

**Summary regarding Item 11.3 on 1/09/20 Meeting Agenda –
Motion re Ban on Sale of Flavored Tobacco (Vaping) Products**

In November 2018, Councilmember O’Farrell introduced a motion for the City Attorney to report on a strategy to reduce the sale of flavored tobacco products to youth and young adults (including menthol and “hookah” flavors used in e-cigarettes/vaping and/or hookah lounges):

http://clkrep.lacity.org/online/docs/2018/18-1104_mot_11-16-2018.pdf.

In September 2019, the City Attorney issued its report, advocating for a ban on the sale of all flavored tobacco products in the City (including menthol and hookah) in order to protect youth and young adults:

http://clkrep.lacity.org/online/docs/2018/18-1104_rpt_ATT_09-18-2019.pdf.¹

At the November 2019 WRAC leadership meeting, representatives of the City Attorney’s Office of Tobacco Enforcement advised that some Councilmembers favor exempting menthol and/or hookah from any ban on the sale of flavored tobacco products, and urged WRAC members to support the City Attorney’s report. The WRAC member-councils’ representatives in attendance unanimously recommended that WRAC members consider the motion (item 11.3 on the 1/09/20 PPCC meeting agenda) to support the City Attorney’s report recommending a ban on the sale of all flavored tobacco products, including menthol and hookah.

In December 2019, after a reportedly contentious hearing, the City Council Health, Education & Neighborhood Councils Committee approved the City Attorney’s report “as amended,” directing that an ordinance be drafted banning the sale of flavored tobacco, *but with exemptions for menthol and hookah lounges*. The draft ordinance must go to the full City Council for approval (projected for some time in January; date TBD):

<https://abc7.com/health/key-la-committee-backs-ban-on-flavored-tobacco/5736300/>.

On January 2, 2020, the FDA banned all fruit and mint-flavored pods nationwide, but excluded menthol and tobacco flavors as well as the sale of “tank-based” flavored liquid (allowing users to mix custom flavors). As of this writing it’s unknown how the FDA ruling will impact any proposed City ordinance:

<https://www.cnn.com/2020/01/02/fda-issues-ban-on-some-flavored-vaping-products.html>.

*Prepared by Chris Spitz, PPCC
Secretary & WRAC Representative
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¹Key conclusions of the City Attorney:

“Given the recent vaping-related deaths and injuries, combined with the prevalence of vaping among the City’s youth, this report urges the City to heed the advice of medical experts and enact a **Citywide ban on the sale of all flavored tobacco products**” [emphasis added] (Report, p. 4);

“The health and well-being of an entire generation of our youth will be affected by the City’s leadership during this current vaping crisis. We have been here before: The tobacco industry previously used the lure and masking qualities of kid-friendly flavors to addict youth to combustible tobacco products, resulting in immense human suffering and billions of dollars in medical costs. The Master Settlement Agreement with tobacco manufacturers executed two decades ago eliminated flavored combustible cigarettes resulting in a steady and dramatic decline in smoking rates . . . “The tobacco manufacturers regrouped. With the introduction of e-cigarettes, which were not covered by the Master Settlement Agreement, flavored products were reintroduced to a new generation of our youth with resulting increase in youth tobacco usage. The current health crisis was a predictable result and so too should be the City’s response. The City Attorney’s Office recommends nothing short of a **Citywide ban on the sale of all flavored tobacco products, without exception**, as the best option to protect our current generation of youth and the generations to follow from the negative health consequences associated with use of tobacco products” [emphasis added] (Report, pp. 19-20).