

Support shaky for county ban on flavored tobacco, limit on tobacco retail licenses

By Anne Ternus-Bellamy From page B4 | September 16, 2016

WOODLAND — Yolo County supervisors voted this week to move forward with a ban on the sale of flavored tobacco products as well as a limit on the number of tobacco retail licenses issued in unincorporated areas, but it was unclear whether the proposed ordinance would survive a second vote at the next meeting.

Back in December, supervisors voted to have staff draw up the ordinance — aimed at limiting tobacco use among youths — with the board splitting along party lines. Democrats Jim Provenza and Don Saylor of Davis and Oscar Villegas of West Sacramento voted in favor while Republicans Matt Rexroad of Woodland and Duane Chamberlain of the rural 5th District voted against the plan.

When staff returned to the board with an ordinance on Tuesday, things had changed.

Rexroad recused himself from the discussion and vote because his consulting business is doing work related to the tobacco tax initiative on the November ballot and Villegas withdrew support, calling the proposed ordinance intrusive and saying, “It’s indicative to me of government getting one more step closer to sort of dictating what we’re doing.”

Chamberlain, meanwhile, was persuaded by Provenza to vote in favor this time in order to move the ordinance forward to the next meeting — three votes were needed — but he said he largely agreed with Villegas and was worried that limiting access to tobacco would drive more young people to illegal drugs “like meth ... and marijuana.”

“I’m not sure we’re moving in the right direction,” Chamberlain said.

The ordinance will return for a second vote at the next meeting, where Saylor and Provenza may well be the only supporters.

During Tuesday’s board meeting, Yolo County Health Officer Dr. Ron Chapman told Chamberlain he’s seen no studies that show that limiting access to tobacco increases illicit drug use among young people.

What he has seen, he said, is that use of flavored tobacco products among young people in Yolo County “is skyrocketing” and the proposed ordinance contains strategies “that have been implemented in other jurisdictions successfully — success being reduction in the use of these products by youth and young adults.”

Specifically, the ordinance would eliminate the sale of flavored tobacco products in the unincorporated areas and limit tobacco retail licenses to existing licensees — approximately 20 total. A provision that would have eliminated the sale of single-pack cigars was removed.

The lure of flavored tobacco for teenagers has been a concern for many years and prompted the federal Food and Drug Administration to ban the sale of flavored cigarettes in 2009 because of their attraction to youths. The ban did not apply to other flavored tobacco products, however, including cigars, cigarillos, chewing tobacco and e-cigarettes.

Since then, public health officials have decried the marketing of these products to young people, both through packaging and candy- and fruit-flavored offerings.

Chapman said Tuesday that since 2007, the use of flavored tobacco products by youths in Yolo County has tripled, even as overall smoking has decreased.

Cities and counties that have banned flavored tobacco — including the cities of Sonoma, El Cerrito, Berkeley and Hayward and Santa Clara County — have seen reductions in youth smoking, Chapman noted.

He acknowledged that the proposed ordinance would take an economic toll on business owners — particularly owners of gas stations and convenience stores — but said, “there also is an economic impact of a youth or young adult being addicted to nicotine and using tobacco products for their entire lives, and the economic impacts of heart disease, lung cancer, emphysema, stroke and the cost of caring for those people in the health-care system.

“Tobacco remains the No. 1 preventable cause of death,” Chapman added.

But the ordinance likely would drive some people out of business, several tobacco retailers told supervisors on Tuesday, especially coming on top of the state raising the legal smoking age from 18 to 21.

One West Sacramento-area retailer said the change in the smoking age alone has reduced his sales by 70 percent, indicating some early success in reducing smoking among young adults.

Several owners of gas stations and mini-marts noted that customers rarely come in just to buy tobacco products — they usually buy milk, juice, gasoline and other products as well. But if they have to go elsewhere to buy tobacco products, they will take all of that business with them as well, they said.

Others noted that limiting tobacco retail licenses to only those businesses that currently have them essentially would prevent new business in the unincorporated areas

“If I want to open a store in your unincorporated area, as a convenience store owner, I can’t open that, so you will lose sales,” said one retailer. “If I can’t sell tobacco, I really can’t run a convenience store any more.”

The ordinance would limit tobacco retail licenses to existing licensees in the unincorporated areas of Yolo County. Those licensees include markets and mini-marts in Clarksburg, Dunnigan, Esparto, Knights Landing, Madison and Zamora and locations just outside the Woodland city limits. Those retailers essentially would be grandfathered in under the ordinance.

Supervisors will consider the measure again at their next meeting, scheduled for Sept. 27.

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