

MEDIA ADVISORY from the Office of State Senator Jerry Hill
News Conference 10 am Today, Wednesday, March 27, 2019, at State Capitol

Dozens of Teens Join Lawmakers, Doctors and Anti-Smoking Advocates to Urge Support for Statewide Ban of Flavored Tobacco Products

Authors and Supporters of Senate Bill 38 Hold News Conference Today in State Capitol

Senate Health Committee Holds First Hearing on SB 38

SACRAMENTO – State Senator Jerry Hill with Senators Steve Glazer, Anthony Portantino and Nancy Skinner, Assemblymembers Kevin McCarty, Jim Wood and Al Muratsuchi, physicians, teens and national health and anti-smoking advocates hold a news conference in the Capitol today to urge support for Senate Bill 38. The bill, coauthored by more than 18 lawmakers, would prohibit sales of flavored tobacco products in stores and vending machines throughout California.

WHAT: News Conference on SB 38

WHEN: 10 AM, Today, Wednesday, March 27, 2019

WHERE: State Capitol, Room 113, Sacramento, California, 95814

WHO: In addition to Senator Hill, D-San Mateo and Santa Clara Counties, expected speakers include Assemblymembers McCarty, D-Sacramento, Muratsuchi, D-Torrance, and Wood, D-Santa Rosa; Senators Glazer, D-Orinda, Portantino, D-Cañada Flintridge, Skinner, D-Oakland; Dr. Phillip Gardiner, founding member and co-chair of the African American Tobacco Control Leadership Council; Dr. Bonnie Halpern-Felsher, Stanford pediatrics professor and co-founder and director of the Tobacco Prevention Toolkit; Brandon Harden, youth ambassador for Campaign for Tobacco-Free Kids, Lisa Lu, youth ambassador for International Youth Tobacco Control, and Taylor Barker, student athlete and member of Athletes Don't Vape.

VISUALS: More than 50 teens from Athletes Don't Vape, along with representatives of the American Cancer Society, the American Heart Association, the American Lung Association will attend the news conference.

This event is open to credentialed media. Please RSVP to Leslie Guevarra, leslie.guevarra@sen.ca.gov, by 9 a.m. March 27, 2019.

BACKGROUND

State lawmakers introduced Senate Bill 38 to combat the alarming rise of e-cigarette use by teens and other minors as reported by the U.S. Food and Drug Administration and the Centers for Disease Control and Prevention. The report released in November showed that more than 3.6 million middle and high school students are using e-cigarettes – that's an increase of 1.5 million since 2017 and almost 13 times higher than the number of teens and other young people using e-

cigarettes in 2011. The stunning growth between 2017 and 2018 amounted to a 78 percent increase in e-cigarette use by high school students and a 48 percent increase by middle school students.

The lure of flavored tobacco products for youth is well-documented. 80 percent of young people who have ever used tobacco started with a flavored product, according to figures compiled by the California Department of Public Health. 70 percent of youth who reported current use of a tobacco product said that they use a flavored product, according to the CDC.

In addition, usage of flavored tobacco products is greater among young people than adults. 80 percent of youth (ages 12-17) and 73 percent of young adults (ages 18-24) reported current use of a flavored tobacco product, compared to 46 percent of adults (ages 25 and over), according to a study published by the American Journal of Preventative Medicine.

Anti-smoking advocates also say that prohibiting the sale of flavored products, including menthol, would address a social justice issue that has persisted for decades. Targeted marketing to communities of color, low income communities and LGBTQ communities adds to the health disparities in populations already subjected to social inequities. African American neighborhoods have disproportionately higher numbers of tobacco retailers and tobacco marketing, particularly of menthol products, a further study published by the American Journal of Preventative Medicine illustrated. 85 percent of all African American smokers smoke menthol cigarettes, compared to 29 percent of whites, according to a study published by BMJ Journals.

What SB 38 Does

SB 38 prohibits retail stores and vending machines in California from selling flavored tobacco products. The legislation uses existing law to define the items encompassed by the term “tobacco product.”

Under California Health Safety Code 104495 (a) (8) (A), “tobacco product” means any of the following:

- i. A 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 mean, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff.
- ii. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.
- iii. Any component, part, or accessory of a tobacco product whether or not sold separately.

Violators of SB 38 would face civil penalties ranging from \$400 to \$600 for the first incident to \$5,000 to \$6,000 for a fifth violation in a five-year period.

Eighteen state lawmakers introduced SB 38 in December. In addition to Senator Jerry Hill, Senators Steve Glazer, D-Orinda, Mike McGuire, D-North Coast/North Bay, and Anthony Portantino, D-Cañada Flintridge, are joint authors of the bill, and Assemblymembers Kevin

McCarty, D-Sacramento, and Jim Wood, D-Santa Rosa, are principal coauthors. The other coauthors of the bill are Senators Ben Allen, D-Santa Monica, Jim Beall, D-San Jose, Connie M. Leyva, D-Chino, Nancy Skinner, D-Berkeley, and Scott Wiener, D-San Francisco, and Assemblymembers Marc Berman, D-Palo Alto, Richard Bloom, D-Santa Monica, Cristina Garcia, D-Bell Gardens, Al Muratsuchi, D-Torrance, Patrick O'Donnell, D-Long Beach, Mark Stone, D-Monterey Bay, and Phil Ting, D-San Francisco. Several other legislators have also expressed interest as joining as co-authors.

Senator Hill and several colleagues have also introduced SB 39, which would strengthen rules for tobacco deliveries, including online tobacco purchases. Modeled after existing law for alcohol delivery, SB 39 would require tobacco vendors to obtain the signature of a person 21 years of age or older before delivering a tobacco product. The bill also requires tobacco products to be delivered only in containers labeled with the words: "CONTAINS TOBACCO PRODUCTS: SIGNATURE OF PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY."

SB 38 and SB 39 will be the subject of legislative hearings by the Senate Health Committee, which convenes at 1:30 p.m. Wednesday in Room 4203 of the State Capitol. SB 38 and 39 are the third and fourth items on the committee's agenda.

What Advocates for SB 38 are Saying

Senator Jerry Hill

"Lured by fruit, candy and other kid-friendly flavors, high school and middle school students throughout the U.S. are vaping in record numbers," said Senator Hill. "We must stop the appalling epidemic of e-cigarette use among youth."

Assemblymember Kevin McCarty

"Vaping products are too easily accessible and we must address the predatory marketing practices of the tobacco industry," said Assemblymember McCarty, who authored Assembly Bill 739, which bars tobacco retailers from selling flavored tobacco products. "Families and communities in California need to be aware of the dangers that vaping has on our young people."

American Heart Association

"We all have a responsibility to put a stop to the tobacco industry's strategy to target young people. If our experiences with cigarettes and other tobacco products have taught us anything, it is this: Nothing good comes from nicotine addiction. No one, except Big Tobacco, wants to see a new generation of smokers. The American Heart Association is proud to co-sponsor this legislation to save a new generation from the dangers of tobacco addiction," said Dr. John Maa, a surgeon and a board member of the American Heart Association Greater Bay Area Division.

American Cancer Society Cancer Action Network

"Menthol, candy and fruit flavored tobacco products are a key part of the tobacco industry's strategy to bait youth into becoming tomorrow's addicts, and we cannot waste time addressing the skyrocketing use of e-cigarettes among California's youth," said American Cancer Society Cancer Action Network Senior Government Relations Director Tim Gibbs. "Make no mistake—

the industry shamelessly tries to maximize profits while its customers suffer death and disease, and local taxpayers continue to foot the bill for tobacco-related illnesses.”

American Lung Association

“This policy will protect the health of countless Californians,” said Lindsey Freitas, senior director of Advocacy for the American Lung Association in California. “Candy flavored tobacco has led to countless youth using tobacco products and menthol cigarettes have long been used by Big Tobacco to target communities of color. We can’t let that continue.”

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