

RESOLUTION

(PASADENA UNIFIED SCHOOL DISTRICT)



RESOLUTION 2545

ENCOURAGE COMMUNITIES TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS AND MENTHOL CIGARETTES

WHEREAS, tobacco use is the foremost preventable cause of over 480,000 deaths annually in the United States, accounting for one-third of all cancer deaths,¹ and leads to heightened risk of stroke and heart disease as well as results in chronic smoking related illness for approximately 8,600,000 Americans; and

WHEREAS, youth are targeted as “replacement smokers,” as commercial tobacco use kills nearly 1,300 Americans every day; more than 3,800 youth try smoking for the first time and another 2,100 youth and young adults become regular smokers every day;² and

WHEREAS, California is a national leader in reducing tobacco use, halving smoking rates in the past 25 years; nevertheless, 40,000 adult Californians die from tobacco related disease annually and about 441,000 children now under 18 in California will ultimately die prematurely from smoking;³and

WHEREAS, although in 2016 California raised the smoking age to 21 and increased the cigarette tax, California still has alarmingly high rates of youth tobacco use with 12,100 children under the age of 18 becoming daily users annually;⁴ and

WHEREAS, the rates of e-cigarette usage are high compared to other substances among Pasadena Unified School District (PUSD) students according to the California Department of Education. The California Healthy Kids survey (2014-2015; 2017-2018) found PUSD 11th grade students are five times as likely to have ever used an e-cigarette compared to a traditional cigarette;⁵ and

WHEREAS, children are more easily influenced by tobacco marketing than adults: more than 80 percent of youth smoke three heavily marketed brands, while only 54 percent of adults, 26 and older, smoke these same brands;⁶ and

WHEREAS, the CDC, U.S. Food and Drug Administration (FDA), state and local health departments, clinical and public health partners are investigating a national outbreak of e-cigarette, or vaping, product use-associated lung injury (EVALI);⁷ and

WHEREAS, the CDC reported as of December 17, 2019, 2,506 cases of hospitalized EVALI (E-cigarette/Vaping Associated Lung Injury) were reported by all 50 states, the District of Columbia,

and two U.S. territories (Puerto Rico and the U.S. Virgin Islands), and as of this date, 54 EVALI deaths have been confirmed in 27 states, including the District of Columbia;⁸ and

WHEREAS, the 2009 Family Smoking Prevention and Tobacco Control Act prohibited candy/fruit-flavored cigarettes because of their power to pull youth into nicotine addiction;⁹ and

WHEREAS, nearly 9 out of 10 cigarette smokers in the U.S. first tried smoking by age 18, and 99% first tried smoking by age 26 – and that flavored tobacco products are a gateway for youth to become regular smokers¹⁰ because flavors disguise the harshness of tobacco and make smoking seem fun and harmless; and

WHEREAS, the tobacco industry has strategically used flavored little cigars and cigarillos to replace the banned flavored cigarette market;¹¹ which are the same size and shape as cigarettes and packaged as cheaply as 3 for 99 cents, available in flavors such as bubblegum, cotton candy, grape, vanilla, and chocolate, with some flavored tobacco products sharing the names, packaging, and logos as popular candy brands like Jolly Rancher, Kool-Aid, and Life Savers¹² just a few store aisles away; and

WHEREAS, the appeal of flavored tobacco is disproportionately powerful among the young: 18 to 24-year-olds had an 89 percent increased odds of using a flavored tobacco product compared to those aged 25-34 years old¹³, suggesting that the flavored tobacco market is less about selling to an existing base of adult customers, but rather about cultivating the next one; and

WHEREAS, the California Attorney General has found electronic cigarette companies have targeted minors with fruit-flavored e-cigarette products;¹⁴ and

WHEREAS, the U.S. Centers for Disease Control and Prevention reports electronic cigarette use among middle and high school students tripled from 2013 to 2014, exceeding teen cigarette usage;¹⁵ and

WHEREAS, youth who use e-cigarettes are more likely to become conventional cigarette smokers and eighth grade students who use e-cigarettes are 10 times more likely than their peers to eventually smoke tobacco cigarettes;¹⁶ and

WHEREAS, in addition to tobacco industry innovations such as dissolvable tobacco and e-cigarettes, in 2014 the tobacco industry spent \$9 billion on advertising in the United States, more than \$25 million per day, with ads positioned at children's eye level in convenience stores and billboards adjacent to schools or county-designated "safe" routes to school, perpetuating the tobacco industry's historic practices of targeting vulnerable populations,¹⁷ which a tobacco industry executive dismissingly described as "the young, the poor, the black and stupid";¹⁸ and

WHEREAS, these new flavored tobacco products present significant public health threats to children, adolescents and young adults who do not fully perceive the health risks of e-cigarettes and flavored tobacco products and threaten the progress achieved in tobacco control in California; and

WHEREAS, menthol cigarettes pose a serious and enduring threat to many California communities; and

WHEREAS, some 85% of African-American smokers twelve years of age and older use menthol cigarettes (as opposed to 29% of whites);¹⁹ and not coincidentally, there are more menthol cigarette advertisements at stores in neighborhoods with a higher proportion of African-American residents and low-income neighborhoods;²⁰ and

WHEREAS, menthol cigarette use was more common among all youth between 12–17-year-old (56.7%) and 18–25-year-old (45.0%) smokers than among older persons (between 30.5% to 32.9%);²¹ and

WHEREAS, existing age restrictions, even the new Tobacco 21 law, are inadequate protections to keep flavored tobacco products out of the hands of youth, given that National Survey on Drug Use and Health data show that nearly two-thirds (63.3%) of 12 to 17-year-olds who had smoked in the last month had given money to others to buy cigarettes for them, one-third (30.5%) had purchased cigarettes from a friend, family member or someone at school, and six out of ten (62%) had “bummed” cigarettes from others;²² and

WHEREAS, numerous cities in California and the U.S. have taken action to protect youth from flavored tobacco, including Los Angeles County, Beverly Hills, Berkeley, and Manhattan Beach; of which Beverly Hills has banned the sale of ALL tobacco products, including flavored and menthol tobacco products; and

WHEREAS, a ban on flavored tobacco products can yield a drastic reduction in flavored tobacco sales and, more importantly, with one study modeling a 37% reduction in teens having tried flavored tobacco and a 28% lower chance of teens using any type of tobacco product, even when surrounding jurisdictions do not also ban flavored tobacco;²³

NOW, THEREFORE BE IT RESOLVED that the Governing Board for Pasadena Unified School District supports the City of Pasadena’s action to reduce or eliminate the sale of flavored tobacco products, including menthol, to prevent further premature death by using tobacco products and emerging tobacco products such as e-cigarettes (vaping), and encourages and supports neighboring cities and counties to adopt and enforce strong tobacco retailer licensing ordinances, including compliance checks and enforcement, and suspension for violations of tobacco laws, in efforts to further reduce illegal tobacco sales to minors and promote compliance with all local, state and federal tobacco laws.

PASSED AND ADOPTED this _____ day of _____, 2020.

Patrick Cahalan, President

Scott Phelps, Vice President

Elizabeth Pomeroy, Clerk

Kimberly Kenne, Member

Roy Boulghourjian, Member

Michelle Richardson Bailey, Member

Lawrence Torres, Member

¹U.S. Department of Health and Human Services, U.S. Food and Drug Administration, Family Smoking Prevention and Tobacco Control Act, Section 2 Findings, June 22, 2009, *available at*:

<https://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm261832.htm>.

²U.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, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 2012, *available at*:

<https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>.

³ Campaign for Tobacco-Free Kids, The Toll of Tobacco in California Factsheet, March 1, 2017, *available at*:

https://www.tobaccofreekids.org/facts_issues/toll_us/california.

⁴ Healthy Stores for a Healthy Community, Facing the Facts graph, 2017, *available at*:

<http://healthystoreshealthycommunity.com/>; Healthy Communities Survey, 2016, *available at*:

<http://healthystoreshealthycommunity.com/campaign/>.

⁵California Department of Education, Healthy Kids Survey 2014-2018

⁶U.S. Department of Health and Human Services, U.S. Food and Drug Administration, Family Smoking Prevention and Tobacco Control Act, Section 2 Findings, June 22, 2009, *available at*:

<https://www.fda.gov/TobaccoProducts/Labeling/RulesRegulationsGuidance/ucm261832.htm>.

⁷ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention

https://www.cdc.gov/tobacco/basic_information/e-cigarettes/index.htm

⁸ CDC, States Update Number of Hospitalized EVALI Cases www.cdc.gov/.../s1220-states-update-evali-cases.html

⁹Pub.L. 111-31, H.R. 1256, *available at*: <https://www.gpo.gov/fdsys/pkg/PLAW-111publ31/html/PLAW-111publ31.htm>.

¹⁰ 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, *The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General*, 2014; 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, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 2012.

¹¹Kostygina et al., *BMJ Journals Tobacco Control*, *Tobacco industry use of flavours to recruit new users of little cigars and cigarillos*, 2014, 25(1), *abstract available at*: <http://tobaccocontrol.bmj.com/content/25/1/66>.

¹² Brown et al., Candy flavorings in tobacco, *New England Journal of Medicine*. 2014;370(23):2250-2252.

¹³Villanti, AC, et al., *American Journal of Preventive Medicine*, Flavored Tobacco Product Use Among U.S. Young Adults, 2013, 44(4):388-391; also, King et al., *Nicotine & Tobacco Research*, *Flavored cigar smoking among U.S. adults: Flavored Cigar Smoking Among U.S. Adults: Findings from the 2009–2010 National Adult Tobacco Survey*, 2013, 15:608–14.

¹⁴ Press Release, State of California Department of Justice, Office of the Attorney General, *Brown Announces Electronic Cigarette Maker's Agreement to Stop Deceptive Marketing and Sales to Minors*, Aug. 3, 2010.

¹⁵ René A. Arrazola, MPH et al., Centers for Disease Control & Prevention, *Tobacco Use Among Middle and High School Students—United States, 2011–2014*, April 17, 2015, 64(14); 381-385 *available at* <https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6414a3.htm>.

¹⁶Miech, R. A., et al., *E-cigarettes and the drug use patterns of adolescents*, *Nicotine and Tobacco Research*, 18(5), 654-659 (2016).

¹⁷Federal Trade Commission, *Federal Trade Commission Cigarette Report for 2014*, 2016, *available at*:

https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2014-federal-trade-commission-smokeless-tobacco-report/ftc_cigarette_report_2014.pdf; Federal Trade Commission, *Federal Trade Commission Smokeless Tobacco Report for 2014*, 2016, *available at*:

https://www.ftc.gov/system/files/documents/reports/federal-trade-commission-cigarette-report-2014-federal-trade-commission-smokeless-tobacco-report/ftc_smokeless_tobacco_report_2014.pdf; 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, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 2012, <https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf>.

¹⁸ Bob Herbert, New York Times, In America; Tobacco Dollars, Nov. 28, 1993, available at:

<http://www.nytimes.com/1993/11/28/opinion/in-america-tobacco-dollars.html>.

¹⁹Villanti, AC, et al., *Changes in the prevalence and correlates of menthol cigarette use in the USA, 2004-2014*, Tobacco Control, Oct. 20, 2016.

²⁰Schleicher, N, et al., *Tobacco Marketing in California's Retail Environment (2008-2011)*, Final report for the California Tobacco Advertising Survey, July 2013.

²¹ Gary A. Giovino et al., *Differential Trends in Cigarette Smoking in the USA: Is Menthol Slowing Progress?* TOBACCO CONTROL 052259, 1-10, 2013.

²² Population Assessment of Tobacco and Health Study, Highlighted Findings From Wave 1, of the Population Assessment of Tobacco and Health (PATH) Study, Slide 63, presented at 2016 Society for Research on Nicotine and Tobacco Conference, Chicago, Illinois; Substance Abuse & Mental Health Services Administration, U.S. Dept of Health & Human Services, 2003 National Survey on Drug Use and Health, Sep. 9, 2004, available at:

<http://oas.samhsa.gov/NHSDA/2k3NSDUH/2k3results.htm#ch4>

<http://www.oas.samhsa.gov/nhsda.htm#NHSDAinfo>. (Note: While there have been more recent NSDUH surveys, no questions on youth access have been asked since 2003.)

²³Farley and Johns, *Tobacco Control*, "New York City flavored tobacco product sales ban evaluation," Jan 26, 2017. 78-84.