

Supervisors voice support for ban on flavored tobacco products

By **Anne Ternus-Bellamy** From page A1 | December 27, 2015

Yolo County appears poised to join a small but growing number of jurisdictions in California that have banned the sale of flavored tobacco products marketed primarily at young people.

County supervisors last week directed staff to draw up an ordinance that would restrict the sale of flavored tobacco, set minimum packaging sizes for little cigars and cigarillos (so they cannot be purchased one or two at a time) and limit the number of tobacco retail license permits available in the county.

The board split along party lines, with Democrats Jim Provenza and Don Saylor of Davis and Oscar Villegas of West Sacramento expressing support for the restrictions and Republicans Matt Rexroad and Duane Chamberlain voting against them.

The impact of such an ordinance would be relatively small — there are just 20 licensed tobacco retailers in unincorporated areas of the county — but “it might influence what cities do,” Provenza said.

Cities elsewhere in California already have taken similar steps, including Sonoma, El Cerrito, Berkeley and Hayward, as has the county of Santa Clara.

In his presentation to the board last Tuesday, Steven Jensen of the county’s Health and Human Services Agency, noted that California and Yolo County have made great strides in the fight against smoking, so much so that California now has the second-lowest smoking rate in the nation and Yolo County has one of the lowest adult-smoking rates in the state.

But youth smoking continues to be a concern, he said.

That was the case back in 2009 when the Food and Drug Administration banned the sale of flavored cigarettes because of their attractiveness to youth. But that ban applied only to cigarettes and excluded menthol flavoring.

On the market today are a wide variety of flavored tobacco products that Jensen said are specifically aimed at young people from middle school through college. They include little cigars and cigarillos, e-cigarettes, e-cigarette juice and chewing tobacco, all in candy and fruit flavors sold in colorful packaging.

“What has happened is that the tobacco industry has been able to exploit the loopholes,” Jensen said.

One result is that what was once the most popular tobacco product among young people — the traditional Marlboro Red cigarette — has been replaced by something else entirely: Swisher Sweets, a type of flavored cigar or cigarillo often sold as singles or in packs of two for less than a dollar, Jensen said.

In addition to banning the sale of flavored products in unincorporated parts of the county, a possible ordinance also would prohibit retailers from selling products individually, setting instead a minimum package size.

“Limiting package size makes tobacco less affordable to children,” Jensen said.

Years ago, he noted, retailers could sell cigarettes individually for a nickel or a dime, but current law requires that cigarettes be sold in packs of 20 to make them less affordable to young people.

“But this does not apply to other tobacco products,” Jensen said. “And we know that 70 percent of first-time middle- and high-school users ... claim they used flavored tobacco and were able to purchase a single product.”

Retailers themselves also could be limited under a possible ordinance, with Jensen recommending that the board set a cap on the total number of tobacco retail license permits available in Yolo County. Supervisors also could create a rule about how close to schools a retailer could be located, he said.

Of the three actions recommended by the Health and Human Services Agency — banning flavored tobacco products, setting a minimum packaging size and limiting the number of tobacco retail permits — the first is the most important, Jensen said, in curtailing youth smoking.

“I’m interested in all three of them,” Saylor said.

Provenza expressed his support as well.

“If we were packaging rat poison and making it taste like candy and putting it in attractive packages and getting kids to eat it, we’d go to jail for that,” Provenza said. “But with cigarettes, because the death occurs many years later, and it’s a longer-term situation, we’re letting tobacco companies get away with murder, so I favor all of these and more.

“I’m ready to go forward today.”

The board’s 3-2 vote directed staff to work with the county counsel’s office to amend Yolo County’s current tobacco retail licensing policy and return to the board for a later vote.

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