



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: MAY 19, 2021
TO: PUBLIC SAFETY COMMITTEE
FROM: HEATHER GUREWITZ
AGENDA ITEM TITLE: ORDINANCE BANNING FLAVORED TOBACCO SALES

BACKGROUND AND OVERVIEW:

At the February 23rd CDC meeting, staff from Mendocino County Public Health and the North Coast Tobacco Partnership attended and advocated for developing measures to prevent youth tobacco use including a prohibition on selling flavored tobacco. The County of Mendocino passed a similar ordinance on November 3, 2020.

The Fort Bragg Unified School District has expressed serious concerns about the use of vaping and flavored tobacco products by students and youth. In partnership with the school, the City of Fort Bragg Police Department recently received a grant from the Department of Justice through Prop 56 to fund a School Resource Officer (SRO) to deliver tobacco education to students at Fort Bragg Unified School District in grades 3 through 10. The original program was suspended due to COVID19, but the Police Department resumed the SRO Grant program with the school district on a limited basis on April 6th. The program includes five-minute education videos and 30-minute Zoom meetings with parents and teachers and is available on the school district's website.¹

According to the United States Center for Disease Control:

Since 2014, e-cigarettes have been the most commonly used tobacco product among US middle and high school students. Between 2017 and 2018 alone, the number of youth who used e-cigarettes went up by 1.5 million. In fact, the US Surgeon General has called e-cigarette use by youth an "epidemic," and warned that it threatens decades of progress toward making sure fewer young people use tobacco.

¹ <https://sites.google.com/fbusd.us/district/family-resources>

Research also shows that e-cigarette advertising uses many of the same themes that have led to cigarette smoking among young people. In 2016, nearly 7 out of 10 US middle and high school students saw ads for e-cigarettes in stores, on the Internet, on TV, or in magazines or newspapers.²

Additionally, California's Tobacco Control Program says:

The tobacco industry uses flavors to spark curiosity and mask the harshness of tobacco. Sadly, it works. 97% of kids who vape use flavors. What's on the menu? Blue Razz, Pegasus Milk, and other tempting tastes, all made with flavor chemicals that may damage the lungs.

Advertising can also make e-cigarette use look harmless for young people. Lauren, the high school teacher, says that most of her students know that regular cigarettes cause disease and even death. However, she says most of them don't know that nicotine in e-cigarettes can harm brain development, or that e-cigarettes can be dangerous to youth for other reasons, too.³

Currently, the City contracts with the County of Mendocino who conducts regular "sting operations" on youth tobacco sales. Between May of 2013 and July of 2019, there were 11 operations conducted. Only one tobacco seller has never been caught selling tobacco to an underage individual. All other tobacco sellers have been caught at least once and most have been caught more than once. One seller has been caught selling tobacco to youth in all three of the most recent sting operations. The instances of stores selling tobacco to youth shows an increase of an average of 2.6 from 2013-2015 to 3.2 for 2017-2019. There were no operations in 2020 because of the COVID-19 pandemic.

Chapter 6.14 of the City of Fort Bragg's Municipal Code provides regulations for the licensing of Tobacco Sellers within the City's limits. It is similar to the County of Mendocino's Code Chapter 6.20. Attachment 1 shows a red-line version of the City's Municipal Code with the addition of the text from the County's code to address flavored tobacco.

Additionally, based on committee's direction regarding drug paraphernalia, staff recommends adding the additional provision to Section 6.14.022 Performance Standards – Deemed Approved Activities:

Tobacco sellers shall not display tobacco, tobacco paraphernalia, or tobacco advertisements in store windows facing the public right of way.

² CDC Smoking and Tobacco. <https://www.cdc.gov/tobacco/features/back-to-school/e-cigarettes-talk-to-youth-about-risks/index.html> Accessed on April 30, 2021.

³ Tobacco Free California Flavors Hook Kids. <https://www.flavorshookkids.org/>. Accessed April 30, 2021.

RECOMMENDATION:

Recommend the preparation of an ordinance to present to City Council for the recommended updates to Chapter 6.14 Licensing of Tobacco Sellers.

ALTERNATIVES:

Ban all e-cigarettes in addition to flavored tobacco products.

Postpone the updates of Chapter 6.14 until after the statewide ballot measure has gone to voters in November of 2022.

ATTACHMENTS:

1. City of Fort Bragg Municipal Code Chapter 6.14 Licensing of Tobacco Sellers
2. County of Mendocino Chapter 6.20 Licensure of Tobacco Retailers