the tobacco industry has targeted these communities with marketing for menthol cigarettes through sponsorship of community and music events, targeted magazine advertising, youthful imagery, and marketing in the retail environment. This targeting continues today: neighborhoods with predominantly African American residents have more tobacco retailers and Newport cigarettes are priced cheaper in those neighborhoods.<sup>21</sup> As a result of this targeting, 85 percent of African American smokers smoke menthol cigarettes, compared to 29 percent of white smokers.<sup>22</sup>

**Use of menthol cigarettes leads to a disproportionate health burden for African Americans.** The tobacco industry’s “investment” in the African American community has had a destructive impact. In 2013, the FDA released a report finding that menthol cigarettes lead to increased smoking initiation among youth and young adults, greater addiction, and decreased success in quitting smoking.<sup>23</sup> Lung cancer is the second most common cancer in both African American men and women, but it kills more African Americans than any other type of cancer.<sup>24</sup> Decreased cessation success due to the popularity of menthol cigarettes among African Americans likely contributes to this mortality disparity.<sup>25</sup> TPSAC



estimated that by 2020, 4,700 excess deaths in the African American community will be attributable to menthol cigarettes, and over 460,000 African Americans will have started smoking because of menthol in cigarettes.

**The scientific evidence leaves no doubt that menthol cigarettes and other flavored tobacco products increase the number of people, particularly kids, who try the product, become addicted and die a premature death as a result.** Prohibiting the sale of menthol cigarettes and other flavored tobacco products is an important step toward protecting our children from the tobacco industry's aggressive efforts to hook children to a deadly, addictive product.

This issue is about common sense and protecting our kids and vulnerable populations. By prohibiting the sale of all flavored tobacco products in all tobacco retail outlets, Goleta would rejoin over one-hundred cities and counties in California that are already taking action to *end* the sale of flavored tobacco products. **Thank you for considering a strong and comprehensive policy without exemptions. It will save lives.**

Sincerely,

A handwritten signature in black ink, appearing to read "Lindsey Freitas". The signature is fluid and cursive, with the first name "Lindsey" written in a larger, more prominent script than the last name "Freitas".

Lindsey Freitas, MPA  
Regional Advocacy Director  
Campaign for Tobacco-Free Kids  
[lfreitas@tobaccofreekids.org](mailto:lfreitas@tobaccofreekids.org)

## Appendix

### A1: Examples of Flavored Tobacco Products



### A2: Examples of Menthol Marketing



Source: TrinketsandTrash.org, CounterTobacco.Org

- <sup>1</sup> Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," *Journal of the American Medical Association*, published online October 26, 2015.
- <sup>2</sup> Tobacco Products Scientific Advisory Committee (TPSAC), *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011  
<http://www.fda.gov/downloads/AdvisoryCommittees/CommitteesMeetingMaterials/TobaccoProductsScientificAdvisoryCommittee/UCM269697.pdf>.
- <sup>3</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, 25(Suppl 2):ii14–ii20, 2016.
- <sup>4</sup> U.S. Federal Trade Commission (FTC), *Cigarette Report for 2018, 2019*, <https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2018-smokeless-tobacco-report-2018/p114508cigarettereport2018.pdf> [data for top 5 manufacturers only].
- <sup>5</sup> Zhu, S-H, et al., "Evolution of Electronic Cigarette Brands from 2013-2014 to 2016-2017: Analysis of Brand Websites," *Journal of Medical Internet Research*, 20(3), published online March 12, 2018.
- <sup>6</sup> HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016.
- <sup>7</sup> Marynak, K., et al., "Exposure to Electronic Cigarette Advertising Among Middle and High School Students—United States, 2014-2016," *MMWR* 67(10): 294-299, March 16, 2018, <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6710a3-H.pdf>.
- <sup>8</sup> Delnevo, CD, et al., "Changes in the mass-merchandise cigar market since the Tobacco Control Act," *Tobacco Regulatory Science*, 3(2 Suppl 1): S8-S16, 2017.
- <sup>9</sup> SAMHSA's public online data analysis system (PDAS). National Survey on Drug Use and Health, 2015, [https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT\\_C&results\\_received=true](https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CGR30BR2&column=CATAG2&weight=ANALWT_C&results_received=true).
- <sup>10</sup> National Cancer Institute (NCI), *Cigars: Health Effects and Trends. Smoking and Tobacco Control Monograph No. 9*, 1998, [http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9\\_complete.pdf](http://cancercontrol.cancer.gov/Brp/tcrb/monographs/9/m9_complete.pdf). Chang, CM, et al., "Systematic review of cigar smoking and all cause and smoking related mortality," *BMC Public Health*, 2015.
- <sup>11</sup> FDA, "Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, Non-Tobacco-Flavored E-Cigarette Products," September 11, 2019, <https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non-tobacco-flavored-e-cigarettes>.
- <sup>12</sup> Cullen, KA, et al., "e-Cigarette Use Among Youth in the United States, 2019" *JAMA*, published online November 5, 2019.
- <sup>13</sup> FDA, "Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance," March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.
- <sup>14</sup> FDA, "Modifications to Compliance Policy for Certain Deemed Products: Guidance for Industry, Draft Guidance," March 13, 2019, <https://www.fda.gov/downloads/TobaccoProducts/Labeling/RulesRegulationsGuidance/UCM633281.pdf>.
- <sup>15</sup> HHS, *E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General*.
- <sup>16</sup> National Academies of Sciences, Engineering, and Medicine (NASEM), *Public Health Consequences of E-Cigarettes*, 2018, <http://nationalacademies.org/hmd/Reports/2018/public-health-consequences-of-e-cigarettes.aspx>.
- <sup>17</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.
- <sup>18</sup> SAMHSA's public online data analysis system (PDAS), National Survey on Drug Use and Health, 2015. [http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT\\_C&results\\_received=true](http://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?row=CIG30BR2&column=CATAG3&control=NEWRACE2&weight=ANALWT_C&results_received=true) and [https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results\\_received=true&row=CIG30BR2&weight=ANALWT\\_C](https://pdas.samhsa.gov/#/survey/NSDUH-2015-DS0001/crosstab/?column=CATAG3&results_received=true&row=CIG30BR2&weight=ANALWT_C).
- <sup>18</sup> FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013, <http://www.fda.gov/downloads/ScienceResearch/SpecialTopics/PeerReviewofScientificInformationandAssessments/UCM361598.pdf>.
- <sup>19</sup> TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- <sup>20</sup> TPSAC, *Menthol Cigarettes and Public Health: Review of the Scientific Evidence and Recommendations*, July 21, 2011.
- <sup>21</sup> See e.g., Rodriguez, D, et al., "Predictors of tobacco outlet density nationwide: a geographic analysis," *Tobacco Control* 22(5):349-55, 2013. Lee, JG, et al., "Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPIRE Study," *Journal of Epidemiology and Community Health* 71(5):487-492, 2017. Henriksen, L, et al., "Targeted Advertising, Promotion, and Price for Menthol Cigarettes in California High School Neighborhoods," *Nicotine & Tobacco Research* 14(1):116-21, 2012. Moreland-Russell, S, et al., "Disparities and Menthol Marketing: Additional Evidence in Support of Point of Sale Policies," *International Journal of Environmental Research and Public Health*, 10: 4571-4583, 2013.
- <sup>22</sup> Villanti, A., et al., "Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004–2014," *Tobacco Control*, published online October 20, 2016.
- <sup>23</sup> FDA, *Preliminary Scientific Evaluation of the Possible Public Health Effects of Menthol versus Nonmenthol Cigarettes*, 2013.
- <sup>24</sup> American Cancer Society, "Cancer Facts & Figures for African Americans, 2016-2018," 2016, <http://www.cancer.org/acs/groups/content/@editorial/documents/document/acspc-047403.pdf>.
- <sup>25</sup> Alexander, LA, et al., "Why we must continue to investigate menthol's role in the African American smoking paradox," *Nicotine & Tobacco Research* 18 (Suppl 1):S91-S101, 2016.

## David Cutaia

---

**From:** Gupta, Nickita <Nickita.Gupta@sbcphd.org>  
**Sent:** Monday, September 20, 2021 9:18 AM  
**To:** City Clerk Group  
**Subject:** RE: Attn: City Council -- Meeting 9/21 Flavored tobacco ban written participation  
**Attachments:** Approve Goleta's (7) .pdf; 0215\_001.pdf; 0214\_001.pdf; 0213\_001.pdf; 0212\_001.pdf; 0211\_001.pdf; 0210\_001.pdf; 0209\_001.pdf; 0208\_001.pdf; 0207\_001.pdf; 0206\_001.pdf; 0205\_001.pdf; 0204\_001.pdf; 0203\_001.pdf; 0202\_001.pdf; 0200\_001.pdf; 0199\_001.pdf; 0198\_001.pdf; 0197\_001.pdf; 0196\_001.pdf; 0195\_001.pdf

Please see attached

---

**From:** Gupta, Nickita  
**Sent:** Monday, September 20, 2021 9:16 AM  
**To:** 'cityclerkgroup@cityofgoleta.org' <cityclerkgroup@cityofgoleta.org>  
**Subject:** Attn: City Council -- Meeting 9/21 Flavored tobacco ban written participation

Dear City Clerk:

I would like to submit these pledges from local students as written participation for the city council meeting (9/21) flavored tobacco ban agenda item.

Thank you!

Best,

Nickita Gupta  
Health Education Associate  
Tobacco Prevention Program  
Santa Barbara County Department of Public Health





# Approve Goleta's Flavor Ban - Protect Youth against Flavored Tobacco



of CA teens who vape choose flavored products<sup>1</sup>



It is easier to get addicted to menthol tobacco products and harder to quit them<sup>2</sup>



Tobacco companies use flavors (e.g. unicorn puke, bubble gum, birthday cake, etc.) to attract youth and mask the harshness of tobacco<sup>3</sup>



**I support protecting kids from flavored tobacco**

Print Name: Jamie Nuñez

Organization/School: Carpinteria High School

Email: jamienunezramirez@gmail.com

Date: 9/14/21

Signature: Jamie Nuñez

Restricting the sale of  
flavored tobacco  
decreases youth access  
to these products!

Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: Daniela Elias

Organization/School: San Marcos High School

Email: danielaelias5863@gmail.com

Date: 09/15/2021

Signature: DANIELA ELIAS

Restricting the sale of  
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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: *Sindy Zavala*

Organization/School: *Crane Country Day School*

Email: *umm.sindy@gmail.com*

Date: *9/14/21*

Signature: *Sindy*

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Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: *Brian Contreras*

Organization/School: *DP*

Email: *701685@Ny.Shunified.org*

Date: *09/15/2021*

Signature: *BL*

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name:

HUGO ALVARADO

Organization/School:

FUTURE LEADERS OF AMERICA

Email:

hugoalvarado@ gmail.com

Date:

09/14/21

Signature:

HUGO A.

Restricting the sale of  
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**I support protecting kids from flavored tobacco**

Print Name: *Andrez A. Flores*

Organization/School: *Future Leaders of America*

Email: *aflores202@gmail.com*

Date: *09/15/21*

Signature: *Andrez Flores*

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: Julianna Ornelas

Organization/School: Carpinteria Senior High

Email: 3010042@cvsd.net

Date: 09/14/21

Signature:

A handwritten signature in black ink that reads "Julianna Ornelas".

Restricting the sale of  
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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: DOMINIQUE GOVERA

Organization/School: DOS PUEBLOS HIGH SCHOOL

Email: domigov04@gmail.com

Date: 09/15/21

Signature: 

Restricting the sale of  
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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: Eduardo Vences

Organization/School: Future Leaders of America

Email: 4009129@cwsd.net

Date: 09/14/21

Signature:

A handwritten signature in black ink that reads "Eduardo Vences".

Restricting the sale of  
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to these products!

Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name:

EMILY PINEOA

Organization/School:

Santa Barbara High

Email:

EmilyPineda@gmail.com

Date:

9/15

Signature:

Emily P

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flavored tobacco  
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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name:

Alejandra Vargas

Organization/School:

San Marcos High

Email:

aleveee26@gmail.com

Date:

0

Signature:

Restricting the sale of  
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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: *Sophia Cruz*

Organization/School:

*Santa Barbara Middle School*

Email:

*lonasc07@icloud.com*

Date:

*Sept. 15 2021*

Signature:

*Sophia Cruz*

Restricting the sale of  
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1) Zhu S-H, Braden K, Zhang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: Juan Tibureio

Organization/School: DPHS

Email: Juan Tibureio713@gmail.com

Date: 9/15/21

Signature: [Signature] J. T.

Restricting the sale of  
flavored tobacco  
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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: MITZI OJENDIS

Organization/School: San Marcos Senior High School

Email: mitzi.ojendis@gmail.com

Date: September 15, 2021

Signature: 

Restricting the sale of  
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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: **Julie Lopez**

Organization/School: **San Marcos**

Email: **rosieplyz@gmail.com**

Date: **9/15**

Signature: **Julie**

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: Gabi Rangel

Organization/School: Don Puebling

Email: gabirng1@gmail.com

Date: 09/15/21

Signature: Gabi Rangel

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: *Anna Muñoz*

Organization/School: *San Marcos /FLA*

Email: *annamunoz244@gmail.com*

Date: *9/15/21*

Signature: *Anna Lucia Muñoz*

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: *SOMAF Samaan*

Organization/School: *SAN MARCOS HS*

Email: *SOMAF.Samaan.SB@gmail.com*

Date: *9/15/21*

Signature: *[Signature]*

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name:

Daisy Martinez

Organization/School:

Carpinteria High School

Email:

4011133 @ cwsd.net

Date:

09/14/2021

Signature:

*Daisy*

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**I support protecting kids from flavored tobacco**

Print Name: Ivan Espinoza

Organization/School: Future Leaders

Email: ivanespin309@gmail.com  
Date: 9/15/20

Signature: 

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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**I support protecting kids from flavored tobacco**

Print Name: Francisco Valladares

Organization/School: Santa Barbara High School

Email: francisco.e.valladares@gmail.com

Date: 9/9/2021

Signature:

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1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

2) Chin Black Line. Ban Menthol Cigarettes (Damoblet) in d). San Francisco, CA: African American Tobacco Control Leadership Council



# Approve Goleta's Flavor Ban - Protect Youth against Flavored Tobacco



**CEASE**  
Coalition Engaged in a  
Smoke-Free Effort  
SANTA BARBARA COUNTY

**96%**

of CA teens who vape choose flavored products<sup>1</sup>



It is easier to get addicted to menthol tobacco products and harder to quit them<sup>2</sup>



Tobacco companies use flavors (e.g. unicorn puke, bubble gum, birthday cake, etc.) to attract youth and mask the harshness of tobacco<sup>3</sup>



**I support protecting kids from flavored tobacco**

Print Name: Marilyn Nawa

Organization/School: Dos pueblos

Email:

Date: 9/14/21

Signature: Marilyn Nawa

Restricting the sale of  
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decreases youth access  
to these products!

1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC). University of California San Diego.

2) Save Black Lives. Ban Menthol Cigarettes. [Pamphlet]. (n.d.). San Francisco, CA: African American Tobacco Control Leadership Council

3) The health effects of vaping on teens: Flavors hook kids. (2021, January 23). Retrieved February 04, 2021, from <https://www.flavorhookkids.org>.



# Approve Goleta's Flavor Ban – Protect Youth against Flavored Tobacco



**CEASE**  
Coalition Engaged in a  
Smoke-Free Effort  
SANTA BARBARA COUNTY



of CA teens who vape choose flavored products<sup>1</sup>



It is easier to get addicted to menthol tobacco products and harder to quit them<sup>2</sup>



Tobacco companies use flavors (e.g. unicorn puke, bubble gum, birthday cake, etc.) to attract youth and mask the harshness of tobacco<sup>3</sup>



**I support protecting kids from flavored tobacco**

Print Name: Maria Delgado

Organization/School: Goleta valley Junior high school

Email:

Date: 9/15/21

Signature: [Handwritten Signature]

Restricting the sale of  
flavored tobacco  
decreases youth access  
to these products!

1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

2) Save Black Lives. Ban Menthol Cigarettes. [Pamphlet]. (n.d.). San Francisco, CA: African American Tobacco Control Leadership Council

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Tobacco companies use flavors (e.g. unicorn puke, bubble gum, birthday cake, etc.) to attract youth and mask the harshness of tobacco<sup>3</sup>



**I support protecting kids from flavored tobacco**

Print Name: Juan Anziano

Organization/School: Dos Pueblos

Email: ZJuanAnziano@gmail.com

Date: 9-14-21

Signature: JA

Restricting the sale of  
flavored tobacco  
decreases youth access  
to these products!

1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

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Tobacco companies use flavors (e.g. unicorn puke, bubble gum, birthday cake, etc.) to attract youth and mask the harshness of tobacco<sup>3</sup>



**I support protecting kids from flavored tobacco**

Print Name: *Ana Anguiano*

Organization/School: *Goleta Valley Jr. high*

Email:

Date: *9-14-21*

Signature: *Ana Anguiano*

Restricting the sale of  
flavored tobacco  
decreases youth access  
to these products!

1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California San Diego.

2) Save Black Lives: Ban Menthol Cigarettes. [Pamphlet]. (n.d.). San Francisco, CA: African American Tobacco Control Leadership Council.

3) The health effects of vaping on teens: Flavors hook kids. (2021, January 23). Retrieved February 04, 2021, from <https://www.flavorshookkids.org>



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Tobacco companies use flavors (e.g. unicorn puke, bubble gum, birthday cake, etc.) to attract youth and mask the harshness of tobacco<sup>3</sup>



**I support protecting kids from flavored tobacco**

Print Name: Omar Gonzalez

Organization/School: Dos Pueblos High School

Email:

Date: 9/14/21

Signature: Omar Gonzalez

Restricting the sale of  
flavored tobacco  
decreases youth access  
to these products!

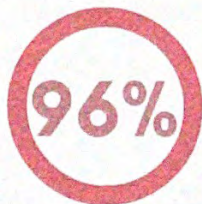
1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021). Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC). University of California San Diego.

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Tobacco companies use flavors (e.g. unicorn puke, bubble gum, birthday cake, etc.) to attract youth and mask the harshness of tobacco<sup>3</sup>



**I support protecting kids from flavored tobacco**

Print Name: Luca De Angeli's

Organization/School: Dos Pueblos High School

Email: luquwee@gmail.com

Date: 9/9/21

Signature: Luca De Angeli's

Restricting the sale of  
flavored tobacco  
decreases youth access  
to these products!

1) Zhu S-H, Braden K, Zhuang Y-L, Gamst A, Cole AG, Wolfson T, Li S. (2021) Results of the Statewide 2019-20 California Student Tobacco Survey. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC). University of California San Diego.  
2) Sam Blakeslee, Ban Menthol Cigarettes (Darnell) in d1, San Francisco, CA: African American Tobacco Control Leadership Council

## David Cutaia

---

**From:** Gupta, Nickita <Nickita.Gupta@sbcphd.org>  
**Sent:** Monday, September 20, 2021 8:13 AM  
**To:** City Clerk Group  
**Subject:** Public Comment for Goleta Flavor Ban  
**Attachments:** AAP-CA2 Supports City of Goleta.pdf; ACSCAN - 08312021 - LOS - Goleta - Flavors.pdf; ALA - Goleta Flavors 08.31.20.pdf

Hello,

Please include these letters as written participation in the Goleta Flavored Tobacco Ban agenda item for the September 21<sup>st</sup> City Council meeting. See attached.

The letters are:

Erica Costa – American Lung Association  
Primo Castro – American Cancer Society Cancer Action Network  
Tomas Torices – American Academy of Pediatrics

Best,

Nickita Gupta  
Health Education Associate  
Tobacco Prevention Program  
Santa Barbara County Department of Public Health





August 31, 2021

The Honorable Paula Perotte  
City of Goleta  
130 Cremona Drive, Suite B  
Goleta, CA 93117

Dear Mayor Perotte and City Council:

The **American Cancer Society Cancer Action Network** (ACS CAN) is committed to protecting the health and well-being of the residents in the City of Goleta through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. **As such, we are writing to urge this council to draft and pass a comprehensive ordinance, which ends the sale of all flavored tobacco products, including menthol cigarettes and flavored shisha.**

Tobacco remains the leading cause of preventable death in our country, and sadly, greater than 95% of adults who smoke begin smoking before the age of 21. Of the 9 million youth currently living in our state, nearly 1.4 million of them will become smokers, and approximately 440,000 of those kids will die prematurely as a result of smoking. Actions taken now at the local level can help to encourage a generation of tobacco-free kids—potentially saving them from a lifetime of addiction and the deadly consequences of tobacco use.

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 toxic effects of nicotine. 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 under-resourced communities, and target youth with imagery and by marketing appealing flavors.

**Ending the sale of flavored tobacco products, including menthol, is not only a health issue; it is also a social justice issue.** Targeted marketing to communities of color, low income communities and LGBTQ communities adds to the health disparities in populations already impacted by social inequities. In African American communities, the tobacco industry has aggressively marketed menthol flavored tobacco products to youth. Approximately 85% of African Americans who smoke use menthol cigarettes, and consequently, African American men have the highest death rates from lung cancer, when compared to other demographic groups. The anesthetizing effect of menthol masks the harshness of tobacco, making menthol cigarettes more appealing to beginning smokers, and menthol smokers demonstrate greater dependence, and are less likely to quit.



**ACS CAN urges this council to draft and pass a comprehensive ordinance.** Prohibiting the sale of *all* flavored tobacco products, without exemptions, 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.

Sincerely,

A handwritten signature in black ink that reads "Primo J. Castro". The signature is written in a cursive, flowing style.

Primo J. Castro  
Director, Government Relations  
American Cancer Society Cancer Action Network



August 31, 2021

Goleta City Council  
130 Cremona Drive, Suite B  
Goleta, CA 93117

To the City Council of Goleta,

On behalf of the American Lung Association in California, the leading public health organization fighting to reduce and prevent lung disease, I am writing to express our support for policies that restrict the sale of flavored tobacco products including menthol.

Each year in California, nearly 40,000 adults die from smoking-related causes, and over 12,000 kids become new daily smokers. According to the U.S. Surgeon General, tobacco companies have a long history of using flavored products to entice new, younger customers. Eight out of ten youth smokers report that they initiated tobacco use with a flavored tobacco product, and the younger a person is, the more likely they will be to use a flavored tobacco product.

There is no evidence that shows the aerosol emitted by e-cigarettes is safe for non-users to inhale. What we do know is that these products are especially enticing to youth, who have begun using them at alarming rates. E-cigarette use among middle and high school students is higher than that of traditional tobacco products. But effective policies to include electronic cigarettes in our tobacco control laws can curb that trend.

The American Lung Association supports the restriction of the sale of flavored tobacco with a comprehensive approach, particularly ensuring that electronic smoking devices and all flavors are included in the prohibition. We urge the City Council of Goleta to restrict the sale of flavored tobacco and promote public health for all of its residents.

Sincerely,

A handwritten signature in black ink that reads "Erica Costa". The signature is fluid and cursive, with the first name "Erica" and last name "Costa" clearly distinguishable.

Erica Costa  
Advocacy Director  
Tobacco Control & Lung Health



August 30, 2021

**AAP California Chapter 2**

P.O. Box 94127  
Pasadena, CA 91109  
Tel. (818) 422-9877  
Fax: (888) 838-1987  
[www.aapca2.org](http://www.aapca2.org)

**AAP-CA2**

**Executive Committee 2018 - 2020**

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DAMODARA RAJASEKHAR, MD, FAAP  
[DRAJASEKHARM@gmail.com](mailto:DRAJASEKHARM@gmail.com)

**Vice President**

GRANT CHRISTMAN, MD, FAAP  
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[DRTANYAALTMANN@ME.COM](mailto:DRTANYAALTMANN@ME.COM)

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EDWARD TAGGE, MD, FAAP  
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**Immediate Past President**

ALICE KUO, MD, PhD, MBA, FAAP  
[AKUO@MEDNET.UCLA.EDU](mailto:AKUO@MEDNET.UCLA.EDU)

**AAP-CA Chapter 2**

**Executive Director**

TOMÁS TORICES, MD  
[CHAPTER2@AAPCA2.ORG](mailto:CHAPTER2@AAPCA2.ORG)  
DIRECT LINE: (818) 422-9877

**City of Goleta**

Mayor Paula Perotte  
Mayor Pro Tempore James Kyriaco  
Councilmember Roger S. Aceves  
Councilmember Stuart Kasdin  
Councilmember Kyle Richards

**Re: Letter supporting the prohibition of the sale of flavored tobacco products in the City of Goleta**

Dear Mayor Perotte, and Councilmembers,

The American Academy of Pediatrics (AAP) is a professional organization of nearly 70,000 pediatricians in the U.S. We are a trusted source of information on children's health for patients, parents and policymakers. As executive director of the Southern California chapter of the AAP, I represent over 1500 pediatricians in seven counties. I am writing to express my deep concern about the impact of tobacco use in youth.

In December 2018, U.S. Surgeon General Jerome Adams declared an "epidemic" of teenage vaping, at a time when the national datasets revealed that the percentage of 12<sup>th</sup> graders who had vaped in the last 30 days nearly doubled, from 11% in 2017 to 21% in 2018. The Centers for Disease Control and Prevention (CDC) reported in February 2019 that 21% of high school and 5% of middle school students are current users of e-cigarettes. While the numbers in California, according to the California Healthy Kids Survey, indicate that 11.3% of 11<sup>th</sup> graders are vaping, any consumption by elementary and high school students is alarming.

E-cigarettes are being marketed directly to children by promoting flavors. About 70% of middle and high school students who use a tobacco product have used a flavored product. E-cigarette companies are using a wide variety of media channels and approaches previously used with success by the tobacco industry to market conventional tobacco products to youth. E-cigarette advertising has effectively reached youth and young adults and is associated with current e-cigarette use. Once addicted to a flavored nicotine product, smokers will settle for any form of nicotine delivery.



The increasing use of e-cigarettes among youth threatens five decades of public health gains in successfully deglamorizing, restricting, and decreasing the use of tobacco products. In addition, numerous toxicants and carcinogens have been found in e-cigarette solutions. Finally, adolescents and young adults who use e-cigarettes are at high risk of transitioning to traditional cigarettes, which can increase cardiovascular and cancer risk and chronic illnesses such as asthma.

To prevent children, adolescents, and young adults from transitioning from e-cigarettes to traditional cigarettes and to minimize the potential public health harm from e-cigarette use, there is a critical need for e-cigarette regulation, legislative action, and counter promotion to help youth live tobacco-free lives. I commend you for the recently drafted ordinance to prohibit the sale of all flavored tobacco products in the City of Goleta. By doing so, you will be setting an example for the surrounding Santa Barbara counties and eventually the state of California.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tomás', written over a horizontal line.

Tomás Torices, MD  
Executive Director  
AAP-CA2

## David Cutaia

---

**From:** Deborah Lopez  
**Sent:** Monday, September 20, 2021 9:35 AM  
**To:** David Cutaia; Liana Campos  
**Subject:** FW: support letter for item B1 Flavored Tobacco Ban on Tuesday's Council Agenda  
**Attachments:** Support letter for Goleta Flavored Tobacco Ban from Supervisors Hart and Hartmann.pdf

Deborah S. Lopez, CMC

City Clerk

City of Goleta | 130 Cremona Drive, Suite B | Goleta, CA 93117 |  
(805) 961-7505 voice | (805) 961-7504 fax | [dlopez@cityofgoleta.org](mailto:dlopez@cityofgoleta.org) [www.cityofgoleta.org](http://www.cityofgoleta.org)

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**From:** Fischer, Gina <gFischer@countyofsb.org>  
**Sent:** Friday, September 17, 2021 3:36 PM  
**To:** Deborah Lopez <dlopez@cityofgoleta.org>; Paula Perotte <pperotte@cityofgoleta.org>; James Kyriaco <jkyriaco@cityofgoleta.org>; Kyle Richards <krichards@cityofgoleta.org>; Stuart Kasdin <skasdin@cityofgoleta.org>; Roger Aceves <raceves@cityofgoleta.org>  
**Subject:** re: support letter for item B1 Flavored Tobacco Ban on Tuesday's Council Agenda

The following attachment is on behalf of Supervisors Hart and Hartmann. Please include in the public packet of comments for item B1 Flavored Tobacco Ban.

**Gina Fischer**

*District Representative & Scheduler*

Office of Supervisor Joan Hartmann

Barbara, CA 93101

**C** 805.319.0498 | **E** [gfischer@countyofsb.org](mailto:gfischer@countyofsb.org)



105 E. Anapamu Street, 4<sup>th</sup> Floor, Santa

**DAS WILLIAMS**

First District

**GREGG HART**

Second District

**JOAN HARTMANN**

Third District, Vice Chair

**BOB NELSON**

Fourth District, Chair

**STEVE LAVAGNINO**

Fifth District



**BOARD OF SUPERVISORS**

County Administration Building  
105 East Anapamu Street  
Santa Barbara, CA 93101  
Telephone: (805) 568-2190  
[www.countyofsb.org](http://www.countyofsb.org)

**COUNTY OF SANTA BARBARA**

09/17/2021

Dear Honorable Mayor and Councilmembers of the City of Goleta:

We are writing to encourage you to follow the lead of the County of Santa Barbara (unincorporated areas), and the cities of Guadalupe, Carpinteria, and Santa Maria, to pass a ban on the sale of flavored tobacco products within the boundaries of the City of Goleta.

In January 2020, the County of Santa Barbara implemented the most comprehensive flavored tobacco ban in the state in an effort to protect children, communities of color, and other vulnerable targets of the tobacco and vaping industries. At our Board of Supervisor's meeting, we heard powerful testimony from dozens of children and teenagers who support flavored tobacco bans as their generation has become prey for the vaping industry.

If Goleta takes similar action, it will further reduce youth access to deadly tobacco products in Santa Barbara County. The rise of e-Cigarette and vaping use among our County's youth has skyrocketed in recent years. In Santa Barbara County, between 2016 and 2018 the use of electronic smoking devices almost doubled from 6% to 10% among 9th graders and from 8% to 15% among 11th graders, according to California Healthy Kids Survey Data. The Centers for Disease Control report nationwide e-cigarette usage by high school students increased 78% from 2017-18. And The American Journal of Preventive Medicine reports that 4 out of 5 kids who have used tobacco started with a flavored product.

Our County has been a leader in regulating the sale of tobacco products to youth for more than two decades. Santa Barbara County was the first in Southern California to regulate the placement of tobacco products and paraphernalia behind the counter (1996) and was one of the early adopters of strong tobacco retail licensing laws (2001).

Menthol cigarette use disproportionately adversely affect communities of color as tobacco companies have targeted their appeal towards non-white consumers, leading to adverse disproportionate health outcomes for communities of color. Historically, the marketing and promotion of menthol cigarettes have been targeted heavily toward African Americans through culturally tailored advertising images and messages. Over 7 out of 10 African American youth ages 12-17 years who smoke use menthol cigarettes, thus African American adults have the highest percentage of menthol cigarette use compared to other racial and ethnic groups.

Similarly, eCigarette and vaping companies, which are largely unregulated, come in flavors that appeal to youth, including desirable flavors like mango, fruit, creme, mint, and their visual marketing images mirror popular children's candies, cereals, sodas, and other familiar products.

Research shows that flavors play a key role in youth use of tobacco products, including e-cigarettes.

A flavored tobacco ban in Goleta would achieve consistency in policy with respect to neighboring areas such as Isla Vista (under county unincorporated law), ultimately reducing confusion among local residents and allowing for ease of enforcement.

We urge you to prioritize our children and our community's public health and support this flavor ban. Let's protect our younger generations from battling the lifelong struggles of nicotine addiction.

A handwritten signature in blue ink that reads "Gregg Hart". The signature is fluid and cursive, with the first name "Gregg" and the last name "Hart" clearly distinguishable.

Gregg Hart  
Second District County Supervisor

A handwritten signature in blue ink that reads "Joan Hartmann". The signature is written in a cursive style, with the first name "Joan" and the last name "Hartmann" clearly distinguishable.

Joan Hartmann  
Third District County Supervisor

## David Cutaia

---

**From:** Rima Khoury <rima@fumari.com>  
**Sent:** Monday, September 20, 2021 10:17 AM  
**To:** City Clerk Group; Paula Perotte; jkriaco@cityofgoleta.org; Stuart Kasdin; Roger Aceves; Kyle Richards  
**Subject:** City of Goleta Flavored Tobacco Ban  
**Attachments:** 20200707 SB 793 Hookah Exemption Senator Hill.mp4

Dear Mayor and City Council Members,

My name is Rima S. Khoury and I am one of the founding members of the National Hookah Community Association which was established to protect and preserve the cultural tradition of hookah. <https://www.nationalhookah.com/>

Before you inadvertently vote to ban the thousand year cultural tradition of hookah in the City of Goleta, please understand the facts.

Please see presentation link below for your consideration.

[https://docs.google.com/presentation/d/1elyQwA-gg8RwusWZKOelQ21Wk\\_BhzRhHMAaIQiZP5Ec/present?usp=sharing](https://docs.google.com/presentation/d/1elyQwA-gg8RwusWZKOelQ21Wk_BhzRhHMAaIQiZP5Ec/present?usp=sharing)

There is no teen hookah epidemic. The FDA and CDC reports have made it clear that hookah is not the problem with youth. There are no facts that support a ban on hookah.

Hookahs are not being confiscated in schools. Hookahs are 3 feet tall and cannot be easily concealed in your pocket or backpack like vape. Hookahs take 25 – 30 minutes to set up and need hot coals, therefore it cannot be smoked during recess in the bathroom at school. Hookah's cost over \$200 for all the parts and accessories, making it out of reach for most kids.

California Gov. Gavin Newsom stated in his executive order address on September 16, 2019 that "hookah is not the problem in classrooms". See video link <https://youtu.be/XWjL4r8TWaU>

Furthermore, FDA recently stated in their Guidance for the Industry dated January 2020 that although data shows that flavored tobacco entice youth, that such data does NOT appear to raise comparably urgent public health concerns with youth usage of hookah products because the lower prevalence of youth use of these products suggests that they do NOT appear to be as appealing to youth at this time. Emphasis added.

Hookah is not the problem.

Yet hookah is becoming collateral damage in the war against vape. Hookah is not vape. Hookah has been practiced for over a thousand years by Persians, Arabs, Armenians, Turks, Indians, and other minority groups many of which have immigrated to America and still practice their cultural traditions. Hookah is the center piece of social gatherings and is often offered to guests as a sign of hospitality and respect.

Many immigrant small business owners have built their business doing what they know from their home country. Often times they work 20 hour days, seven days a week to support multiple generations of their

family. Rather than banning hookah and crippling these immigrant small business owners who are already struggling due to COVID-19, please consider passing reasonable regulations that address youth usage and access. Many of these business owners that have been operating legally for years would be happy to work with law makers to address youth access issues. These hookah lounge and retailer owners often have several years remaining on their leases and have personally guaranteed their leases. They will not only lose their business, but their homes and no longer be able to support their family and extended family.

**A tobacco flavor ban is a ban on hookah because it only comes in flavors.** Even hundreds of years ago hookah was made with molasses and honey.

The federal government has recently passed a 21 and over minimum for tobacco products across all fifty states. In addition, in February 2020 the FDA passed an e-cigg ban on flavored cartridges. September 9, 2020 was the FDA deadline for all vape and hookah products to be accepted for FDA review through PMTA or SE applications, after which any products without FDA authorization will be unlawfully on the market and their products seized and injunctions restricting sales will be issued along with fines and penalties. Currently, FDA has issued approximately six million refusals or Marketing Denial Orders for these applications. Furthermore, the FDA announced that they will be banning menthol. The federal government is addressing the youth access issue and also providing legislation across the board, eliminating the patchwork of laws from city to city and closing loop holes for bad actors to skirt the law.

Hookah has been exempted from the California State flavored tobacco ban, SB793, because of its cultural significance and that it is fundamentally different from vape. Please see attached video of Senator Hill, author of the bill, explaining why hookah was exempted from SB793 at the Senate Appropriations hearing on June 25<sup>th</sup>, 2020. Senator Hill learned the difference between vape and hookah and understood that hookah was not the problem and took steps to exempt it due to its cultural significance. We ask that the City of Goleta do the same.

SB793, which, as amended and revised, prohibits the sale of all flavored tobacco products and flavored tobacco product enhancers, exempting hookah tobacco, cigars with a wholesale price of \$12.00 or more, loose leaf pipe tobacco was signed by Governor Gavin Newsom on August 28, 2020. SB793 was referendized and is expected to be on the November 2022 general election ballot.

Please see the hookah exemption language from SB793 below:

(c) Subdivision (b) does not apply to the sale of flavored shisha tobacco products by a hookah tobacco retailer if all of the following conditions are met:

- (1) The hookah tobacco retailer has a valid license to sell tobacco products issued pursuant to Chapter 2 (commencing with Section 22971.7) of Division 8.6 of the Business and Professions Code.
- (2) The hookah tobacco retailer does not permit any person under 21 years of age to be present or enter the premises at any time.
- (3) The hookah tobacco retailer shall operate in accordance with all relevant state and local laws relating to the sale of tobacco products.
- (4) If consumption of tobacco products is allowed on the premises of the hookah tobacco retailer, the hookah tobacco retailer shall operate in accordance with all state and local laws relating to the consumption of tobacco products on the premises of a tobacco retailer, including, but not limited to, Section 6404.5 of the Labor Code.

SB793 balances the interests of law makers by addressing youth access and usage of flavored tobacco products, while protecting the cultural tradition of hookah. The SB793 hookah exemption limits sales to 21



and over establishments, meaning you have to be 21 and over to enter a retail establishment or lounge in order to purchase hookah and requires these establishments to comply with local and state laws. This shows that law makers can reach their regulatory goals without creating unintended consequences like eliminating the rich cultural tradition of hookah.

Please do not eliminate the rich cultural tradition of hookah without understanding what the real issues are. There is a way to achieve regulatory goals while balancing the interests of minority communities, such as Armenians, Persians, Middle Easterners, Turks, and Indians, that practice hookah. We respectfully request the City of Goleta consider adopting the language of SB793 for their proposed city flavor ban just as Los Angeles City, West Hollywood, Burbank, Glendale, Irvine, Long Beach, San Diego County, El Cajon, Ventura and Culver City have done. Please feel free to contact me with any questions or to discuss further. Thank you.

<https://www.youtube.com/watch?v=9qlUH3hmvUc>

The Culture of Hookah | An Exploration of History and Tradition

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**RIMA KHOURY, ESQ.**  
GENERAL COUNSEL  
(619) 331-3535 EXT. 723  
**FUMARI INC.**

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## David Cutaia

---

**From:** David Cutaia  
**Sent:** Monday, September 20, 2021 2:36 PM  
**To:** David Cutaia  
**Subject:** FW: Goleta, CA- Flavored Tobacco Ban

**From:** Jasmine McKinney <[jasmine.mckinney@swedishmatch.com](mailto:jasmine.mckinney@swedishmatch.com)>  
**Date:** September 20, 2021 at 10:01:37 AM PDT  
**To:** Paula Perotte <[pperotte@cityofgoleta.org](mailto:pperotte@cityofgoleta.org)>, [jkriaco@cityofgoleta.org](mailto:jkriaco@cityofgoleta.org), Stuart Kasdin <[skasdin@cityofgoleta.org](mailto:skasdin@cityofgoleta.org)>, Roger Aceves <[raceves@cityofgoleta.org](mailto:raceves@cityofgoleta.org)>, Kyle Richards <[krichards@cityofgoleta.org](mailto:krichards@cityofgoleta.org)>  
**Subject:** Goleta, CA- Flavored Tobacco Ban

Dear members of the Goleta City Council:

The ordinance the Council is considering banning all flavored tobacco products is well intended and admirable in its goal. However, I think that the scope of the ordinance goes too far and will actually have unintended consequences. The banning of all flavored tobacco products will in effect take some products off the shelves that actually help smokers quit using cigarettes. Specifically I'm referring to smokeless tobacco products and flavored non-tobacco nicotine products.

A blanket flavor ban is contrary to the scientific evidence that currently exists. The U.S. Food and Drug Administration's Office of Science has recognized that some flavors in tobacco products are not likely to appeal to youth. In a process that approved the marketing of certain flavored smokeless tobacco products, the Office of Science stated:

- The proposed products are reported to have flavors such as mint, wintergreen, or tobacco character with citrus. These proposed flavors are consistent with traditionally available [smokeless tobacco] flavors and are not novel flavors that likely increase appeal to youth. Additionally, in that ruling the FDA stated that the smokeless tobacco product called snus is low risk. FDA assessed the risk posed to the individual as well as the population as a whole, and judged that the products met the standard in the 2009 US Tobacco Control Act. FDA also considered the fact that the products come in mint and wintergreen flavors. It is significant that the Swedish Match snus products are currently determined by FDA to be "appropriate to the protection of the public health", and that these products are flavored, and are smokeless.

A complete ban on all flavors is overbroad in at least two ways. First, a complete ban on flavors is not targeted to flavors that "increase appeal to youth" and will only affect legal, adult users of tobacco products who will simply patronize stores in neighboring cities or turn to the Internet as a source for their preferred tobacco products. Second, it applies the ban equally to all types of tobacco products. Some products (such as smokeless tobacco) are less likely to be used by youth.

### **Smokeless Tobacco Products are Less Harmful and Should Not be Restricted**

In 2002 the Royal College of Physicians of London, one of the oldest and most prestigious medical societies in the world, issued a report called "Protecting Smokers, Saving Lives," which stated,

"As a way of using nicotine, the consumption of non-combustible [smokeless] tobacco is on the order of 10–1,000 times less hazardous than smoking, depending on the product." A blanket flavor ban would take large portions of these products off the market, leaving adult tobacco users to choose only more harmful products like cigarettes.

As a matter of public health policy, the FDA has taken an approach to encourage harm reduction in the consumption of tobacco products. A recent (July 28, 2017) announcement from the FDA Commissioner focused on the need to view tobacco and nicotine products from a continuum of risk perspective. The continuum, according to the FDA Commissioner, ranges from cigarettes, the most dangerous form of nicotine delivery, at one end, to medicinal nicotine products at the other end. Recognizing that some risk comes from the use of any product, there remain compelling arguments that some products are less harmful and adult consumers should be able to choose these products. However, if those products are removed from the shelves because they are frequently flavored, those options are not available to adult consumers. Prohibiting the sale of less harmful products is a byproduct of blanket flavor bans. The interest of public health is not advanced when a total flavor ban removes all flavored product options from the marketplace for adult tobacco users to choose from, especially when the FDA has stated that some flavors do not “increase appeal to youth.”

### **The impact of a comprehensive tobacco products flavor ban in San Francisco among young adults: Could increase cigarette consumption**

According to a June 2020 study from Addictive Behavior Reports which was funded by the National Institute of Drug Abuse of the National Institutes of Health. In the study they reported moderate usage rate drops in the 18-24 years and the 25—34 years old respectively. The findings suggest that comprehensive local flavor bans, by themselves, cannot sharply reduce the availability or use of flavored tobacco products among residents and may actually increase the amount of cigarette smoking which all tobacco control advocates would agree is the most deadly form of tobacco consumption.

### **Youth usage in California**

According to the California Department of Public Health, only 1.7% of California teens have tried smokeless tobacco a single time in a period of 30 days.

Source: California Department of Public Health, California Tobacco Control Program. California Student Tobacco Survey, 2015-2016. Sacramento, CA: California Department of Public Health; February 2017.

According to the Los Angeles County Public Health, only 0.4% have reported using smokeless tobacco products.

Source: County of Los Angeles Public Health 2017-18 California Student Survey

I hope you will take these facts into consideration when you are deliberating this ordinance and exclude smokeless tobacco from the flavor ban.

Respectfully,

Jasmine McKinney

Staff Attorney

Swedish Match North America

**David Cutaia**

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**From:** Sherese Van Mieghem <svanmieghem@goleta.k12.ca.us>  
**Sent:** Monday, September 20, 2021 11:13 AM  
**To:** City Clerk Group  
**Subject:** Supporting Goleta Flavored Tobacco Ban  
**Attachments:** SA1977 GUSD21092011180.pdf

Hello,

Please see the attached letter from Dr. Cherylin Lew, Assistant Superintendent of Goleta Union School District.

Thank you,  
Sherese

--

Sherese Van Mieghem  
Administrative Secretary, Pupil Services  
Goleta Union School District  
 [\(805\) 681-1200, Ext. 2220](tel:(805)681-1200)

If you are not the intended recipient of this email, please delete immediately as it may contain confidential information.



## **GOLETA UNION SCHOOL DISTRICT**

*Pupil Services*

Dr. Cherylin Lew, Assistant Superintendent

### **Board of Trustees**

*Luz Reyes-Martin, President,  
Dr. Carin Ezal, Vice-President  
Dr. Richard Mayer, Clerk  
Dr. Vicki Ben-Yaacov, Member  
Sholeh Jahangir, Member*

September 20, 2021

Goleta City Hall  
130 Cremona Dr., #B  
Goleta, CA 93117

Re: Supporting Goleta Flavor Ban

Dear Goleta City Council:

The Goleta Union School District strongly supports banning the sale of flavored tobacco products in the City of Goleta in order to protect the health and wellbeing of our community's youth. As the Assistant Superintendent of Goleta Union School District, I have seen vaping become a widespread problem among youth in recent years.

The flavors created by the tobacco industry clearly target children and young adults – fruity, sweet and colorful flavors and packaging are the predominant choice among our youth. These concentrated flavored vape liquids can contain the same amount of nicotine as several packs of cigarettes, exposing today's youth to higher concentrations than ever of this dangerous and addictive substance.

In addition, vaping devices nowadays are practically indistinguishable from pens, USB drives and highlighters, and can go unnoticed on school campuses and even inside classrooms. The sweet flavored vapors released from these devices are harder to distinguish than the tell-tale cigarette smoke, making vaping more difficult to identify. Eliminating flavored tobacco products will help not only students, but also teachers and staff tasked with their well-being and safety.

The Goleta Union School District urges the Goleta City Council to approve the prohibition of flavored tobacco sales.

Sincerely,

Cherylin Lew, OTD  
Assistant Superintendent, Pupil Services



## David Cutaia

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**From:** Adriana Tejada-Sanchez <[adriana@futureleadersnow.org](mailto:adriana@futureleadersnow.org)>  
**Sent:** Monday, September 20, 2021 11:41 AM  
**To:** City Clerk Group  
**Subject:** Public Comment: Goleta Flavor Ban

Dear councilmembers,

My name is Adriana Tejada-Sanchez and I am the Santa Barbara Youth Organizer with Future Leaders of America. I am submitting a public comment to ask the Goleta City Council to consider enacting a flavored tobacco ban. As a community member and someone who works with the high school aged youth of Goleta, I see many benefits of banning flavored tobacco products in the city. Electronic nicotine delivery systems and flavored tobacco present health, welfare, and public safety issues for cities, in particular the youth.

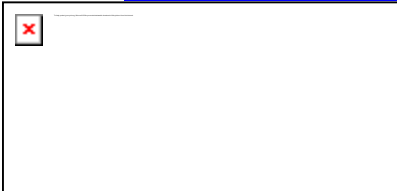
I find it concerning that youth are using flavored tobacco products at higher rates than the rest of the population. Young people are heavily targeted by the tobacco industry through appealing, flavored products as the industry knows they must get youth addicted to their dangerous products in order to have lifelong customers. These flavors are a dangerous marketing ploy that we do not need in our community. The health and safety of our youth must be at the forefront of decision making in Goleta.

Flavored tobacco is the number one choice among young tobacco users. Goleta needs to protect the health of the youth in their city. Goleta must show that it places the public community's health first by banning flavored tobacco products.

Thank you,

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Adriana Tejada-Sanchez, Santa Barbara Youth Organizer  
Pronouns: She/Her/Hers  
Phone: (805) 642-6208 ext. 1006  
Email: [adriana@futureleadersnow.org](mailto:adriana@futureleadersnow.org)  
Mailing: PO Box 51637, Oxnard, CA 93032  
Website: [www.futureleadersnow.org](http://www.futureleadersnow.org)



## David Cutaia

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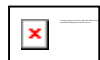
**From:** Ector Flores-Garcia <ector@futureleadersnow.org>  
**Sent:** Monday, September 20, 2021 11:44 AM  
**To:** City Clerk Group  
**Subject:** September 20, 2021, Agenda Item No. 21

Dear councilmembers,

Hello, my name is Ector Flores-Garcia. I'm a Carpinteria Youth Organizer for Future Leaders of America and a resident of Goleta. As a youth organizer, my work is centered around creating a smoke free environment in the respective cities of Carpinteria & Port Hueneme to promote health equity for low income youth and communities. I am here today to express my concern regarding flavors and vaping in Goleta. Currently, the use of flavored tobacco, electronic cigarettes and vaping in public are temporarily banned in Carpinteria. I am currently working with my youth coalition to permanitize the ban. My youth coalition and I can vouch for the benefits of banning flavored tobacco products in your city. Electronic nicotine delivery systems and flavored tobacco present health, welfare, and public safety issues for cities, in particular the youth. Youth are heavily targeted by the tobacco industry through appealing, flavored products as the industry knows they must get youth addicted to their dangerous products in order to have lifelong customers. I am submitting a public comment to ask the Goleta City Council to consider enacting a flavored tobacco ban. Flavored tobacco is the number one choice among young tobacco users. Goleta needs to protect the health of the youth in their city. Goleta must show that it places the public community's health first by banning flavored tobacco products.

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Best,  
Ector Flores-Garcia, Carpinteria Youth Organizer  
Pronouns: He/Him/His  
Phone: (805) 642-6208 ext. 1009  
Email: [ector@futureleadersnow.org](mailto:ector@futureleadersnow.org)  
Mailing: PO Box 51637, Oxnard, CA 93031  
Website: [futureleadersnow.org](http://futureleadersnow.org)



Virus-free. [www.avg.com](http://www.avg.com)

**David Cutaia**

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**From:** Hugo AlvaradoCarmona <4012057@cusd.net>  
**Sent:** Monday, September 20, 2021 12:58 PM  
**To:** City Clerk Group  
**Subject:** September 20, 2021, Agenda Item No. 21

Dear councilmembers,

Hi, my name is Hugo Alvarado and I am a Junior at Carpinteria High School. I am submitting a public comment to ask the Goleta City Council to consider enacting a flavored tobacco ban. As a student and resident of Carpinteria, I can vouch for the benefits of banning flavored tobacco products in your city. Electronic nicotine delivery systems and flavored tobacco present health, welfare, and public safety issues for cities, in particular the youth.

I volunteered in this mission to help remove tobacco from my town after seeing how peers my age were becoming anxious and would run to the restroom as many times as possible just to smoke flavored tobacco products. I now want to help push this mission to the Goleta region. It was also inspired after finding, 40.5% out of 10.9 million high school and middle school students tried a tobacco product. When I saw that number I realized many students are throwing their life away. For what? What will tobacco products do for them? it only lets tobacco companies profit off them. 80% of young people started with flavored tobacco, they then moved to commercial tobacco. If there is anything I can do for students my age, I will do by helping push a ban on flavored tobacco.

Flavored tobacco is the number one choice among young tobacco users. Goleta needs to protect the health of the youth in their city. Goleta must show that it places the public community's health first by banning flavored tobacco products.

## David Cutaia

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**From:** Jaime Rojas Jr <jaime@rojascommunications.com>  
**Sent:** Monday, September 20, 2021 2:24 PM  
**To:** City Clerk Group  
**Subject:** City Council Meeting Public Testimony - Agenda #B.1  
**Attachments:** NATO Letter on Goleta CA Tobacco Ordinance (September 2021).pdf

Good Afternoon City Clerk,

Please find attached a letter for tomorrow night's city council meeting to be included in public testimony. The letter from the National Association of Tobacco Outlets is for agenda item B.1.

Thank you.

Jaime Rojas

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National Association of Tobacco Outlets  
Legislative Consultant



18653 Ventura Blvd., Suite 115  
Tarzana, CA 91356  
Tel: 213.400.8664  
[www.RCGcommunications.com](http://www.RCGcommunications.com)



September 20, 2021

Mayor Paula Perotte  
Members of the Goleta City Council  
130 Cremona Drive, Suite B  
Goleta, CA 93117

**RE: Proposed Flavored Tobacco Products Ban**

Dear Chair Tremble and Councilmembers:

As the Executive Director of the National Association of Tobacco Outlets (NATO), a national retail trade association that represents more than 60,000 retail stores throughout the country including many Goleta retail stores, I am writing to submit our comments and concerns regarding a proposal to ban the sale of all flavored tobacco products, including the sale of menthol cigarettes, mint and wintergreen smokeless tobacco products, flavored cigars, flavored pipe tobacco and flavored electronic cigarettes. On behalf of Goleta retailers, we ask that you not adopt this ordinance for the reasons explained below.

**Three Studies Find that Banning Flavored Tobacco Products Is Associated with Increased Youth and Young Adult Smoking**

According to a growing number of studies, the banning of all flavored tobacco products can result in increasing the number of underage youth and young adults that return to smoking cigarettes.

**Study No. 1: University of Memphis School of Public Health, Science Direct-Addictive Behavior Reports (June 2020):** The first study investigating the impact of the City of San Francisco flavored tobacco ban ordinance found that after the ban was in force for nearly a year, flavored tobacco product use was reduced, but *cigarette smoking among 18-24-year-olds increased by over 35%*.

Link: <https://www.sciencedirect.com/science/article/pii/S2352853220300134?via%3Dihub>

**Study No. 2: Yale School of Public Health Study, JAMA Pediatrics (May 2021):** The second study regarding San Francisco's flavored tobacco ban ordinance was conducted by the Yale School of Public Health and compared youth smoking rates among high school students in the San Francisco School District to the smoking rates of high school students in seven other metropolitan school districts located in cities that did not have a flavored tobacco ban.

According to the study, the smoking rate for San Francisco high school students under the age of 18 increased from 4.7% in 2017 before the adoption of the city's ordinance to 6.2% in 2019, the year after the ordinance was enacted. This is a 32% increase in underage youth cigarette smoking rates in the San

Francisco school district. At the same time, the underage smoking rates in the other metropolitan school districts that are located in cities which did not have a flavored tobacco product sales ban continued to decline and averaged 2.8% as of 2019.

Link: [https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248?utm\\_source=twitter&utm\\_campaign=content-shareicons&utm\\_content=article\\_engagement&utm\\_medium=social&utm\\_term=052421&s=03#.YKwb0ZyP66Y.twitter](https://jamanetwork.com/journals/jamapediatrics/fullarticle/2780248?utm_source=twitter&utm_campaign=content-shareicons&utm_content=article_engagement&utm_medium=social&utm_term=052421&s=03#.YKwb0ZyP66Y.twitter)

**Study No. 3: Milken Institute School of Public Health, George Washington University, Nicotine & Tobacco Research (July 31, 2021):** A third study conducted through the Milken Institute School of Public Health at George Washington University found similar impacts from flavored vapor bans on young adult tobacco users. The study compiled young adult smoking rates in six major metropolitan cities that enacted a flavored tobacco product ban. The study abstract included the following findings:

Moreover, if vape product sales were restricted to tobacco flavors, 39.1% of users reported being likely to continue using e-cigarettes but 33.2% were likely to switch to cigarettes. If vape product sales were entirely restricted, e-cigarette users were equally likely to switch to cigarettes versus not (~40%).

Link: <https://doi.org/10.1093/ntr/ntab154>

**Low and Declining Use Rates of Traditional Tobacco Products Require Caution in Flavor Bans:** According to the 2020 National Youth Tobacco Survey published by the Centers for Disease Control (CDC), current tobacco product use rates among high school students nationwide are:

Cigarettes:	4.6%	Cigars:	5.0%
Pipe Tobacco:	0.7%	Smokeless Tobacco:	3.1%

As the author of the JAMA study concluded, policies that lead to increases in youth use of traditional tobacco products are a threat to the public health. Any consideration of an ordinance banning all flavored tobacco products needs to take this threat into account. The Staff memorandum referenced the use of vapor products from the California Healthy Kids Survey for Santa Barbara County. What the memorandum failed to tell you was the very low use of traditional products by 11<sup>th</sup> graders in the County. Only 8% had ever smoked one cigarette and only 2% said they had smoked one cigarette in the past 30 days; only 4% had ever used smokeless tobacco and only 1% had used it in the past 30 days. Cigar and pipe tobacco use is not even surveyed. This means that the empirical data showing very low and declining underage use rates does not support the wholesale banning of all flavored tobacco products that legal age adults prefer to use.

**FDA to Ban Menthol Cigarettes and Flavored Cigars:** The City of Goleta should not pursue a flavored tobacco ban ordinance because the Food and Drug Administration announced in April that the agency will be issuing a new regulation banning the sale of menthol cigarettes and all flavored cigars. With such a sweeping regulation, the city council should pause and allow the FDA to proceed with its proposed regulation that would ban some of the same flavored tobacco products that would be prohibited under the proposed ordinance.

**FDA Actions on Electronic Cigarettes and Nicotine Vapor Products:** If the genesis of the ordinance is the underage use of electronic cigarettes and nicotine vaping products, council members need to be aware



that, according to the CDC, youth usage of electronic cigarettes has also *decreased* by 33% from 2019 to 2020. Moreover, the FDA and Congress have taken significant actions that have resulted in the removal of a substantial number of flavored electronic nicotine delivery system (ENDS) products from the market and curbed youth accessibility via the Internet. These strong measures should be allowed to work to further reduce youth access to and use of electronic nicotine vapor products.

Specifically, in February 2020, the FDA adopted a ban on the sale of all flavored cartridge-based and pod-based electronic cigarettes, except for tobacco and menthol flavored products. This action removed hundreds of ENDS products from the market. In addition, the FDA required that manufacturers of all electronic cigarette products file what is known as a pre-market tobacco product application (PMTA) with the agency by September 9, 2020, to keep their products on the market. Some manufacturers did not file these applications, and the FDA recently stated that since January 2021 it had issued 170 warning letters to firms with over 17 million ENDS products that had not sought authority through filing a timely PMTA.

The FDA was required to process those PMTAs within one year. That year just elapsed, and on September 9, 2021, the FDA issued an important press release detailing its progress reviewing applications for over 6.5 million products, most of which were ENDS products. The FDA stated that it had acted on about 93% of these applications, covering over 6 million ENDS products, including refusing to file applications for approximately 4.5 million products and issuing marketing denial orders (MDOs) for an additional 946,000 ENDS products. This means that over 6 million ENDS products may no longer be lawfully sold. Although the FDA stated it had granted marketing orders under a different process for some cigars, pipes and hookah tobacco covering over 350 products, the FDA has yet to grant any new marketing orders for ENDS products, but will continue to review the remaining 7% of applications. In the meantime, FDA stated that it intends to enforce its orders that prohibit those products for which PMTAs were either refused or for which an MDO was issued.

Link: [FDA Makes Significant Progress in Science-Based Public Health Application Review, Taking Action on Over 90% of More Than 6.5 Million ‘Deemed’ New Tobacco Products Submitted | FDA](#)

**Voters Want to Decide Whether Flavor Bans Make Sense:** California Senate Bill 793, which would have banned most flavored tobacco products statewide, has been referred to the voters who will vote in November 2022 whether to allow the statewide flavor ban bill to go into effect. Voters want their say on flavor bans. We respectfully suggest that deferring action until the voters have spoken is in the best interests of Goleta and its retailers.

**Pandemic Impact and Economic Crisis Will Be Magnified by a Flavored Tobacco Product Ban:** As the COVID-19 pandemic, continues, it is not the time for the city council to consider prohibiting the sale of legal tobacco products. Our convenience store members have experienced losses of up to 45% in gasoline sales and 20% or more in grocery, snack, beverage, and tobacco product sales, significant numbers because convenience stores usually rely on tobacco product sales for approximately 36% of in-store sales. Tobacco specialty stores that rely on tobacco product sales for up to 90% of total sales will be devastated by the loss of hundreds of products. Additionally, these stores have recently found it difficult to attract and retain employees, causing their payroll costs to rise.

Retailers have done everything possible to survive the pandemic, but if Goleta retailers must remove hundreds of flavored products from their shelves, it will be very difficult to compete with retailers in

neighboring localities or with illicit sellers who do not care to whom they sell their products, and employee layoffs and even store closures are real possibilities.

NATO and its Goleta retail members share everyone's interest in keeping tobacco and electronic nicotine vapor products out of the hands of persons under 21 years old, but banning all these flavored products makes no sense from a health standpoint or economic point of view. Indeed, Goleta's retailers are exemplary in keeping tobacco products out of the hands of underage persons. Why would the Goleta City Council want to harm these responsible retailers and chase their customers to other jurisdictions or to illicit markets?

We urge the Goleta City Council not to move forward with the proposed ban on flavored tobacco and electronic cigarette products. Thank you for your consideration.

Sincerely,

***Thomas A. Briant***

NATO Executive Director

**From:** [Daniel Gonzalez](#)  
**To:** [City Clerk Group](#)  
**Subject:** Public Comment: September 20, 2021, Agenda Item No. 21  
**Date:** Monday, September 20, 2021 4:08:48 PM

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Dear councilmembers,

My name is Daniel Gonzalez. I am submitting a public comment to ask the Goleta City Council to consider enacting a flavored tobacco ban. As a professional who works closely with youth from Goleta, I can vouch for the benefits of banning flavored tobacco products in your city. Electronic nicotine delivery systems and flavored tobacco present health, welfare, and public safety issues for cities, in particular the youth.

Youth are using flavored tobacco products at higher rates than the rest of the population. A 2016 study found young people vape because they have friends or family members who use e-cigarettes, the products are flavored, and/or they believe e-cigarettes are less harmful than cigarettes. We need to stop addiction at the source by banning the sale of flavored tobacco products.

Flavored tobacco is the number one choice among young tobacco users. Goleta needs to protect the health of the youth in their city. Goleta must show that it places the public community's health first by banning flavored tobacco products.

Respectfully Submitted.

--

Daniel Gonzalez, BA, Director of Organizing and Advocacy

Pronouns: He, Him, EL

Future Leaders of America, Phone: (805) 642-6208 ext: 1010

1500 Camino Del Sol #18 Oxnard, CA 93030

Email: [daniel@futureleadersnow.org](mailto:daniel@futureleadersnow.org)

Mailing: PO Box 51637, Oxnard, CA 93031

Website: [www.futureleadersnow.org](http://www.futureleadersnow.org)



## David Cutaia

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**From:** Rodriguez, Yaneth <ylr@med.usc.edu>  
**Sent:** Tuesday, September 21, 2021 11:45 AM  
**To:** City Clerk Group  
**Cc:** Dawn Christensen  
**Subject:** Agenda Item B.1 (21-398) Ordinance Banning Sales of Flavored Tobacco Products  
**Attachments:** USC Flavor and E-cigarette \_Info Sheet\_ 05.22.19 (PDF).pdf; Examining Hookah as an Introduction to Nicotine Products among College Students.pdf; Measurement and predictive value of susceptibility to cigarettes ecigarettes cigars and hookah among Texas adolescents.pdf

**Importance:** High

Dear Mayor & City Council Members of the City of Goleta,

I would like to commend you for your leadership in considering an Ordinance Banning Sales of Flavored Tobacco Products in the City of Goleta. As you consider the health of the community, in particular during this unprecedented time with COVID-19, you are also thinking of the health of future generations. Attached is an information sheet which contains research findings from the University of Southern California's Tobacco Center of Regulatory Science (USC TCORS). I hope this information is useful in your consideration of this policy.

A main research point I would like to highlight is that **a strong comprehensive ordinance to regulate e-cigarettes, flavored, and menthol tobacco products has tremendous potential to substantially reduce youth-use of tobacco products including e-cigarettes**. A Southern California research study showed that strong a tobacco retail license and enforcement preventing sales to minors was associated with lower rates of youth and adult initiation of combustible and e-cigarette use. A comprehensive ban on the sale of flavored tobacco products would include traditional combustible cigarettes and cigars, as well as chewing tobacco and flavored hookah.

I have also attached to this email additional information for your consideration regarding hookah. For each of the data points below, I have included a copy of the PDF article with important data points highlighted.

Hookah considerations:

- Hispanic/Latinx adolescents are more susceptible to hookah and 44% more likely reported current hookah use.
- One out of four college nicotine users started with hookah.

Current research suggests that it is important to consider the overall impact of e-cigarette and tobacco use on all segments of the population; however, the weight of the evidence points to a far more detrimental effect on youth.

We hope that this research can educate and inform your decisions. Please let me know if you have any questions our team may be able to answer.

Thank you, Yaneth

**Examining Hookah as an Introduction to Nicotine Products among College Students, Subst Use Misuse. 2018 Sep 19;53(11):1869-1877. doi: 10.1080/10826084.2018.1441308. PMID: 29533684:**

- One out of four nicotine users started with hookah, pg 1869, 1870, 1872, 1874
- Hookah use is second to cigarette smoking as the first tobacco product used, pg 1869-1870, 1872
- Hispanic/Latinx adolescents 44% more likely reported current hookah use. Pg 1873

**Measurement and predictive value of susceptibility to cigarettes ecigarettes cigars and hookah among Texas adolescents, Addict Behav Rep. 2018 Aug 18;8:95-101. doi: 10.1016/j.abrep.2018.08.005. PMID: 30140729 Free PMC article.:**

- Hispanic/Latinx adolescents are more susceptible to hookah, pg 96

Yaneth L. Rodriguez, MPH  
Center for Health Equity in the Americas  
Department of Population and Public Health Sciences  
Keck School of Medicine of USC  
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# Keck School of Medicine of USC

## Flavor and Menthol Tobacco Products and E-cigarettes

Since e-cigarettes have come to the Southern California market, the University of Southern California's expert faculty and research staff at the Keck School of Medicine have focused on exploring the potential impacts of e-cigarettes and flavored tobacco products on the general population as well as vulnerable populations, such as adolescents and young adults.

### **E-cigarettes are drawing in new youth smokers who would have otherwise been unlikely to smoke combustible cigarettes.**

- Two studies examining trends in tobacco use over time have shown that youth with no history of cigarette use and who are otherwise unlikely to have smoked combustible cigarettes are initiating e-cigarettes (1, 2).
- Cartoon images and non-traditional flavors and unique flavor names are appealing to youth and increase youth interest in e-cigarettes; most youth report initiation and continued use with flavored e-cigarettes (3-7).\*
- A study from Southern California youth reported that the most common reason for use of e-cigarettes are the availability of e-cigarettes in a wide variety of flavors (i.e. fruit, dessert, mint, etc.) (7, 8).
- E-cigarette companies actively market and re-post flavor-related information on social media at a much higher rate than non-flavor related posts (9).
- The availability of flavored e-cigarettes has been tied not only to initiation but also to continued use among youth, and a majority of youth reported that they would no longer use e-cigarettes if flavors were not available (6, 11).†
- JUUL and other low profile products that resemble computer flash drives thwart efforts to enforce smoking policy by providing easy concealment from authorities (3).
- A content analysis of customer reviews of 103 vape shops revealed that the most important attribute of a shop was related to their flavor selection (10).
- 17.3% of California high school students reported being a current user of an electronic vapor product, versus 13.2% national (12). †

### **There are clear health-related consequences of e-cigarette use among youth.**

- Youth who use e-cigarettes are 3 times as likely as those who have never used e-cigarettes to begin smoking combustible cigarettes (13-19)\*.
- Youth who use e-cigarettes and subsequently begin smoking cigarettes follow a similar trajectory into more frequent cigarette smoking as their peers who began smoking cigarettes without using e-cigarettes first (1, 2).
- A study among Southern California Hispanic young adults reported that using e-cigarettes increased the likelihood of transitioning from a non-user to user of cigarettes or marijuana and was not associated with smoking cessation (38).
- Level of nicotine in e-cigarettes has been associated with higher frequency of subsequent cigarette smoking (36).
- Exposure to nicotine in e-cigarettes is addictive (14-19)\*.
- E-cigarettes can have adverse respiratory effects (20)\*.
- E-liquids contain many harmful chemicals (i.e. acetals, formaldehyde, cinnamaldehyde, diacetyl, benzaldehyde, etc.) that are used to create the wide variety of flavors (21, 22). †

# Keck School of Medicine of **USC**

## Flavor and Menthol Tobacco Products and E-cigarettes

**There is inconsistent evidence regarding the use of e-cigarette as a cessation tool among youth, young adult, and adult smokers.**

- Studies have shown that many cigarette smokers, after using e-cigarettes, are likely to remain cigarette smokers rather than transitioning to e-cigarettes or quitting smoking (19, 23-25)\*.
- More recently, a single clinical trial has shown that regular e-cigarette use alongside counseling services increased cessation relative to other cessation products among participants in England; similar findings have not been observed in the US to date (37).<sup>†</sup>

**Menthol products makes smoking cessation more difficult and are disproportionately marketed to vulnerable populations such as ethnic minorities.**

- Among adult smokers in California, 18% of white cigarette smokers smoke menthol cigarettes where as 70% of African American cigarette smokers use menthol. Additionally, almost 50% of LGB smokers use menthol cigarettes compared to 28% of straight smokers (31).<sup>†</sup>
- Among Hispanic/Latino current adult smokers in the US, 46% smoke menthol cigarettes (27).<sup>†</sup>
- Among Hispanic/Latino young adult current smokers (aged 18-25) in the US from 2008 to 2010, 47.3% smoked menthol cigarettes (28).<sup>†</sup>
- Between 2008-2010 and 2012-2014, the largest increase in menthol cigarette use among race/ethnic groups was in found in Hispanic smokers (rising 9.8 percentage points) (29).<sup>†</sup>
- The use of flavored products, such as menthol cigarettes, makes cessation more difficult (26).<sup>†</sup>
- Studies have displayed negative associations among menthol cigarette use and successful cessation in Hispanic communities (30).<sup>†</sup>
- Approximately 90% of all cigarettes have menthol in them regardless of if they are advertised as menthol cigarettes or not (34).<sup>†</sup>

**Implementing enforceable regulations can prevent youth initiation of e-cigarettes and other tobacco products.**

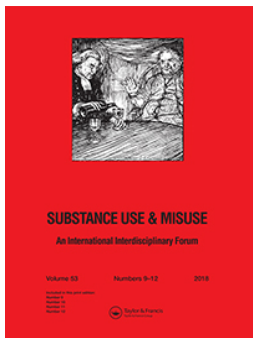
- In Southern California, strong enforcement preventing sales to minors was associated with lower rates of youth and adult initiation of combustible and e-cigarette use (35). Communities that had tobacco retail licenses with sufficient fees to conduct enforcement efforts (e.g., sting operations) had lower rates of youth cigarette and e-cigarette use.
- A retail license ordinance to regulate e-cigarettes, flavored, and menthol tobacco products in Los Angeles County has tremendous potential to substantially reduce youth-use of tobacco products including e-cigarettes (35).
- The availability of e-cigarettes in flavors, and current location of retailers in close proximity to areas where youth congregate increases use of these products among young people (35); policies to reduce availability of these products across the community will likely have a substantial impact on youth use of tobacco products.

Current research suggests that it is important to consider the overall impact of e-cigarettes on all segments of the population; however, the weight of the evidence points to a far more detrimental effect on youth. We hope that this research can educate and inform future decision-makers.

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ORIGINAL ARTICLE



## Examining Hookah as an Introduction to Nicotine Products among College Students

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### ABSTRACT

**Background:** Limited data exist on what young adults report as their first-ever nicotine product; some evidence suggests that they report hookah as their first product smoked. **Objectives:** This study reports on the first nicotine product used among undergraduates who had ever tried tobacco, and explores correlates of hookah as that first product. **Methods:** Participants included a convenience sample of undergraduate students ( $n = 1538$ ) at four universities in upstate New York during fall 2013. Descriptive statistics assessed first nicotine product used and prevalence of current use. Logistic regression was used to examine correlates of hookah as the first nicotine product used. **Results:** Among the 832 students who reported ever use of any nicotine product, 25.4% reported hookah as their first product smoked; only combustible cigarettes (39.5%) were reported more frequently. Among students who ever smoked cigarettes, most reported cigarettes as their introductory product. Among students who never smoked cigarettes, nearly half reported hookah as their introductory product. Among ever nicotine users, current hookah smoking was common (34.9%), and greater than current e-cigarette (25.9%) and current combustible cigarette (26.4%) use. Never users of cigarettes, females, and non-Hispanic African Americans, had higher adjusted odds of reporting hookah as their introductory product. **Conclusions:** The results of this study have implications for the identification of risk factors for tobacco initiation, the assessment of tobacco use patterns and behaviors, and the tailoring of tobacco prevention initiatives among youth. Our findings suggest that broadening prevention efforts beyond a focus on combustible cigarettes may be warranted.

### KEYWORDS

Hookah; tobacco initiation; nicotine; young adults

## Introduction

While current (past 30 day) cigarette smoking is decreasing among youth, current hookah (aka waterpipe, narghile) use has significantly increased since 2011 (4.1%), with hookah prevalence in 2014 equal to cigarette prevalence among high school students (9.4% and 9.2%, respectively) and middle school students (2.5% for both products) (Arrazola et al., 2015). In college populations, the prevalence of current hookah use has ranged from 14.1% (Goodwin et al., 2014) to 22.4% (Heinz et al., 2013), with ever-use prevalence ranging from 40.3% to 94.7% (Doran, Godfrey, & Myers, 2015; Fielder, Carey, & Carey, 2012; Heinz et al., 2013; Sutfin et al., 2011). Use of hookah among young adults often increases when they start college (Allem & Unger, 2016; Fielder et al., 2012); for example, in a cohort of first year female college students, 22% of those reporting no pre-college hookah use tried hookah

for the first time ever during their freshman year (Fielder et al., 2012).

To our knowledge, little data exist on what young adults report as their first-ever nicotine product used; however, limited evidence suggests that approximately one in four young people who have ever used tobacco or a nicotine-containing product appear to have their first experience with such products through hookah smoking (Meier, Tackett, Miller, Grant, & Wagener, 2015; Sutfin et al., 2015). Sutfin and colleagues surveyed students from 11 colleges and universities in North Carolina and Virginia in 2010 and found that approximately one-quarter of 1,656 students reporting ever nicotine use reported hookah as their introductory nicotine product, with hookah being the third most common initially used product after combustible cigarettes (37.9%) and cigars (29.3%) (Sutfin et al., 2015). This is consistent

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with another study, conducted in 2010–2011, that surveyed 16–26-year-olds throughout the United States and found that, among nicotine users, hookah was the second largest category of first product use (23%), only exceeded in frequency as the first product used by combustible cigarettes (49%) (Soneji, Sargent, & Tanski, 2016). A third study, by Meier and colleagues, surveyed undergraduate students at a single public university over the 2012–2013 academic year and found that approximately one-quarter (24.2%) of those who had tried a nicotine product ( $n = 644$ ) were introduced to nicotine through the use of hookah, following only combustible cigarettes (50.6%) as the most common introductory product (Meier et al., 2015). In contrast, a nationally representative sample of 18–34-year-olds in the United States collected in 2011, indicated only 4% of respondents reported hookah as the first nicotine product used, the 4<sup>th</sup> most common starter product (Rath, Villanti, Abrams, & Vallone, 2012).

Although combustible cigarette users have higher odds of using hookah compared to those who do not smoke combustible cigarettes (Grekin & Ayna, 2012), up to 65% of hookah users do not also smoke cigarettes (Grekin & Ayna, 2012). Tobacco control advocates are concerned about adolescents and young adults engaging in tobacco use with novel products when they would otherwise have remained tobacco abstinent (Heinz et al., 2013). A recent longitudinal study recruited college students who had smoked at least one combustible cigarette in each of the four weeks prior to the initial project interview. Among these cigarette smokers, the quantity of cigarettes smoked subsequently increased among recent (past 90 days) hookah users, while non-hookah users decreased their cigarette consumption over the 6-month follow-up period (Doran et al., 2015). In a two-year longitudinal study of 2,541 15–23 year olds in the United States, those non-cigarette smokers who were baseline hookah users had increased incident cigarette smoking at follow-up compared to non-hookah users (39.0% compared to 19.9%, respectively) (Soneji, Sargent, Tanski, & Primack, 2015).

Given the possibility that hookah initiation may contribute to the uptake of cigarette smoking (Doran et al., 2015), it is important to understand the predictors and correlates of first nicotine product used in order to identify risk factors, assess use patterns and behaviors, and tailor prevention initiatives. As previous research on young adults' first nicotine product used, and correlates of use, is limited, this study sought to better understand hookah's role in tobacco product initiation. This study is one of only a handful to report on the first nicotine product used among a sample of college students who had ever tried tobacco. Post-hoc analyses explored correlates of hookah as the first reported product used, as much is already

known about combustible cigarette use. Correlates of current hookah use were also examined.

## Methods

Participants were undergraduate students enrolled at four universities in western and central New York State during the fall 2013 semester. The survey instrument, drawn from published literature and created by the authors, and procedures have been described elsewhere (Saddleson et al., 2016; Saddleson et al., 2015). Briefly, a web-based survey was administered to undergraduate students enrolled in introductory psychology or health behavior courses ( $n = 1538$ ). Students were offered either extra credit for participating or entered into a lottery for a grocery store gift card. As hookah use occurs primarily among youth and young adults, these analyses restricted respondents to those ages 18–23 years in order to increase generalizability of findings to traditional college-aged students. Analyses were further restricted to those who reported ever use of any nicotine-containing product ( $n = 832$ ; assessed by asking participants about current combustible cigarette and e-cigarette use and, "From the following list, please check any of the tobacco products, besides cigarettes, you have used in the last 30 days: cigars, pipes, chewing tobacco, snuff, snus, hookah, clove cigarettes, bidis, other (write in), I have not used any other tobacco products."). All procedures were approved by each institution's Institutional Review Board.

## Measures

### Dependent variables

*Current hookah use* was defined as having smoked a hookah in the past 30 days as assessed by asking, "From the following list, please check any of the tobacco products, besides cigarettes, you have used in the last 30 days." 'Hookah' appeared as response option number 6 out of 8 and a binary variable was created (currently using/not currently using).

*Hookah as the first nicotine product used* was assessed by asking participants "Which one of the following was the first nicotine product that you used? Cigarettes, cigars, pipes, chewing tobacco, snuff, snus, hookah, clove cigarettes, bidis, other (write in), a nicotine medication (patch, gum, inhaler, lozenge), electronic cigarette (aka e-cigarette)." A binary variable was created for participants who identified hookah as the first nicotine product they had used.

### Correlates of use

*Combustible cigarette smoking status*: Never smokers are defined as those who have never used combustible

cigarettes; experimenters are those who have used 1–99 lifetime cigarettes, but none in the past 30 days; former smokers are those who have used at least 100 lifetime cigarettes, but not used in the past 30 days; and current combustible cigarette users have smoked in the past 30 days (Choi, Gilpin, Farkas, & Pierce, 2001; IARC, 2008; Saddleson et al., 2016; Saddleson et al., 2015; Yu, Saddleson, Murphy, Giovino, & Mahoney, 2017).

*Current e-cigarette use* was defined as having used an e-cigarette on at least one day in the past 30 days, as assessed by the questions, “Have you ever tried or experimented with an e-cigarette, even one or two puffs” and “Are you currently an e-cigarette user?”; a binary variable was created.

*Other product use:* A binary variable was created to indicate any current nicotine/tobacco use other than combustible cigarettes, e-cigarettes, or hookah. Other products assessed included cigars, pipes, chewing tobacco, snuff, snus, clove cigarettes, bidis, or other (write in) in the past 30 days.

*Alcohol use:* Two items assessed participant alcohol use: “During the past 30 days, how many days did you have at least one drink of any alcoholic beverage?” and “Considering all types of alcoholic beverages, how many times during the past 30 days did you have 5 (for males)/4 (for females) or more drinks on an occasion?” A variable was created to classify participants’ alcohol use: no current drinking, alcohol use within the past 30 days (non-binge), or binge alcohol use in the past 30 days (5 or more drinks for males, 4 or more drinks for females on at least one occasion).

*Past year marijuana use:* Participants were categorized as: no marijuana use in the past year, using up to 2–4 times per month, or using 2+ times per week during the past year, as based on their response to one item asking, “During the last 12 months, how often did you

use marijuana (cannabis, weed, pot)?” Possible response options included: never, monthly or less, 2–4 times per month, 2–3 times per week, 4 or more times per week.

*Sociodemographics:* Sociodemographic information was assessed from a variety of questions, and variables for sex, age, race/ethnicity, international student status, perceived school ability, income, and university were created and included in the analysis as their relationship with hookah use has been found in one or more studies (Grinberg & Goodwin, 2016; Jarrett, Blosnich, Tworek, & Horn, 2012; Primack et al., 2014; Sterling & Mermelstein, 2011).

### Analysis

Descriptive analyses, including percentages, means, and standard deviations, were used to examine the demographic characteristics of the participants, their hookah, cigarette, and e-cigarette use, other tobacco use, and alcohol/marijuana use. Multivariable logistic regression was used to estimate adjusted odds ratios for demographics, other nicotine product use, and alcohol and marijuana use for each relevant dependent variable. Alpha was set at 0.05 and Stata (StataCorp LP, 2015) was used for all analyses.

### Results

Among the 832 respondents reporting ever use of any nicotine-containing product, a majority were female (54.7%;  $n = 453$ ) and non-Hispanic whites (67.5%;  $n = 536$ ) with a mean age of 19 years. Almost all participants (95%;  $n = 791$ ) were non-international students. Nearly two-thirds of the sample (65.6%;  $n = 546$ ) reported currently using a nicotine product. Hookah was the most common currently used product (34.9%;  $n = 286$ ), followed by combustible cigarettes (26.4%;  $n = 216$ ), e-cigarettes (25.9%;  $n = 212$ ), and cigars (22.6%;  $n = 185$ ; Table 1).

**Table 1.** First nicotine product reportedly used among 832 college students reporting ever nicotine product use, by current product use.

Current product use	First nicotine product used						Row Total % (n)
	Combustible cigarettes % (n)	Hookah % (n)	Cigars % (n)	Electronic cigarettes % (n)	Chewing tobacco % (n)	Other <sup>a</sup> % (n)	
Combustible cigarettes	39.0 (126)	11.6 (24)	18.9 (33)	16.1 (5)	36.2 (21)	29.2 (7)	26.4 (216)
Hookah	29.9 (97)	55.8 (116)	30.3 (53)	6.5 (2)	24.1 (14)	16.7 (4)	34.9 (286)
Cigars	17.6 (57)	7.7 (16)	49.1 (86)	9.7 (3)	31.0 (18)	20.8 (5)	22.6 (185)
Electronic cigarettes	24.7 (80)	18.8 (39)	33.7 (59)	41.9 (13)	25.9 (15)	25.0 (6)	25.9 (212)
Chewing tobacco	3.1 (10)	2.9 (6)	8.6 (15)	0.0 (0)	44.8 (26)	12.5 (3)	7.3 (60)
Other <sup>a</sup>	7.4 (24)	3.4 (7)	5.7 (10)	0.0 (0)	17.2 (10)	37.5 (9)	7.3 (60)
No current product use	38.9 (126)	35.6 (74)	26.3 (46)	48.4 (15)	20.7 (12)	37.5 (9)	34.4 (282)
Column Total % (n)	39.5 (324)	25.4 (208)	21.3 (175)	3.8 (31)	7.1 (58)	2.9 (24)	

<sup>a</sup>Other included products with  $n < 10$  responses for first product used (nicotine replacement therapy, bidis, clove cigarettes, pipes, snuff, snus, and responses of “other”).

Categories of current use (use at least once in the past 30 days) are not mutually exclusive.

### First nicotine product used

One-quarter of participants (25.4%;  $n = 208$ ) reported hookah was their first product used, which was the second most commonly reported initially used product (after combustible cigarettes, 39.5% ( $n = 324$ ); Table 1).

Compared to those who started with combustible cigarettes, respondents whose initial nicotine product use was with hookah were less likely to currently use two or more nicotine products ( $AOR = 0.58$ ,  $p = 0.012$ ). Females, respondents in their twenties, non-Hispanic African Americans, and those whose first nicotine product was e-cigarettes also had lower odds of current multiple product use relative to their respective referent groups (Table 2). Respondents whose first nicotine product was cigars or chewing tobacco had greater odds of current multiple nicotine product use in the crude logistic regression model, though these results were no longer significant when controlling for demographic variables.

Females and non-Hispanic African Americans were more likely to report hookah as their initial product of use (Table 3). Respondents from University C ( $AOR = 3.00$ ,  $p = 0.009$ ) and University D ( $AOR = 3.61$ ,  $p < 0.001$ ) also had higher adjusted odds of reporting hookah as the first product of use. Compared to never combustible cigarette smokers, former smokers ( $AOR = 0.71$ ,  $p = 0.015$ ), experimenters ( $AOR = 0.11$ ,  $p < 0.001$ ), and

current cigarette smokers ( $AOR = 0.17$ ,  $p < 0.001$ ) had significantly lower odds of initiating nicotine product use with hookah (data not shown). Half (49.4%;  $n = 128$ ) of never combustible cigarette smokers' first nicotine product was hookah. Current smokers, former smokers, and experimenters most often started nicotine use with combustible cigarettes (Table 4).

Those who initiated nicotine use with combustible cigarettes, cigars, or chewing tobacco tended to report a wider range of current products used than those who first tried hookah and e-cigarettes. For example, among respondents initiating with combustible cigarettes, 82.7% ( $n = 268$ ) currently used at least one product other than combustible cigarettes. Among respondents initiating with hookah, 44.4% ( $n = 92$ ) currently used at least one product other than hookah. Respondents who were introduced to nicotine through the use of hookah or e-cigarettes, and currently use any product, most often were currently using their starter product; over one-half (55.8%;  $n = 116$ ) of those who started with hookah reported currently using hookah (Table 1).

Among ever nicotine product users, nearly 14% ( $n = 115$ ) of hookah smokers report it as the only nicotine product they currently use. Comparatively, 5.6% ( $n = 46$ ) of current cigarette users and 5.2% ( $n = 43$ ) of current e-cigarette users reported they use those products

**Table 2.** Logistic regression of factors associated with current use of 2+ nicotine products, compared to use of 0 or 1 product, among 18–23 year old college students, reporting ever use of any nicotine product ( $n = 832$ ).

Characteristics	n (total sample)	n (current using 2+ nicotine products)	%	Model 1 – crude			Model 2 – adjusted		
				OR	95% CI-L	95% CI-U	AOR	95% CI-L	95% CI-U
First Nicotine Product									
Combustible cigarettes	324	111	34.3	1.00	ref	ref	1.00	ref	ref
Hookah	208	49	23.6	<b>0.59</b>	<b>0.40</b>	<b>0.88</b>	<b>0.58</b>	<b>0.38</b>	<b>0.89</b>
Cigars	175	76	43.4	<b>1.47</b>	<b>1.01</b>	<b>2.15</b>	0.97	0.63	1.49
Chewing tobacco	58	32	55.2	<b>2.36</b>	<b>1.34</b>	<b>4.16</b>	1.22	0.64	2.30
Electronic cigarettes	31	6	19.4	0.46	0.18	1.16	<b>0.30</b>	<b>0.12</b>	<b>0.78</b>
Other nicotine products <sup>a</sup>	24	9	37.5	1.15	0.49	2.17	1.13	0.42	3.06
Sex									
Male	375	176	46.9				1.00	ref	ref
Female	453	108	23.8				<b>0.36</b>	<b>0.25</b>	<b>0.50</b>
Age									
18 years	375	133	35.5				1.00	ref	ref
19 years	193	69	35.8				0.85	0.57	1.26
20–23 years	260	82	31.5				<b>0.66</b>	<b>0.46</b>	<b>0.96</b>
Race/Ethnicity									
Non-Hispanic White	536	198	36.9				1.00	ref	ref
Non-Hispanic African American	40	3	7.5				<b>0.14</b>	<b>0.04</b>	<b>0.49</b>
Non-Hispanic Asian	95	30	31.6				0.66	0.40	1.11
Non-Hispanic other	37	8	21.6				0.45	0.19	1.04
Hispanic	86	34	39.5				1.10	0.67	1.81

Regression is for use of two or more products compared to the use of 0 or 1 product.

Bold indicates  $p < 0.05$ ; AOR = Adjusted Odds Ratio; CI-L = lower limit of the 95% confidence interval; CI-U = upper limit of the 95% confidence interval.

<sup>a</sup>Other nicotine products include nicotine replacement therapy, bidis, clove cigarettes, pipes, snuff, and snus.

Model 1 presents the crude model, only; Model 2 includes demographic variables (age, sex, and race/ethnicity).

**Table 3.** Logistic regression of factors associated with hookah as the first nicotine product used among 18–23 year old college students, reporting ever nicotine product use (n = 832).

Characteristics	n (total sample)	n (used hookah as first nicotine product)	%	AOR <sup>a</sup>	95% CI-L	95% CI-U
Sex						
Male	371	67	18.1	1.00	ref	ref
Female	449	141	31.4	<b>2.34</b>	<b>1.64</b>	<b>3.39</b>
Age						
18 years	369	105	28.5	1.00	ref	ref
19 years	192	52	27.1	1.07	0.70	1.63
20–23 years	259	51	19.7	0.93	0.60	1.45
Race/Ethnicity						
Non-Hispanic White	533	117	22.0	1.00	ref	ref
Non-Hispanic African American	40	22	55.0	<b>5.17</b>	<b>2.54</b>	<b>10.51</b>
Non-Hispanic Asian	93	25	26.9	1.56	0.88	2.75
Non-Hispanic other	36	11	30.6	1.52	0.68	3.41
Hispanic	84	25	29.8	1.69	0.98	2.92
University						
A	84	10	11.9	1.00	ref	ref
B	47	8	17.0	1.76	0.61	5.05
C	192	48	25.0	<b>3.00</b>	<b>1.32</b>	<b>6.84</b>
D	489	139	28.4	<b>3.61</b>	<b>1.66</b>	<b>7.85</b>

Bold indicates  $p < 0.05$ ; AOR = Adjusted Odds Ratio; CI-L = lower limit of the 95% confidence interval; CI-U = upper limit of the 95% confidence interval.

<sup>a</sup>Adjusted for all other variables in the table as well as weekly income, perceived school ability, and international student status.

currently and exclusively (Supplemental Table 1). Further, the proportion of current use of a single-product is highest among those who began nicotine use with hookah (at 40.9% (n = 85); Figure 1).

### Current hookah use

Among the respondents reporting ever use of any nicotine-containing product, one-third (34.9%; n = 286) of students surveyed reported current hookah use. Prevalence of current use for males and females was 33.9% (n = 127) and 35.3% (n = 160), respectively. There were no significant differences in the adjusted odds of use between males and females (AOR = 1.22,  $p = 0.24$ ) (final model adjusted for sociodemographics [sex, age, race/ethnicity, perceived school ability, income, university, and international student status], current use of combustible cigarettes, e-cigarettes, and other tobacco products, and alcohol and marijuana use). Hispanic students (44.2%; n = 38) and non-Hispanic African American students (42.5%; n = 17) more commonly

reported current hookah use compared to non-Hispanic white (34.3%; n = 184) and non-Hispanic Asian (39.0%; n = 37) students, although the adjusted odds of current hookah use were not significantly different in our final fully adjusted multivariable model. Similarly, prevalence of current hookah use differed by combustible cigarette smoking status, with hookah use being most common among current combustible cigarette smokers (41.5%; n = 90) and never smokers of combustible cigarettes (35.2%; n = 93), although adjusted odds of use by combustible cigarette smoking status did not differ in our final model. Further, there were no significant differences in odds of current use by age, perceived school ability, income, alcohol use habits, or international student status (Supplemental Table 2).

Roughly forty percent of respondents who used marijuana two to four times per month (41.4%; n = 125) and more than once per week (40.5%; n = 60) currently used hookah at the time of the survey. Comparatively, only one-quarter (26.6%; n = 100) of never marijuana users

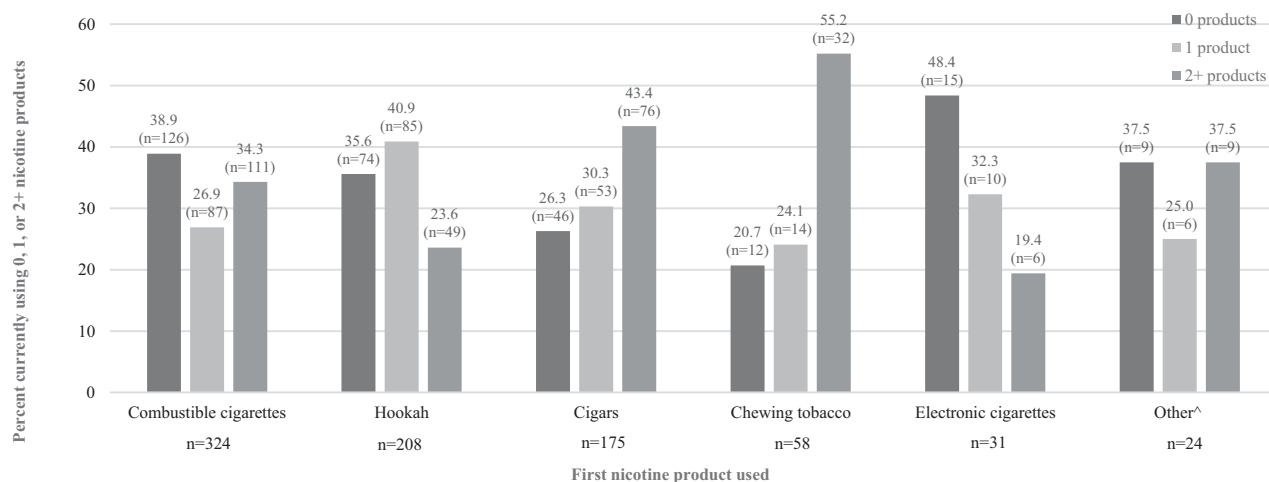
**Table 4.** First nicotine product used, among college students reporting ever nicotine product (n = 832) use by combustible cigarette smoking status.

Combustible cigarette use	First nicotine product used					
	Combustible cigarettes % (n)	Hookah % (n)	Cigars % (n)	Electronic cigarettes % (n)	Chewing tobacco % (n)	Other <sup>a</sup> % (n)
Current smoker	58.3 (126)	11.1 (24)	15.3 (33)	2.3 (5)	9.7 (21)	3.2 (7)
Former smoker	73.7 (14)	5.3 (1)	15.8 (3)	0.0 (0)	5.3 (1)	0.0 (0)
Experimenter	56.5 (183)	16.7 (54)	17.3 (56)	2.5 (8)	5.3 (17)	1.9 (6)
Never smoker	0.0 (0)	49.4 (128)	32.1 (83)	7.0 (18)	7.3 (19)	4.3 (11)

<sup>a</sup>Other included products with n < 10 responses for first product used (nicotine replacement therapy, bidis, clove cigarettes, pipes, snuff, snus, and responses of "other").

Combustible cigarette users were categorized as: never-never used combustible cigarettes; former-used at least 100 lifetime cigarettes but has not used in the past 30 days; experimenters-used 1–99 lifetime cigarettes, but not in the past 30 days; current-have used combustible cigarettes in the past 30 days.

Percent of respondents currently using 0, 1, or 2+ nicotine products, by first nicotine product used, among 18–23 year-old college students reporting ever use of any nicotine-containing product (n=832)



^Other indicates use of one or more of the following nicotine products: bidis, clove cigarettes, pipes, snuff, and snus

**Figure 1.** Percent of respondents currently using 0, 1, or 2+ nicotine products, by first nicotine product used, among 18–23 year-old college students reporting ever use of any nicotine-containing product (n = 832).

were current hookah users. In a final, fully adjusted multi-variable model, compared to never marijuana users, those who used marijuana monthly (AOR = 1.82,  $p < 0.001$ ) or weekly (AOR = 1.72,  $p = 0.020$ ) had higher adjusted odds of current hookah use. Similarly, those who reported past 30-day e-cigarette use had higher prevalence (44.8%;  $n = 95$ ) and adjusted odds (AOR = 1.55,  $p = 0.021$ ) of current hookah use compared to those not currently using e-cigarettes. Additionally, respondents from University B (38.3%, AOR = 2.43,  $p = 0.040$ ) and University D (39.1%, AOR = 2.02,  $p = 0.028$ ) had higher prevalence and adjusted odds of current hookah use (Supplemental Table 2).

## Discussion

This study provides an assessment of the first nicotine product used among college students reporting ever nicotine use. More than one-third of respondents reported that they initiated nicotine use with combustible cigarettes (39.5%), 25.4% with hookah, 21.3% with cigars, 7.1% with chewing tobacco, and 3.8% with e-cigarettes. Our results are consistent with three other studies that also found approximately one in four college students had initiated nicotine use with hookah products (Meier et al., 2015; Soneji et al., 2016; Sutfin et al., 2015). Rath and colleagues, however, found that only 4% of young adults had been introduced to nicotine by hookah use, although their sample was not restricted to college students, and included young adults up to the age of 34 years (Rath et al., 2012).

Results suggest significant demographic differences in first product used: females and non-Hispanic African

Americans had greater odds of initiation with hookah products compared to any other nicotine-containing products. While Sutfin and colleagues also found that females are more likely to initiate nicotine use with hookah, they did not identify race/ethnicity as a significant factor (Sutfin et al., 2015).

Approximately one-third (30.9%) of this group of college students who had ever tried a nicotine-containing product were current users of a single nicotine product, one-third currently used two or more products (34.3%), and one-third (34.4%) reported no current nicotine product use. Future surveillance work would benefit from assessing these proportions, and how they fluctuate, over time. In this effort, participants whose first nicotine product was hookah were less likely to currently use two or more nicotine products (compared to zero or one product). Previous literature reporting on this phenomenon report mixed findings: one previous report indicates hookah as the first product tried was not significantly associated with multiple product use (Meier et al., 2015), while another found multiple product use was more common among those whose starter product was hookah (Sutfin et al., 2015). Literature on first nicotine product used is limited, and further investigations will help to clarify these conflicting findings.

Many of the reasons for the recent increase in hookah use may also be explanations as to why hookah is a prevalent starter product. For example, hookah may be the first product used among young people because of perceptions of reduced harm (Roditis, Delucchi, Cash, & Halpern-Felsher, 2016; Smith, Curbow, & Stillman, 2007; Smith-Simone, Maziak, Ward, & Eissenberg, 2008), as Sutfin and colleagues have suggested (Sutfin et al., 2015).



Sutfin et al. also found parental smoking was associated with cigarettes being the first product used (Sutfin et al., 2015), so it may be inferred that young people who initiate nicotine use with hookah are in proximity to people in their social networks that also use hookah. Indeed, the social aspects of hookah use are frequently cited as reasons for its use (Akl et al., 2015; Barnett, Lorenzo, & Soule, 2017; Maziak et al., 2004; Smith-Simone et al., 2008). While these constructs were not assessed here, they have important implications for tailoring prevention efforts.

Further, flavored hookah tobacco is popular among both youth and adults (Ambrose et al., 2015; Bonhomme et al., 2016), and the availability of characterizing flavors in these products is often cited as a reason for hookah use (Ambrose et al., 2015; Feirman, Lock, Cohen, Holtgrave, & Li, 2016). In fact, among U.S. youth, population-based data indicate 88.7% of 12- to 17-year-olds report that the first product they had ever used was flavored (Ambrose et al., 2015). Whereas the presence of flavoring in first product used was not assessed in this survey, it would be beneficial to consider in future efforts. Finally, the U.S. Food and Drug Administration's final deeming rule on tobacco products asserts jurisdiction over hookah tobacco products and opens an avenue to regulate product components including nicotine content, packaging, and labeling. However, this deeming rule, as currently written, does not propose to ban these flavors in hookah tobacco products (U.S. Food and Drug Administration, 2016). As flavored tobacco use is high among hookah users and may be associated with product initiation (Ambrose et al., 2015), this is a missed area of regulatory opportunity.

Among respondents of this survey, exclusive current product use was highest among hookah users (13.9%), compared to just 5.6% of current cigarette users and 5.2% of current e-cigarette users who report using those products exclusively. Soneji and colleagues, in a survey of more than 1500 young adults aged 16–26 years, reported hookah was the second largest category of single product use (at 23%); cigarettes (49%) were the major single use category (Soneji et al., 2016).

Participants in their twenties, compared to 18-year-olds, were also less likely to report current multiple product use. This may be the result of a cohort effect; 20–23-year-olds may be less likely to use two or more products because they age out of experimentation with nicotine products. Females also had lower odds of current use of two or more nicotine products, consistent with previous findings (Lee, Hebert, Nonnemaker, & Kim, 2014; Soneji et al., 2016). In this study, non-Hispanic African Americans had lower adjusted odds of multiple product use. This replicates other findings, although some of those results were non-significant (Lee et al., 2014; Soneji et al., 2016; Yu et al., 2017).

More than one-third of the sample had smoked a hookah in the past thirty days. Current hookah use was not associated with significantly different odds of use in relation to sex, though it has been reported elsewhere that male college students have higher odds of current hookah use compared to female college students (Goodwin et al., 2014; Sutfin et al., 2011). There were no significant associations between current hookah use and race/ethnicity, which is consistent with a previous report (Goodwin et al., 2014), though in contradiction to others that suggest white college students have a higher lifetime prevalence of hookah use (Heinz et al., 2013) and black students have lower odds of current use (Grekin & Ayna, 2012). Counter to previous research (Goodwin et al., 2014; Grekin & Ayna, 2012; Heinz et al., 2013; Sutfin et al., 2015), we did not see significant differences in the odds of current hookah use by alcohol use or combustible cigarette use status. Similar to other reports (Goodwin et al., 2014; Heinz et al., 2013; Sutfin et al., 2011), current and past year marijuana use was significantly associated with higher odds of current hookah use. It is possible that students are using a hookah to smoke marijuana, though this was not assessed in this survey; future surveys may benefit from better assessing not only whether respondents are using hookah, but *how* they are using it. In the final regression model, participants from two of the four universities had higher odds of current hookah use. This may be a function of the campus' proximity to hookah cafés or other sales' outlets, as was found in a previous study (Sutfin et al., 2011), though proximity to these establishments was not measured here. As hookah establishments tend to cluster near college campuses, the surveillance of college students' patronage of these venues will be an important covariate in future studies to better understand the impact of the hookah sales/café environment on use. While monitoring prevalence rates and correlates of hookah use is important, longitudinal designs would be beneficial so as to better understand how these rates change over time. As a whole, however, the present research reveals important information about the factors contributing to hookah product use and its role in nicotine product initiation.

### Limitations

This study is limited in that it is a cross-sectional convenience sample of college students in New York State and may not be representative of college students in this state or nationally. It does not use a longitudinal study design, relying rather on retrospective recall to assess product use pathways. Additionally, a check-all-that-apply format question was used to assess current nicotine product use; this question format may result in higher rates of satisficing, in that some people stop before attending to



all response categories, which could result in an underestimate of prevalence estimates (Delnevo, Gundersen, Manderski, Giovenco, & Giovino, 2017). The questionnaire did not assess age of first use, and all data are subject to the limitations of self-report. However, as the population of interest was 18 to 23-year-olds, the time elapsed from first product used to survey administration was relatively short, as college students are temporally closer to their time of first use compared to the general adult population.

## Conclusions

Our findings suggest hookah users are less likely to be multi-product users compared to combustible cigarette and e-cigarette users. One-quarter of nicotine product users initiated with hookah. Further, this effort is the first to report that half of never users of combustible cigarettes initiated nicotine product use with hookah, suggesting a growing interest in non-traditional nicotine products among the youth/young adult demographic. Prevention efforts should be multi-faceted to encompass the wide range of products available to youth; understanding what product(s) youth try first will focus these efforts. There is a need to assess first nicotine product tried in nationally representative samples and for the longitudinal tracking of nicotine product use among young adults. While related variables, such as age at first try, age of first regular use, and whether the first product tried was flavored are important constructs, querying which product came first may be the more precise survey measure. Cohort studies will allow for better understanding of temporal relationships in product use.

## Declaration of interest

Other than Dr. Mahoney, the other co-authors have no financial interest in this study and no conflicts of interests to disclose. Dr. Mahoney has previously served as a consultant to Pfizer regarding Chantix® and the topic of smoking cessation, has received peer-reviewed research funding from Pfizer's Global Research Award for Nicotine Dependence (GRAND), has conducted smoking cessation clinical trials, and has served as a paid expert witness in litigation against the tobacco industry; he also currently serves as the Medical Director for the NYS Smokers Quitline.

## Ethics approval

The ethics approval is via SUNY University at Buffalo Social and Behavioral Sciences IRB (SBSIRB), IRB #IRB00003128.

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# Measurement and predictive value of susceptibility to cigarettes, e-cigarettes, cigars, and hookah among Texas adolescents

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## ABSTRACT

Susceptibility to cigarette smoking, defined as the lack of a firm commitment not to smoke in the future, begins in childhood and is a phase in the transition from never to ever use of cigarettes. While a consistent and validated predictor of cigarette use, little research has assessed whether the susceptibility construct applies equally well across other tobacco products. Baseline data were collected in 2014–2015 from a representative sample of ( $n = 2844$ ) middle and high school students in five counties surrounding the four largest cities in Texas, (49% female and mean age 13.13 years, with subsequent waves at 6, 12, and 18 months. Confirmatory factor analysis examined the appropriateness of a three-item susceptibility measure (product-specific curiosity, intention to use, and peer influence) across product types and ethnic groups (Hispanic versus non-Hispanic). Logistic regression examined whether product specific susceptibility at baseline predicted future product initiation. At baseline, 11.5%, 17.0%, 17.4% and 29.4%, of adolescent never users were susceptible to cigars, cigarettes, hookah and e-cigarettes, respectively; significantly more Hispanic than non-Hispanic adolescents were susceptible to e-cigarettes (32.4% versus 26%,  $p < 0.01$ ) and cigarettes (19.9% versus 13.9%,  $p < 0.05$ ). Product-specific items were significantly and consistently associated with the respective underlying susceptibility product construct and across ethnic groups ( $p < 0.001$  for all). Susceptibility to e-cigarettes (AOR = 2.28–6.64) or any combustible product (cigarettes, hookah, cigars; AOR = 3.38–5.20) significantly predicted subsequent ever use. This study confirms the appropriateness of the susceptibility construct across four tobacco product types and ethnic groups, and the utility of susceptibility in predicting future product use among adolescents.

## 1. Introduction

Use of conventional tobacco products, like cigarettes and cigars, has decreased in recent years among adolescents, while use of tobacco products, like e-cigarettes and hookah, continues to increase (Singh et al., 2016). These trends and the growing popularity of specific products call for identifying risk factors that predict product use initiation. Numerous studies have demonstrated susceptibility to cigarettes among never smoking adolescents is associated with increased risk of experimentation with cigarettes and becoming an established smoker (Jackson, 1998; Jackson & Dickinson, 2004; Nodora et al., 2014; Pierce, Choi, Gilpin, Farkas, & Merritt, 1996; Pierce, Distefan, Kaplan, & Gilpin, 2005; Spelman et al., 2009; Strong et al., 2015; Unger, Johnson, Stoddard, Nezami, & Chou, 1997). Limited research suggests that susceptibility to e-cigarettes or hookah independently predicts future e-cigarette (Bold, Kong, Cavallo, Camenga, & Krishnan-Sarin, 2017) or hookah use (Lipkus, Reboussin, Wolfson, & Sutfin, 2015), respectively, and that susceptibility to cigarettes predicts future e-cigarette and cigar use (Cole, Kennedy, Chaurasia, & Leatherdale, 2017). Still, few studies have examined product-specific susceptibility measures in predicting future use of products other than cigarettes.

Susceptibility, which reflects the lack of a firm commitment not to

use tobacco products in the future, is a critical construct, predictive of tobacco use and amenable to intervention. Research examining the initial susceptibility construct based on behavioral intentions, peer influence, and self-efficacy (Pierce et al., 1996) demonstrated that comprehensive community anti-smoking media programs, are effective in altering and suppressing adolescents' susceptibility to smoking (Meshack et al., 2004). A revised measure of the susceptibility construct, which incorporated curiosity with behavioral intentions and peer influence, demonstrated little loss in internal consistency, but a reduction in predictive validity and accuracy (Pierce et al., 2005). To date, a few studies have assessed whether the original susceptibility to cigarettes construct (Pierce et al., 1996) also can be adapted to measure susceptibility to other products, like e-cigarettes, hookah, and cigars (e.g., Bold et al., 2017; Lechner et al., 2018), and none have examined the susceptibility construct that includes curiosity. Yet, recent survey data suggest that the most common reason for adolescents to try e-cigarettes is out of curiosity (Kong, Morean, Cavallo, Camenga, & Krishnan-Sarin, 2015; Patrick et al., 2016). Thus, utilizing a susceptibility construct that includes curiosity might be particularly useful to our understanding of susceptibility to non-cigarette tobacco products.

Additionally, no studies have assessed whether the susceptibility construct (Pierce et al., 2005) functions equally across ethnic groups.

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**Table 1**

Demographics and susceptibility to e-cigarettes and combustible tobacco products among Hispanic and non-Hispanic never users at baseline, TATAMS ( $n = 2844$ ;  $N = 318,097$ ).

Variable	Hispanic	Non-Hispanic	Total
	% (95% CI)	% (95% CI)	% (95% CI)
<b>Sex</b>			
Female	47.7 (41.1–54.5)	50.3 (45.1–55.5)	49.0 (43.7–54.3)
Male	52.3 (45.5–58.9)	49.7 (44.5–54.9)	51.0 (45.7–56.3)
<b>Grade</b>			
6	39.8 (28.4–52.5)	36.6 (23.6–52.0)	38.3 (26.9–51.1)
8	35.3 (24.4–48.0)	34.4 (20.2–51.9)	34.9 (23.7–47.9)
10	24.9 (15.1–38.3)	29.0 (18.4–42.7)	26.9 (17.7–38.6)
<b>Age (mean, SE)</b>	13.14 (0.19)	13.12 (0.19)	13.13 (0.17)
<b>Family SES</b>			**
High	15.8 (12.9–19.3)	25.2 (18.7–33.0)	20.3 (16.2–25.1)
Middle	64.4 (61.2–67.5)	61.6 (56.2–66.7)	63.1 (60.2–65.9)
Low	19.8 (16.8–23.2)	13.2 (10.1–17.2)	16.6 (14.1–19.6)
<b>Susceptibility to e-cigarettes items<sup>a</sup></b>			
Have you ever been curious about smoking/using e-cigarettes?	26.9 (23.5–30.7)	22.2 (19.0–25.9)	24.7 (21.9–27.7)*
Do you think you will use e-cigarettes in the next 12 months?	10.5 (8.3–13.1)	8.0 (6.1–10.4)	9.3 (7.6–11.3)
If one of your close friends were to offer you an e-cigarette, would you use it?	17.9 (15.1–21.1)	13.0 (10.7–15.6)	15.6 (13.6–17.7)*
<b>Susceptibility to e-cigarettes (derived)<sup>b</sup></b>	32.4 (28.7–36.3)	26.0 (22.3–30.1)	29.4 (26.2–32.7)**
<b>Susceptibility to cigars (large cigars, cigarillos, and little filtered cigars) items<sup>a</sup></b>			
Have you ever been curious about smoking/using cigars?	7.6 (5.6–10.3)	7.0 (5.3–9.0)	7.3 (6.0–8.8)
Do you think you will use cigars in the next 12 months?	4.3 (2.8–6.5)	3.2 (2.2–4.6)	3.8 (2.8–5.0)
If one of your close friends were to offer you a cigar, would you use it?	7.4 (5.0–10.8)	4.5 (3.2–6.2)	6.0 (4.6–7.8)
<b>Susceptibility to cigars (derived)<sup>b</sup></b>	12.8 (9.7–16.7)	10.2 (7.9–13.0)	11.5 (9.5–13.9)
<b>Susceptibility to hookah items<sup>a</sup></b>			
Have you ever been curious about smoking/using hookah?	14.7 (11.8–18.2)	12.5 (9.6–16.2)	13.7 (11.3–16.4)
Do you think you will use hookah in the next 12 months?	6.9 (5.0–9.4)	5.3 (3.6–7.6)	6.1 (4.6–8.1)
If one of your close friends were to offer you hookah, would you use it?	9.8 (7.6–12.6)	7.8 (5.8–10.5)	8.9 (7.2–10.9)
<b>Susceptibility to hookah (derived)<sup>b</sup></b>	18.8 (15.2–23.1)	15.7 (12.1–20.2)	17.4 (14.6–20.6)
<b>Susceptibility to cigarettes items<sup>a</sup></b>			
Have you ever been curious about smoking/using cigarettes?	13.3 (10.8–16.4)	10.0 (8.3–12.1)	11.8 (10.1–13.7)*
Do you think you will use cigarettes in the next 12 months?	5.1 (3.4–7.4)	3.9 (2.8–5.4)	4.5 (3.5–5.8)
If one of your close friends were to offer you cigarettes, would you use it?	8.4 (5.8–12.0)	6.2 (4.6–8.2)	7.3 (5.7–9.3)
<b>Susceptibility to cigarettes (derived)<sup>b</sup></b>	19.9 (15.6–25.0)	13.9 (11.5–16.7)	17.0 (14.4–20.0)*
<b>Susceptibility to any combustible tobacco product (derived)<sup>b</sup></b>	29.1 (24.5–34.1)	22.9 (18.8–27.7)	26.2 (22.7–29.9)*

Note: CI = confidence interval, SE = standard error. All frequencies and means are weighted to account for complex survey design. Never users represent adolescents who have never used any of the four product types.  $n$  represents the observed sample size,  $N$  represents the weighted sample size. “Any combustible” includes cigarettes, cigars, and hookah. \* $p < 0.05$ , \*\* $p < 0.01$  for Chi-square test of Hispanic versus non-Hispanic across categories of the item.

<sup>a</sup> For set of items, % (95% CI) represents the proportion of adolescents who said anything other than “not at all curious” to the first item and “definitely not” to the second two items.

<sup>b</sup> For items, % (95% CI) represents the proportion of adolescents classified as susceptible.

Hispanic adolescents who have never smoked report greater intentions to smoke cigarettes in the future compared to white peers (Bunnell et al., 2015) and greater curiosity about e-cigarettes (Margolis, Nguyen, Slavitt, & King, 2016). In addition, Hispanic adolescents are more susceptible to cigarettes (Fulmer et al., 2015; Gritz et al., 2003), e-cigarettes (Singh et al., 2016; U.S. Department of Health and Human Services, 2016), and hookah (Trinidad et al., 2017), compared to non-Hispanic white adolescents. This is a concern because comparatively, Hispanics are the youngest ethnic group in the nation, with a large proportion of the Hispanic population (roughly a third) being under the age of 18 years (Patten, 2016), and Hispanic youth report a higher prevalence of e-cigarette use in middle school in the past 30 days compared to non-Hispanic youth of all races (Singh et al., 2016). Considering existing tobacco-related health disparities (Centers for Disease Control and Prevention, 2018) and the expected near doubling of the Hispanic population over the next 30 years (Krogstad, 2014), it is important to determine whether constructs predicting future use, like susceptibility, are applicable across ethnic groups. Such information can inform the development of culturally sensitive interventions and communication campaigns designed to reduce susceptibility and ultimately product use.

The goal of this study was to evaluate the utility of a three-item susceptibility construct adapted from Pierce et al. (2005), assessing curiosity, intention to use, and peer influence, in measuring susceptibility at baseline to four products (e-cigarettes, hookah, cigars, and

cigarettes) and in predicting future initiation of these products among Hispanic and non-Hispanic adolescent never users in grades 6, 8, and 10 in Texas. We hypothesized the measurement of susceptibility would apply equally across products, and each product-specific susceptibility construct would predict future use of each product. We also hypothesized the measurement of susceptibility constructs for each product would apply equally across Hispanic and non-Hispanic subgroups, though prevalence of susceptibility to each product may be higher for Hispanic adolescents.

## 2. Methods

### 2.1. Study design and participants

The Texas Adolescent Tobacco and Marketing Surveillance system (TATAMS) is a rapid response surveillance system that follows three population-based cohorts of adolescents, to represent developmental changes in tobacco use behaviors. A complex probability design was used to recruit 3907 students ( $n$ ) in 79 middle and high schools in 4 major metropolitan areas of Texas (Austin, San Antonio, Dallas-Ft. Worth, & Houston); when sampling weights are applied in statistical data analyses, results are representative of 461,069 ( $N$ ) students who were enrolled in the 6th, 8th, and 10th grades in 1969 middle and high schools in these cities during the 2014–15 academic year. Further details about TATAMS' sampling methods and recruitment are described



elsewhere in Pérez et al. (2017). Active parental consent was obtained for all surveys, for all students.

Baseline data were collected during the 2014–2015 academic year from 3907 students via web-based surveys administered on tablets in the classroom, with three follow-up data collection periods occurring 6, 12, and 18 months after baseline via similarly formatted web-based surveys administered outside the classroom. At 6 months 64% were retained, at 12 months 70% were retained, and at 18 months 74% were retained. These retention rates are comparable to other cohorts nationwide with similar data collection schedules and incentive structures (Cantrell et al., 2018). Survey items were adapted from valid and reliable measures used for state and national tobacco surveillance, like the Population Assessment of Tobacco and Health (PATH) study (Hyland et al., 2017); cognitive interviewing among students, aged 11–18, assessed the reliability and content validity of all survey questions. The final survey included over 340 items assessing socio-demographic factors, tobacco use behaviors, cognitive and affective factors, and exposure to tobacco marketing. The median number of questions received by students was 137, with an average administration time of 45 minutes. The majority of students (58.1%) answered all items, and 92% of students answered 96% or more of the items (Delk, Harrell, Fakhouri, Muir, & Perry, 2017). Active consent from parents/guardians and assent from students were obtained for all data collection waves. TATAMS was approved by the University of Texas Health Science Center at Houston Institutional Review Board (HSC-SPH-13-0377).

The population for this study was limited to 2844 adolescents, or 72.8% of those enrolled at baseline, classified as never users of any product at baseline (i.e., a never user of e-cigarettes, cigars, hookah, and cigarettes) with complete data on all sociodemographic variables. Sampling weights were utilized, allowing the study population to be representative of 318,097 students enrolled in 6th, 8th, and 10th grades at baseline in these five Texas counties. As can be seen in Table 1, at baseline, sex was equally distributed (51% male), 38.3% of adolescents were in grade 6, and mean age was 13.13 (SE = 0.17). Most adolescents had a middle range family socioeconomic status (SES) (63.1%). Hispanic adolescents represented 52.4% of the study population. Of note, the Hispanic ( $n = 1430$ ) and non-Hispanic ( $n = 1414$ ) youth included in this analysis did not differ in terms of susceptibility to any of the four products examined to those excluded from the analysis due to missing covariates ( $p < 0.05$  for all; data not shown).

## 2.2. Measures

### 2.2.1. Susceptibility

Susceptibility to four product classes was examined among never users of any product: 1) e-cigarettes, 2) cigars (large cigars, cigarillos, and little filtered cigars), 3) hookah, and 4) cigarettes. Susceptibility to each product was assessed by three items asking, “Have you ever been curious about smoking/using [this product]?”, “Do you think you will use [this product] in the next 12 months?”, and “If one of your close friends were to offer you [this product], would you use it?” Response options included “Not at all curious,” “A little curious,” “Somewhat curious,” or “Very curious” for the first item and “Definitely not,” “Probably not,” “Probably yes,” or “Definitely yes” for the other two items. These items are adapted from a four item measure that has demonstrated good internal consistency in prior studies ( $\alpha = 0.74$ ) (Pierce et al., 2005) and is a strong predictor of future cigarette experimentation (Pierce et al., 1996, 2005).

Adolescents were categorized as non-susceptible to each individual item if they responded “Not at all curious” or “Definitely not,” with any other response categorized as susceptible. Derived susceptibility variables were created for each product, with individuals who were non-susceptible to all three items categorized as non-susceptible, those who were susceptible to one or more items categorized as susceptible, and those who were missing on any item labeled as missing. Susceptibility to any combustible product was derived based on susceptibility to

cigars, hookah, and cigarettes, with individuals who were non-susceptible to all three products categorized as non-susceptible, those who were susceptible to one or more products categorized as susceptible, and those who were missing on susceptibility variables for all three products labeled as missing.

### 2.2.2. Ever use

E-cigarette, cigar, hookah, and cigarette ever use were measured at 6, 12, and 18 months by one item each asking, “Have you ever smoked/used [this product], even one or two puffs?” with “Yes” responses classified as ever users of each product and “No” responses classified as never users. Ever use of any combustible product was measured based on whether adolescents were classified as ever users of any of the three combustible products (cigars, hookah, or cigarettes).

### 2.2.3. Covariates

Covariates included sex (male or female), grade level (6, 8, or 10), age (range: 10–18 years), ethnicity, and family SES. Ethnicity was dichotomized as Hispanic versus non-Hispanic, which includes non-Hispanic adolescents of white, black, and other races. Family SES was measured by one item asking, “In terms of income, what best describes your family's standard of living in the home where you live most of the time?” with response options categorized as high (“very well off”), middle (“living comfortably”), and low (“just getting by,” “nearly poor,” and “poor”) (Gore, Aseltine Jr., & Colten, 1992; Romero, Cuéllar, & Roberts, 2000; Springer, Selwyn, & Kelder, 2006).

## 2.3. Analyses

The distribution of demographic and susceptibility measures across the total study population and by ethnicity were examined, and Chi-square tests assessed statistically significant differences between Hispanic and non-Hispanic adolescents across categories of these items.

Confirmatory factor analysis (CFA) assessed the fit of the three-item susceptibility construct for each of the four products among the total population and by ethnicity, using a robust weighted least squares approach with mean and variance adjusted estimation. CFA models were evaluated based on significance and size of model parameter estimates, and overall goodness-of-fit parameters, including the root mean square error of approximation (RMSEA, values  $< 0.06$  indicate good fit), the comparative fit index (CFI, values  $> 0.95$  indicate good fit), the Tucker-Lewis index (TLI, values  $> 0.95$  indicate good fit), and the weighted root mean square residual (WRMR, values  $< 1.0$  indicate good fit) (Hu & Bentler, 1999; Yu, 2002).

Following confirmation that each susceptibility construct fit appropriately across products and ethnicities, the predictive value of each derived susceptibility variable on future use of each product was examined at 6, 12, and 18 months among the total population and by ethnicity using Chi-square tests. Due to low numbers of ever users of combustible products, ever use of cigars, hookah, and cigarettes were combined as ever use of any combustible product, and logistic regression models examined the effect of susceptibility to e-cigarettes and any combustible product, separately, at baseline on ever use of these products at follow-up, adjusted for sex, age, family SES, and ethnicity.

All analyses were conducted using Stata 14.0 (College Station, TX) and Mplus Version 7 (Los Angeles, CA), utilizing complete case analysis of never users of any product at baseline. Analyses also incorporated sampling weights and considered clustering within school districts and stratification of schools based on proximity to point of sale tobacco outlets to account for complex design (Pérez et al., 2017).

## 3. Results

### 3.1. Descriptive statistics

At baseline (Table 1), the most commonly endorsed susceptibility



item across products was curiosity (24.7% for e-cigarettes, 13.7% for hookah, 11.8% for cigarettes, and 7.3% for cigars), while the least commonly endorsed item was intention to use (9.3% for e-cigarettes, 6.1% for hookah, 4.5% for cigarettes, and 3.8% for cigars). Based on derived susceptibility variables, 29.4% of adolescents were susceptible to e-cigarettes, 17.4% susceptible to hookah, 17.0% susceptible to cigarettes, and 11.5% susceptible to cigars; 26.2% were susceptible to any combustible product (hookah, cigarettes, or cigars).

Significant differences between Hispanic and non-Hispanic adolescents were observed for family SES, e-cigarette susceptibility, cigarette susceptibility, and susceptibility to any combustible product. For e-cigarette susceptibility, Hispanic adolescents, compared to non-Hispanic adolescents, endorsed curiosity (26.9% versus 22.2%) and peer influence (17.9% versus 13.0%) items more often and had a higher prevalence of being susceptible (32.4% versus 26.0%). For cigarette susceptibility, Hispanic adolescents, compared to non-Hispanic adolescents, endorsed curiosity more often (13.3% versus 10.0%) and had a higher prevalence of being susceptible (19.9% versus 13.9%). Hispanic adolescents had a higher prevalence of being susceptible to any combustible product (29.1%) compared to non-Hispanic adolescents (22.9%).

### 3.2. Confirmatory factor analysis

For the CFA among the total population and by Hispanic and non-Hispanic ethnicity (Table 2), parameter estimates for each item (curiosity, intention to use, and peer influence) were significant ( $p < 0.001$ ) and displayed large loadings onto product specific susceptibility latent factors. Goodness-of-fit statistics suggested each susceptibility model was an appropriate fit to the data (RMSEA  $< 0.06$ , CFI  $> 0.95$ , TLI  $> 0.95$ , WRMR  $< 1.0$  for all) among the total population and Hispanic and non-Hispanic groups specifically.

Among the total population, peer influence displayed the largest factor loading for e-cigarette susceptibility ( $\beta = 0.980$ , SE = 0.029), cigarette susceptibility ( $\beta = 0.904$ , SE = 0.055), and hookah susceptibility ( $\beta = 0.951$ , SE = 0.025), while intention to use displayed the largest factor loading for cigar susceptibility ( $\beta = 0.928$ , SE = 0.042). Curiosity displayed the lowest loading for all susceptibility constructs among the total population ( $\beta = 0.802$ , SE = 0.036 for e-cigarettes;  $\beta = 0.644$ , SE = 0.070 for cigarettes;  $\beta = 0.818$ , SE = 0.043 for hookah;  $\beta = 0.755$ , SE = 0.052 for cigars).

Results were consistent overall when examining each construct

among Hispanic and non-Hispanic groups, with two exceptions. Among Hispanic adolescents only, intention to use displayed the largest factor loading ( $\beta = 0.888$ , SE = 0.090) for cigarette susceptibility, while peer influence displayed the largest factor loading ( $\beta = 0.931$ , SE = 0.070) for cigar susceptibility. Additional tests to examine differences in the measurement of each product specific construct when ethnicity is included in the model, ethnicity was significant to the measurement of susceptibility to e-cigarettes, but not to the measurement of susceptibility to other products (results not shown). However, the overall model fit, as well as factor loadings and the significance of each susceptibility item, remained consistent with e-cigarette models presented in Table 2.

### 3.3. Predictive validity

Among the total population, there were significant differences in ever use at 6, 12, and 18 months based on susceptibility status at baseline for e-cigarettes, cigarettes, hookah, and any combustible product (Fig. 1). Specifically, 6.3% of adolescents susceptible to e-cigarettes at baseline used e-cigarettes at 6 months, 11.3% at 12 months, and 13.8% at 18 months, versus 0.9%, 2.1%, and 4.6% of non-susceptible adolescents, respectively ( $p < 0.05$  for all). Of those susceptible to cigarettes at baseline, 2.6% used cigarettes at 6 months, 6.6% at 12 months, and 9.4% at 18 months, versus 0.7%, 1.5%, and 2.8% of non-susceptible adolescents, respectively ( $p < 0.05$  for all). Of those susceptible to hookah at baseline, 1.3% used hookah at 6 months, 2.7% at 12 months, and 3.8% at 18 months, versus 0%, 0.2%, and 0.4% of non-susceptible adolescents, respectively ( $p < 0.05$  for all). Among adolescents susceptible to any combustible product at baseline, 3.7% used any combustible product at 6 months, 7.4% at 12 months, and 12.3% at 18 months, versus 0.7%, 1.7%, and 3.5% of non-susceptible adolescents, respectively ( $p < 0.05$  for all). There were no significant differences in cigar ever use at any time point based on susceptibility to cigars at baseline.

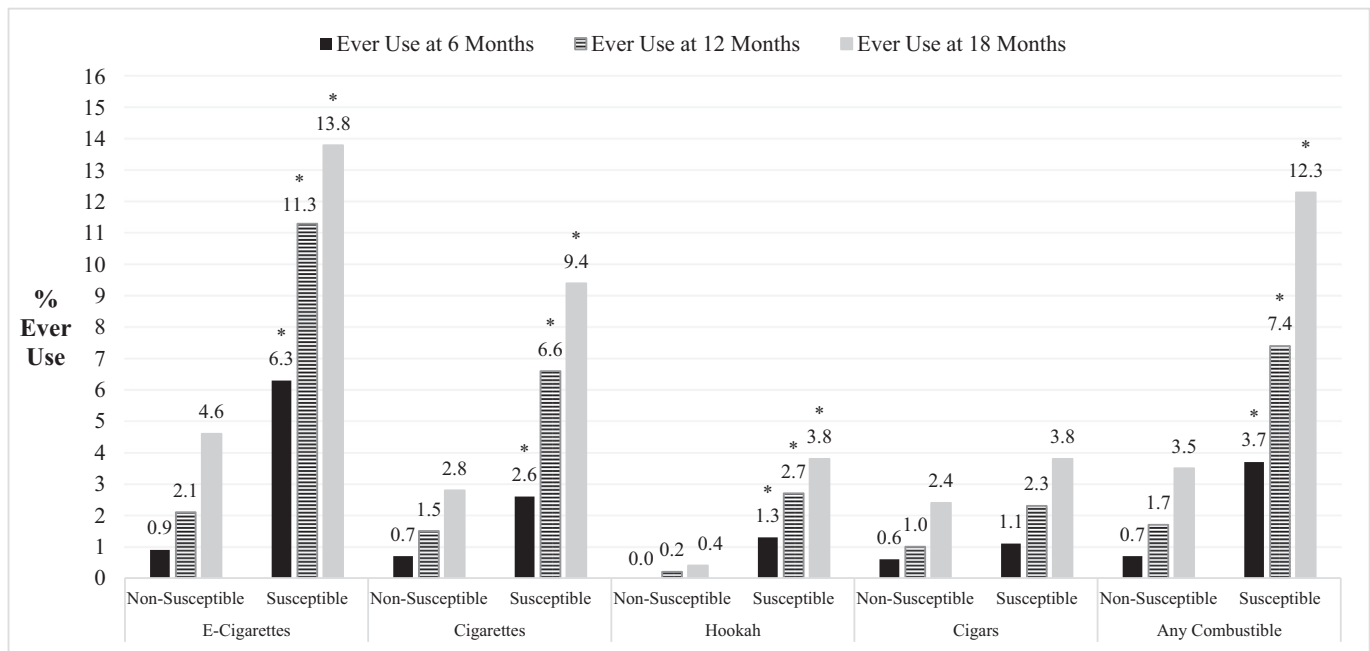
When ethnicity was considered as a potential effect modifier of these relationships, few differences were noted. Among Hispanic adolescents, there were no significant differences in cigarette ever use at 6 months based on susceptibility to cigarettes at baseline; significant differences in ever use only emerged at 12 and 18 months ( $p < 0.05$  for both). Among non-Hispanic adolescents, there were significant differences in cigar ever use at 12 and 18 months based on susceptibility to cigars at baseline, with 4.2% of susceptible adolescents using at

**Table 2**

Confirmatory factor analysis of susceptibility items for each product, total population and by ethnicity among never users at baseline, TATAMS ( $n = 2844$ ;  $N = 318,097$ ).

Susceptibility constructs	Total			Hispanic			Non-Hispanic		
	Factor loading	S.E.	p-Value	Factor loading	S.E.	p-Value	Factor loading	S.E.	p-Value
<b>E-cigarettes</b>									
Curiosity	0.802	0.036	$< 0.001$	0.781	0.050	$< 0.001$	0.824	0.041	$< 0.001$
Intention	0.865	0.029	$< 0.001$	0.825	0.049	$< 0.001$	0.914	0.026	$< 0.001$
Friends	0.980	0.029	$< 0.001$	1.000	0.041	$< 0.001$	0.958	0.031	$< 0.001$
<b>Cigarettes</b>									
Curiosity	0.644	0.070	$< 0.001$	0.565	0.111	$< 0.001$	0.735	0.079	$< 0.001$
Intention	0.856	0.054	$< 0.001$	0.888	0.090	$< 0.001$	0.831	0.054	$< 0.001$
Friends	0.904	0.055	$< 0.001$	0.858	0.072	$< 0.001$	0.948	0.073	$< 0.001$
<b>Hookah</b>									
Curiosity	0.818	0.043	$< 0.001$	0.792	0.071	$< 0.001$	0.854	0.053	$< 0.001$
Intention	0.934	0.024	$< 0.001$	0.949	0.032	$< 0.001$	0.912	0.031	$< 0.001$
Friends	0.951	0.025	$< 0.001$	0.959	0.033	$< 0.001$	0.935	0.034	$< 0.001$
<b>Cigars</b>									
Curiosity	0.755	0.052	$< 0.001$	0.728	0.076	$< 0.001$	0.796	0.052	$< 0.001$
Intention	0.928	0.042	$< 0.001$	0.909	0.064	$< 0.001$	0.943	0.045	$< 0.001$
Friends	0.897	0.049	$< 0.001$	0.931	0.070	$< 0.001$	0.858	0.066	$< 0.001$

Note: SE = standard error. Cigars include large cigars, cigarillos, and little filtered cigars. Factor loadings for each confirmatory factor analysis model are a measure of how well each specific item loads onto the respective factor (i.e., susceptibility construct), ranging from 0 (poor association) to 1 (strong association).



**Fig. 1.** Comparison of susceptibility at baseline among never users and subsequent ever use of each product at 6, 12, and 18 months. *Note:* \* indicates  $p < 0.05$  for the Chi-square test of group differences in ever use of each specific product at each time point by susceptibility status for each specific product at baseline.

12 months and 5.9% at 18 months, versus 0.9% and 1.7% of non-susceptible adolescents, respectively ( $p < 0.05$  for both).

In the adjusted logistic regression models (Table 3) examining the association between susceptibility and ever use at 6, 12, and 18 months for e-cigarettes, age was the only covariate significantly associated with ever use at any time point. Each year increase in age was associated with 1.46 (95% CI: 1.17–1.82), 1.55 (95% CI: 1.31–1.84), and 1.33 (95% CI: 1.08–1.64) times higher odds of e-cigarette ever use at 6, 12, and 18 months, respectively. Similarly, susceptibility to e-cigarettes significantly predicted ever use across time points, with susceptible adolescents having 6.64 (95% CI: 3.39–13.00), 5.01 (95% CI: 2.69–9.34), and 2.88 (95% CI: 1.66–4.97) times higher odds of e-cigarette ever use at 6, 12, and 18 months, respectively, compared to non-susceptible adolescents.

For models considering any combustible product, age was significantly associated with ever use, with each year increase in age being associated with 1.33 (95% CI: 1.09–1.62) and 1.34 (95% CI: 1.16–1.54)

times higher odds of ever use of any combustible product at 12 and 18 months, respectively. Similarly, susceptibility to any combustible product significantly predicted ever use at all time points, with susceptible adolescents having 5.20 (95% CI: 1.92–14.07), 3.89 (95% CI: 2.17–6.95), and 3.38 (95% CI: 2.03–5.62) times higher odds of ever use of any combustible product at 6, 12, and 18 months, respectively, compared to non-susceptible adolescents. There were no significant interactions between ethnicity and susceptibility to e-cigarettes or any combustible product at any time point.

#### 4. Discussion

Among this population of Texas adolescents, we observed the three-item susceptibility measure adapted from Pierce et al. (2005) was robust across tobacco products and ethnic groups. Consistent with our first hypothesis and past research examining susceptibility in the context of cigarettes (Nodora et al., 2014; Pierce et al., 1996, 2005), we

**Table 3**

Adjusted logistic regression of susceptibility to each product at baseline on ever use at 6 months, 12 months, and 18 months among never users at baseline ( $n = 2844$ ;  $N = 318,097$  at baseline).

Variable		Ever use at 6 months			Ever use at 12 months			Ever use at 18 months		
		OR	95% CI	p-Value	OR	95% CI	p-Value	OR	95% CI	p-Value
<b>E-cigarettes</b>										
Sex (ref: female)	Male	1.30	0.61–2.76	0.488	1.08	0.73–1.61	0.700	1.31	0.88–1.96	0.185
Age		1.46	1.17–1.82	0.001	1.55	1.31–1.84	< 0.001	1.33	1.08–1.64	0.008
Family SES (ref: middle)	High	1.65	0.55–4.98	0.368	1.00	0.45–2.20	0.993	1.24	0.63–2.44	0.521
	Low	0.64	0.22–1.89	0.412	0.45	0.18–1.12	0.085	0.83	0.33–2.07	0.682
Ethnicity (ref: non-Hispanic)	Hispanic	1.29	0.60–2.76	0.599	0.99	0.60–1.63	0.966	0.93	0.60–1.44	0.740
Susceptible to e-cigarettes (ref: no)	Yes	6.64	3.39–13.00	< 0.001	5.01	2.69–9.34	< 0.001	2.88	1.66–4.97	< 0.001
<b>Any combustible product</b>										
Sex (ref: female)	Male	0.85	0.33–2.15	0.725	0.97	0.50–1.89	0.920	1.05	0.59–1.87	0.867
Age		1.18	0.88–1.59	0.267	1.33	1.09–1.62	0.005	1.34	1.16–1.54	< 0.001
Family SES (ref: middle)	High	0.54	0.10–2.81	0.458	1.17	0.58–2.38	0.662	1.30	0.74–2.26	0.356
	Low	1.08	0.29–4.03	0.904	1.21	0.49–3.03	0.673	1.19	0.59–2.43	0.620
Ethnicity (ref: non-Hispanic)	Hispanic	0.74	0.27–2.14	0.575	0.97	0.48–1.95	0.930	0.99	0.61–1.63	0.983
Susceptible to any combustible (ref: no)	Yes	5.20	1.92–14.07	0.001	3.89	2.17–6.95	< 0.001	3.38	2.03–5.62	< 0.001

*Note:* OR = odds ratio, CI = confidence interval, SES = socioeconomic status. “Any combustible” includes cigarettes, cigars, and hookah.

confirmed curiosity, intention to use, and peer influence are significant and appropriate items to consider in measuring susceptibility to e-cigarettes, cigarettes, hookah, and cigars among this adolescent population. Across products, we observed minor differences in the strength of each item. Specifically, curiosity had the weakest relationship with the underlying susceptibility construct across all products, peer influence had the strongest relationship with susceptibility to e-cigarettes, cigarettes, and hookah, and future intentions had the strongest relationship with susceptibility to cigars. While all three factors may be influential in determining adolescent susceptibility to tobacco products, intervention efforts to alter susceptibility may need to be tailored by product.

We observed almost 30% of adolescents were susceptible to e-cigarettes at baseline, a prevalence nearly double that of each individual combustible product. Adolescents may be more susceptible to e-cigarettes than other products, and more research is needed to investigate factors driving increased susceptibility, like the appeal of flavors (Ambrose et al., 2015) or increased television and digital media marketing (Duke et al., 2014; Mantey, Cooper, Clendennen, Pasch, & Perry, 2016; Pierce et al., 2017). As expected, we observed susceptibility to e-cigarettes and combustible products predicts product use at time points 6, 12, and 18 months in the future. This is consistent with previous research (Bold et al., 2017; Cole et al., 2017; Jackson, 1998; Jackson & Dickinson, 2004; Nodora et al., 2014; Pierce et al., 1996, 2005; Spelman et al., 2009; Strong et al., 2015; Unger et al., 1997) and suggests targeting and lessening susceptibility through intervention efforts remains a significant factor in preventing initiation of multiple forms of product use among adolescents.

Of note, the declining magnitude of the odds ratios predicting initiation from any combustible product over time was not statistically different from each other, based on a comparison of their 95% confidence intervals. In contrast, the declining odds ratios for susceptibility to e-cigarette use over time show a significant drop in influence on ever use at 18 months from susceptibility assessed at baseline. This suggests that by 18 months when compared to 6 and 12 months, other factors exert a stronger influence on experimentation relative to susceptibility status assessed 18 months earlier. In turn, this suggests that assessing susceptibility to e-cigarettes more frequently may be necessary to inform the development of targeted long-term interventions, as is identification of other factors that may be proximally related to e-cigarette use.

Congruous with our second hypothesis, we found the measurement of each susceptibility construct across products applied equally well across ethnic groups. Results among groups were consistent with the entire population, with minor differences. Among Hispanic adolescents, intention to use had the strongest relationship with susceptibility to cigarettes, while peer influence had the strongest relationship among non-Hispanic adolescents. In contrast, peer influence had the strongest relationship with susceptibility to cigars among Hispanic adolescents, while intention to use had the strongest relationship among non-Hispanic adolescents. Additionally, ethnicity was significant to the measurement of susceptibility to e-cigarettes as a whole; the differences in the model when considering ethnicity suggest that while the measurement of susceptibility to e-cigarettes is valid across ethnic groups, the meaning of the construct may vary slightly depending on ethnicity. Thus, while it is appropriate to utilize the same susceptibility measure across ethnic groups, specific influences may be more relevant to predicting susceptibility for Hispanics vs. non-Hispanics depending on product type, and specifically, susceptibility to e-cigarettes should be considered separately by ethnicity.

While we expected Hispanic adolescents would have a higher prevalence of susceptibility to each product than non-Hispanic adolescents, this was observed only for e-cigarettes and cigarettes, with curiosity about these products endorsed more often among Hispanic adolescents. This is consistent with previous research (Margolis et al., 2016), and notable, as curiosity predicts future experimentation with smoking

independent of susceptibility (Pierce et al., 2005), warranting further examination of factors leading Hispanic adolescents to be more curious about these products. Despite a higher reported prevalence of susceptibility to e-cigarettes and cigarettes among Hispanic adolescents, no significant interactions were observed between ethnicity and susceptibility in predicting future use. Although more Hispanic adolescents are susceptible to e-cigarettes and cigarettes than their non-Hispanic peers (and Hispanic adolescents endorse curiosity about products more than non-Hispanic peers), the relationship between the measure of susceptibility itself and ever use of e-cigarettes and cigarettes is consistent across ethnic groups. This suggests that tailoring interventions designed to ameliorate susceptibility among Hispanics to address curiosity might be particularly useful.

#### 4.1. Strengths and limitations

One study limitation is the low prevalence of ever users at future time points for specific products, like hookah and cigars. This prevented examination of susceptibility to these products separately at baseline regarding future use; thus, we cannot draw conclusions about specific predictive validity of susceptibility to individual combustible products. Still, our examination of combustible products as a whole provides evidence for susceptibility as a predictor of product use among adolescents. Additionally, our three-item construct only includes a single measure of intentions to use tobacco in the future, rather than both measures originally considered by Pierce et al. (2005), which may limit the ability to make comparisons between our susceptibility measures and those used in other studies. Next, this study population is limited by geography, so findings may not be generalizable to adolescents outside Texas. Finally, despite utilizing measures adapted from established surveys (Hyland et al., 2017) and thorough cognitive testing, self-report of data may lead to response bias.

Despite limitations, this study is strengthened by the large, diverse population of Texas adolescents, which provided adequate power to examine specific associations across ethnic groups and products. The complex survey design and use of analyses accounting for sampling weights and clustering within schools yield results representative of the overall population of urban Texas adolescents in grades 6, 8, and 10. This study's longitudinal design and breadth of tobacco products allows for investigation of all products concurrently, within the same population and across time points, permitting temporal conclusions about the role of susceptibility on future initiation, and extending past research, which has yet to examine multiple product types longitudinally among the same cohort.

#### 4.2. Conclusions

Susceptibility is a key construct for predicting future initiation of tobacco; past research has examined its validity relevant to cigarettes, but not among contemporary adolescent populations and the changing landscape of tobacco products. This study confirms the appropriateness of the measurement of susceptibility (Pierce et al., 2005) across four products (e-cigarettes, hookah, cigars, and cigarettes) and ethnic groups (Hispanic versus non-Hispanic), and the utility of susceptibility in predicting future tobacco product use among adolescents. Implications for intervention and research emphasize the importance of susceptibility in predicting initiation of product use and the need to investigate factors influencing susceptibility to specific products, like e-cigarettes, especially among Hispanic adolescents.

#### Compliance with ethical standards

##### *Ethical approval*

TATAMS was approved by the University of Texas Health Science Center at Houston Institutional Review Board (HSC-SPH-13-0377). All

procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards. This article does not contain any studies with animals performed by any of the authors.

### Informed consent

Informed consent was obtained from all individual participants included in the study.

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### Contributors

FRC and EAC conducted the analysis. FRC led the writing and completed the initial draft. AVW and MBH conceptualized and supervised the analysis, and provided critical feedback. CLP provided critical feedback.

### Conflict of interest

The authors declare that they have no conflict of interest.

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## David Cutaia

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**From:** David Cutaia  
**Sent:** Tuesday, September 21, 2021 3:32 PM  
**To:** David Cutaia  
**Subject:** FW: Traditional Hookah Exemption Request

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**From:** George Jonson <[george@regalhookah.com](mailto:george@regalhookah.com)>  
**Sent:** Tuesday, September 21, 2021 12:51 PM  
**To:** Dawn Christensen <[dchristensen@cityofgoleta.org](mailto:dchristensen@cityofgoleta.org)>  
**Subject:** Fwd: Traditional Hookah Exemption Request

I tried to send this to [jkriaco@cityofgoleta.org](mailto:jkriaco@cityofgoleta.org) but it bounced back. Can you please see that Mayor Pro Tem gets this email before tonights vote?

Hello Mayor Pro-Tem Kriaco,

My name is Geroqe Jonson, I manufacture traditional wooden hookah pipes and am a founding member of National Hookah Community Association. I humbly request an exemption for traditional hookah tobacco in the proposed flavor ban using the language already vetted in SB793. If this flavor ban does not exempt Hookah it will fundamentally change how many Arab, Persian, Indian, Turk, and Indian people practice their cultural identity. Hookah tobacco for centuries has been preserved in honey or molasses and there is no non-flavored alternative. Restaurants and Hookah Lounges will lose a key component to the nightlife of our community. These hookah lounges serve as a community center for elders to socialize and sip tea. I do not think there are hookah lounges in Goleta, but there are many people who hail from these cultures that will no longer be able to purchase the supplies in your diverse community.

As Governor Gavin Newsom said in addressing the vaping epidemic in 2019, "Hookah is not the problem in classrooms" We are not vape and hookahs are much larger and require light charcoal to use it.

Exemptions of Hookah have been made in Ventura City, Los Angeles city, Irvine, Long Beach, Burbank, Glendale, West Hollywood, San Diego County, Ventura city, El Cajon, Napa, Encinitas and most notably on the state flavor ban that will be voted on in Nov of 2022. I suggest mirroring the language of SB793 as it strikes a balance of limiting access to places serving or selling shisha to 21 years of age or older but allowing the rich culture of hookah to continue.

I make myself available to you if you have any questions, please don't hesitate to ask.

History of Hookah 4 min video: <https://www.youtube.com/watch?v=9qlUH3hmvUc>

CA Senate Public Health hearing 1 min video; <https://www.youtube.com/watch?v=WSV4o522uK8>

Senator Hill explains the his exemption in SB793 1 min <https://www.youtube.com/watch?v=7TG1kBhtmG8>





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Best Regards,

George Jonson  
Owner Operator Regal Hookah, Co-founder Hookah Chamber of Commerce and National Hookah Community  
Association

[george@regalhookah.com](mailto:george@regalhookah.com) cell 760 213 9097