

RESOLUTION NO. 2020-01

PENINSULA HEALTH CARE DISTRICT

**RESOLUTION DECLARING PUBLIC HEALTH EMERGENCY NEEDING ACTION NOW:
YOUTH VAPING EPIDEMIC**

WHEREAS, it is the mandate of the Peninsula Health Care Board of Directors to identify and address health needs of residents of the District and beyond; and

WHEREAS, the Peninsula Health Care District Board of Directors has made as its strategic priority to serve as a flexible and immediate responder during times of crisis such as during an emerging health epidemic; and

WHEREAS, the Peninsula Health Care District Board of Directors embraces as a strategic value, collaboration- working in partnership with others committed to improving the health of the community; and

WHEREAS, youth vaping in the United States has skyrocketed to what the U.S. Surgeon General and the FDA have called "epidemic levels."¹; and

WHEREAS, in San Mateo and San Francisco Counties, vaping rates are higher than the State: the current vaping prevalence among high school students in San Mateo and San Francisco Counties is 20.8%- higher than the state prevalence of 10.9%²

WHEREAS, newly released data from the 2019 National Youth Tobacco Survey (NYTS) shows that vaping among high school students more than doubled from 2017 to 2019, to 27.5 percent of students, or more than 1 in 4 high schoolers.³ Altogether, 5 million middle and high school students used vaping devices in 2019 – an increase of nearly 3 million users in two years.⁴ Another national study showed that vaping among 8th, 10th and 12th graders has more than doubled in the past two years⁵; and

WHEREAS, the term "flavored tobacco products", which are used for "vaping", herein includes devices such as "e-cigarettes", "e-cigs", "e-hookahs", "mods", "vape pens", "vapes", and "tank systems" and the e-liquids used to fuel these devices; and

WHEREAS, the term "tobacco use" herein includes "vaping" as the e-liquid used in vaping devices typically contain tobacco (which contains nicotine, a highly addictive chemical), flavorings, and other additives; and

WHEREAS, flavored tobacco products have fueled youth tobacco use. Flavorings are used to improve the taste and mask the harshness of tobacco, making it easier for kids to try the product and ultimately become addicted. There is conclusive evidence that flavors – of which there are over 15,000 available - play a key role in youth initiation and continued use of flavored tobacco products. In fact, over 80 percent of kids who have used tobacco start with a flavored product^{6,7}; and

WHEREAS, by selling flavored tobacco products, pharmacies reinforce positive social perceptions of smoking, convey tacit approval of tobacco use, and send a message that it is not dangerous to smoke; and

WHEREAS, the marketing of flavored tobacco products appeals to teens; and accessibility of these products within self-service displays at retailers, social media

promotion from retailers, and coupons, discounts and other promotional materials make these products more available; and

WHEREAS, 76% of tobacco retailers located within 1000 ft of schools in San Mateo County sell flavored tobacco products other than menthol cigarettes and nearly all sell menthol cigarettes; and

WHEREAS, tobacco use remains a public health crisis in terms of human suffering and loss of life it causes, the financial costs it imposes on society and the burdens it places on our health care system. The financial cost of tobacco use in San Mateo County alone amounts to over \$575 million in direct health care expenses over a 5-year period from 2006-2010⁸

WHEREAS, studies have shown that repeated exposure of developing brains to nicotine (a typical chemical found in flavored tobacco products) can have long-term negative consequences for health and cognition; and

WHEREAS, tobacco use rates are affected by where tobacco retailers are located and how concentrated, or dense, they are in a given area. Increased availability of tobacco products is associated with increases in both youth and adult smoking rates, even when other neighborhood factors like racial composition and socioeconomic status are taken into consideration. In particular, studies have consistently shown that children are more likely to smoke when they live or go to school in neighborhoods with a high density of tobacco retailers such as in Burlingame where a tobacco retailer is only across the railroad tracks from the high school.; and

WHEREAS, local jurisdictions in California have the authority to enact regulations on the sale of tobacco products through local tobacco retail licensing in an effort to decrease availability and use of tobacco products by youth, including restrictions on the sale of flavored tobacco products (including electronic smoking devices and menthol cigarettes), establishing maximum thresholds of tobacco retailer densities, establishing distance requirements near schools and other youth-sensitive areas; and

WHEREAS, flavored cigarettes, except for menthol, are banned under Federal Law, but such rules do not apply to other tobacco products like e-cigarettes, cigars, and cigarillos; and

WHEREAS, the FDA's plan to restrict the sale of flavored cartridge-based e-cigarettes, exempts all menthol and most tobacco flavored products and only restricts flavors in some cartridge-based e-cigarette devices, leaving flavored e-liquids widely available; and

NOW THEREFORE IT BE RESOLVED, the Governing Board of the Peninsula Health Care District recommends action by the California State Legislature, California City Councils and Counties, (in particular the City Councils of San Bruno, Millbrae, Burlingame, Hillsborough, San Mateo, Foster City), and the County of San Mateo, under their regulatory authority, including expansion of San Mateo County's Tobacco Retailer Licensing program and further enforcement, to restrict the sale of flavored and other tobacco products in order to prevent youth access and take urgent action to:

1. Prohibit the sale and distribution of flavored tobacco products;
2. Prohibit the sale and distribution of electronic vaping devices including e-cigarettes;

3. Prohibit the sale of all tobacco products in pharmacies;
4. Restrict the marketing (including social media marketing), product placement, coupons and promotional materials, and self-service displays of all tobacco products in and from retailers; and
5. Reduce the concentration and density of tobacco stores; and
6. Prohibit a tobacco retailer license from being issued to or renewed for a business operating within a restricted distance to a school or other area frequented by youth.

¹ Office of the Surgeon General, "Surgeon General's Advisory on E-Cigarette Use Among Youth," December 18, 2018, <https://ecigarettes.surgeongeneral.gov/documents/surgeon-generals-advisory-on-e-cigarette-use-among-youth-2018.pdf>.

² Results of the Statewide 2017-18 California Student Tobacco Survey, Zhu S-H, Zhuang YL, Braden K, Cole A, Gamst A, Wolfson T, Lee J, Ruiz CG, Cummins SE (2019). <https://www.cdph.ca.gov/Programs/CCDC/DCDC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/Reports/2017-18CaliforniaStudentTobaccoSurveyBiennialReport.pdf>

³ FDA, "Trump Administration Combating Epidemic of Youth E-Cigarette Use with Plan to Clear Market of Unauthorized, NonTobacco-Flavored E-Cigarette Products," September 11, 2019, <https://www.fda.gov/news-events/press-announcements/trump-administration-combating-epidemic-youth-e-cigarette-use-plan-clear-market-unauthorized-non>. Current use defined as any use in the past month.

⁴ Edney, A., et al., "Vaping Furor Intensifies as Trump Vows Tough U.S. Scrutiny", Bloomberg, September 11, 2019, <https://www.bloomberg.com/news/articles/2019-09-11/trump-to-hold-meeting-on-vaping-after-reports-of-u-s-illness>.

⁵ Miech, R, et al., "Trends in Adolescent Vaping, 2017-2019," New England Journal of Medicine, published online September 18, 2019.

⁶ Ambrose, BK, et al., "Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014," Journal of the American Medical Association, published online October 26, 2015.

⁷ Written Testimony of Matthew L. Myers President Campaign for Tobacco-Free Kids Before the House of Representatives Committee on Energy and Commerce Subcommittee on Health Hearing on "Legislation to Reverse the Youth Tobacco Epidemic" October 16, 2019. <https://docs.house.gov/meetings/IF/IF14/20191016/110091/HHRG-116-IF14-Wstate-MyersM-20191016.pdf>

⁸ Supervisors, S. M. (2018, June 5). Ordinance Adding Chapter 4.99 to Title 4 of The San Mateo County Ordinance Code to Prohibit Sale or Offer For Sale of Flavored Tobacco Products and Prohibit Pharmacies From Selling or Offering For Sale Any Tobacco Products.

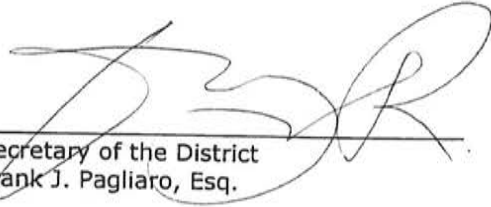
PASSED AND ADOPTED at the meeting of the Board of Directors of the Peninsula Health Care District, County of San Mateo, State of California, duly held on the 23rd day of January 2020, by the following vote:

AYES: ___ 5 ___

NOES: ___ 0 ___


ABSTAIN: ___ 0 ___

ABSENT: ___ 0 ___



Secretary of the District
Frank J. Pagliaro, Esq.

APPROVED:



Chair of the Board of Directors
Lawrence W. Cappel, Ph.D.