



Sunnyvale

Preventing Youth Tobacco Access and Use in Sunnyvale

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Background:

- 1 in 8 deaths in Santa Clara County (SCC) due to smoking.
- 1 in 10 SCC youth use tobacco, including e-cigarettes.
- Epidemic of e-cigarette use in SCC: 78% increase in high school use. 1 in 3 teens report trying e-cigarettes.
- ◆ Tobacco remains the #1 preventable cause of death and disease.
- ◆ In March 2019 Council directed staff to study a prohibition on the sale of flavored tobacco products.

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Flavored Tobacco Products



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Deceptive Packaging and Advertising

E-liquid or food product?



FDA, FTC warn companies to stop misleading kids

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- 80% of kids who have ever used tobacco started with a flavored product
- Youth believe that flavored products are safer and less addictive than non-flavored varieties

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- October 2020: CA law to prohibit the sale of most flavored tobacco products; allows stricter local laws
- Exceptions for:
 - ◆ Hookah & shisha sold by adult-only tobacco retailers
 - ◆ Premium cigars
 - ◆ Loose leaf tobacco
- Effective 1/1/21 *unless* tobacco industry referendum qualifies for ballot (if so, law suspended until 11/22)

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Proposed Ordinance

- Prohibits the sale of *all* flavored products, including hookah & shisha, premium cigars, and loose leaf tobacco
- Applies to all tobacco retailers in the City (approx. 60)
- More than 50 local laws in CA restrict the sale of flavored tobacco products
 - ◆ Including 7 in SCC: Cupertino, Los Altos, Los Gatos, Morgan Hill, Palo Alto, Saratoga, and unincorporated Santa Clara County

Tobacco-Free Communities Policies: Santa Clara County

10/2020: Tobacco-Free Communities - Policies Across Santa Clara County Jurisdictions

| Jurisdiction | Reducing Exposure to Secondhand Smoke | | | | | | | Reducing Youth Access & Exposure to Tobacco Products | | | | | |
|--|---------------------------------------|----------------------|-----------|---------------|---------------|--------------------|------------------------------------|--|-----------------------------------|--------------------------|-------------------------------|--------------------------------|--|
| | Parks & Trails | Outdoor Dining Areas | Entryways | Service Areas | Public Events | Multi-Unit Housing | Common Areas of Multi-Unit Housing | Tobacco Retail Permit | Reduce Density of Tobacco Outlets | Limit Sales Near Schools | Flavored Tobacco Restrictions | No Tobacco Sales in Pharmacies | Restricts Sale of all Tobacco (T) and/or Vaping (V) Products |
| % of County population covered by policy | 92.6% | 97.2% | 39.3% | 85.9% | 31.6% | 24.3% | 79.9% | 77.4% | 14.7% | 17.5% | 18.5% | 14.7% | 13.30% |
| County of Santa Clara | 2010 | 2010 | 2010 | 2010 | | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2010 | 2019 (V) |
| Campbell | 2011 | 2011 | 2011 | 2011 | 2011 | | | 2012 | | | | | |
| Cupertino | 2011 | 2014 | 2014 | | | | | 2019 | 2019 | 2019 | 2019 | 2019 | 2020 (V) |
| Gilroy | | | | | | | | 2014 | | 2014 | | | |
| Los Altos | 2011 | 2018 | 2018 | 2018 | 2018 | | | 2020 | | | 2020 | | 2020 (V) |
| Los Altos Hills | | n/a* | | n/a* | n/a* | n/a* | n/a* | n/a* | n/a* | n/a* | n/a* | n/a* | n/a* |
| Los Gatos | 2013 | pre-2010 | 2016 | 2016 | 2016 | 2016 | 2016 | 2017 | 2017 | 2017 | 2017 | 2017 | 2019 (V) |
| Milpitas | 2012 | 2017 | | | | | | | | | | | |
| Monte Sereno | n/a* | n/a* | n/a* | n/a* | n/a* | 2020 | 2020 | n/a* | n/a* | n/a* | n/a* | n/a* | n/a* |
| Morgan Hill | 2012 | 2012 | 2012 | 2012 | 2012 | | | 2014 | | | 2019*** | | 2019 (V) |
| Mountain View | | 2012 | 2012 | | 2012 | | | | | | | | |
| Palo Alto | 2013 | 2014 | 2014 | 2014 | 2014 | 2016 | 2016 | 2017 | 2017 | 2017 | 2017 | 2017 | 2020 (V) |
| San Jose | pre-2010 | 2012 | | 2012 | | | 2012 | 2011 | | | | | |
| Santa Clara | 2019 | 2019 | 2019 | 2019 | 2019 | 2019 | 2019 | | | | | | |
| Saratoga | pre-2010 | 2016 | 2016 | 2016 | 2016 | | 2016 | 2015 | 2016 | 2016 | 2018** | 2018 | 2020 (V) |
| Sunnyvale | 2012 | 2016 | 2016 | 2016 | 2016 | 2016 | 2016 | | | | | | |

* Not included in denominator of % of county population covered by policy because don't have the specific venues/areas covered by policy (Ex. Monte Sereno & Los Altos Hills do not have any tobacco retailers)

** Includes an exemption for menthol cigarettes

***Includes exemption for loose-leaf tobacco products

Jurisdictions where work is expected in 2021

Rev. 10/19/2020

Public Outreach

- 3 in-person community meetings, including 1 for tobacco retailers
- Survey: 700 responses received
 - ◆ Initially, 91% supported flavored tobacco prohibition
 - ◆ Reduced to 44% after tobacco retailers received survey

Alternatives

1. Introduce ordinance to prohibit sale of flavored tobacco products
2. Direct staff to return with ordinance requiring a tobacco retailer license (TRL) - administered by City
3. Direct staff to return with ordinance requiring a TRL - administered by the County (must meet certain requirements)
4. Take no action

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Questions?