



Legislation Details (With Board Report)

**File #:** 20-139      **Name:** Dangers of electronic smoking device and flavored tobacco products

**Type:** General Agenda Item      **Status:** Passed - Health Department

**File created:** 2/19/2020      **In control:** Board of Supervisors

**On agenda:** 3/10/2020      **Final action:** 3/10/2020

**Title:** a. Receive a presentation from the Monterey County Health Department, Tobacco Control Program on the dangers of electronic smoking devices and flavored tobacco products; and  
b. Provide direction regarding amending the Monterey County Tobacco Retail Ordinance to address the ban of electronic cigarettes and flavored tobacco products. (Board Referral: 2020:03)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. PowerPoint Presentation, 3. Item No. 8 Completed Board Order, 4. MS PowerPoint Presentation (E-Cigarettes, Presented at Hearing)

Date	Ver.	Action By	Action	Result
3/10/2020	1	Board of Supervisors	approved - health department	Pass

a. Receive a presentation from the Monterey County Health Department, Tobacco Control Program on the dangers of electronic smoking devices and flavored tobacco products; and  
b. Provide direction regarding amending the Monterey County Tobacco Retail Ordinance to address the ban of electronic cigarettes and flavored tobacco products. (Board Referral: 2020:03)

**RECOMMENDATION:**

It is recommended the Board of Supervisors:

a. Receive a presentation from the Monterey County Health Department, Tobacco Control Program on the dangers of electronic smoking devices and flavored tobacco products; and  
b. Provide direction regarding amending the Monterey County Tobacco Retail Ordinance to address the ban of electronic cigarettes and flavored tobacco products. (Board Referral: 2020:03)

**SUMMARY:**

The Monterey County Health Department (Health Department) received a Board referral from District 1 requesting a presentation to amend the County of Monterey’s Tobacco Retail License (TRL) Ordinance to ban flavored tobacco products and e-cigarettes in unincorporated Monterey County. Work is currently under way to amend the Chapter 7.80 of the County Code. The Health Department is drafting a proposed revision to Chapter 7.80 in coordination with the Office of the County Counsel that includes an e-cigarette and flavored tobacco ban. This presentation summarizes the reasons to proceed with such an amendment and local efforts made to date to address the public health crisis surrounding e-cigarettes and flavored tobacco.

Based on the Board referral, the Health Department is seeking direction from the Board regarding the amendment to the tobacco retail licensing (TRL) Ordinance. Specifically, the Health Department recommends that the Board consider: 1) a complete e-cigarette ban in all areas of unincorporated Monterey County; 2) a complete ban on flavored tobacco products in all areas of unincorporated Monterey County and 3) a limitation on the sale of tobacco products within certain distances to schools.

DISCUSSION:

The Board of Supervisors implemented a county wide TRL Program in 2012 by adopting an ordinance adding Chapter 7.80 to the county code establishing licensing requirements for tobacco retailing within the unincorporated area of Monterey County. The primary goal of the TRL Program is to reduce youth access to tobacco and protect youth from the predatory behavior of tobacco industry marketing.

Enforcement is conducted by the Environmental Health Bureau who provide retail education at the point of purchase to ensure minor compliance issues are corrected on site. Additional enforcement is provided by the Monterey County Sheriff's Office through a Department of Justice Grant. Department of Justice provide funding for young adult purchase surveys to identify retailers that illegally sell tobacco products to minors.

Electronic cigarettes, (also called e-cigarettes and/or electronic vaporizers), are battery-operated devices that deliver vapor (sometimes called aerosol) made up of nicotine, flavorings, and other chemicals. These devices were first introduced into the American market in 2007 with shapes and sizes quickly changing over time; providing a sleek and modern look appealing to youth. Many electronic cigarettes have removable cartridges that are filled with liquids that come in a variety of flavors such as mint, fruit and candy that do not smell or taste like regular cigarettes. In addition, the liquids may include nicotine salts that feel less harsh on the throat and lungs allowing users to inhale more deeply.

There is increasing evidence that the large amount of nicotine salts within electronic cigarettes may be responsible for increasing nicotine addiction among youth.<sup>1</sup> With traditional cigarettes and older types of electronic cigarettes, the smoke and high nicotine levels can appear harsh for users, resulting in coughing, dizziness and even nausea. For many, these negative effects are enough to keep them from becoming regular users. Nicotine salts prevent these side effects which means youth who try electronic cigarettes are more likely to continue using them regularly and become addicted.<sup>1</sup>

Youth use of electronic cigarettes is impacted by several factors, including flavoring, nicotine salts, industry marketing and the extent of regulation. Recent market trends show an increase in sales of electronic cigarettes that deliver high levels of nicotine more efficiently and with less irritation, making it easier for young people to initiate use and develop addiction.<sup>2</sup> The industry targets youth with sweet and fruit flavored products. Research shows adolescents consider flavor the most important factor when trying electronic cigarettes and are more likely to initiate use with flavored products.<sup>3</sup> Overall, data illustrates electronic cigarette use more than doubled among middle school and high school students from 2017 to 2019.<sup>4</sup> Data from Monitoring The Future showed that from 2017 to 2018, current (use with past 30-days) electronic cigarette use significantly increased from 6.6 percent to 10.4 percent among 8th graders (a 58 percent increase), 13.1 percent to 21.7 percent among 10th graders (a 66 percent increase) and 16.6 percent to 26.7 percent among 12th graders (a 61 percent increase).<sup>5</sup>

With the proposed Amendment, Monterey County's current TRL ordinance will require changes to Section 7.80.20-definitions. The update may include definition additions and/or changes such as:

- Electronic smoking devices
- Flavored tobacco products
- Product containing, made, or derived from tobacco or nicotine
- Any component, part, or accessory used with a tobacco product

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Goal two; Enhance public health and safety through prevention. Additionally, this work supports four of the ten essential public health services: 3. Inform, educate, and empower people about health issues; 4. Mobilize community

partnerships and action to identify and solve health problems; 5. Develop policies and plans that support individual and community health efforts; and 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The Monterey County Health Department, Tobacco Control Program worked with Office of the County Counsel to develop this amended tobacco retail licensing ordinance.

FINANCING:

The Monterey County Health Department, Tobacco Control Program worked with Office of the County Counsel to develop this amended tobacco retail licensing ordinance.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Strategic Initiative Policy Areas integrate with the Board Policy Manual Policies.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Michelle House, Health Program Coordinator 755-4607

Approved by:

Date: \_\_\_\_\_

Elsa Jimenez, Director of Health, 755-4526

Attachments:

PowerPoint presentation is on file with the Clerk of the Board

References:

1. Barrington-Trimis, J. L., & Leventhal, A. M. (2018). Adolescents' Use of "Pod Mod" E-Cigarettes - Urgent Concerns. *New England Journal of Medicine*, 379(12), 1099-1102.
2. Jackler RK, Ramamurthi D. Nicotine arms race: JUUL and the high-nicotine product market. *Tobacco Control*. Published Online First: 06 February 2019. doi: 10.1136/tobaccocontrol-2018-054796; and Goldenson NI, Leventhal AM, Stone MD, McConnell RS, Barrington-Trimis JL. Associations of Electronic Cigarette Nicotine Concentration With Subsequent Cigarette Smoking and Vaping Levels in Adolescents. *JAMA Pediatr*. 2017;171(12):1192-1199. doi:10.1001/jamapediatrics.2017.3209
3. Zare S, Nemati M, Zheng Y. A systematic review of consumer preference for e-cigarette attributes: Flavor, nicotine strength, and type. *PLoS One*. 2018;13(3):e0194145. Published 2018 Mar 15.
4. Miech R, L. Johnston, P.M. O'Malley, et al., "Trends in adolescent vaping, 2017-2019," *New England Journal of Medicine*, 381:1490-1491, 2019; DOI:10.1056/NEJMc1910739.
5. Miech, R. A., Johnston, L. D., O'Malley, P. M., et al., "Monitoring the Future national survey results on drug use, 1975-2018: Volume I, Secondary school students," Ann Arbor: Institute for Social Research, The University of Michigan (2019), available at <http://monitoringthefuture.org/pubs.html#monographs>. For each age group, the increase from 2017 to 2018 was statistically significant (p<.001).

