

# Item 8.2

## Amendment to CVMC 5.56 to Prohibit Flavored Tobacco



CITY OF  
CHULA VISTA



HOUSING DIVISION



Healthy  
& Age-Friendly  
CHULA VISTA

*Presented by:*

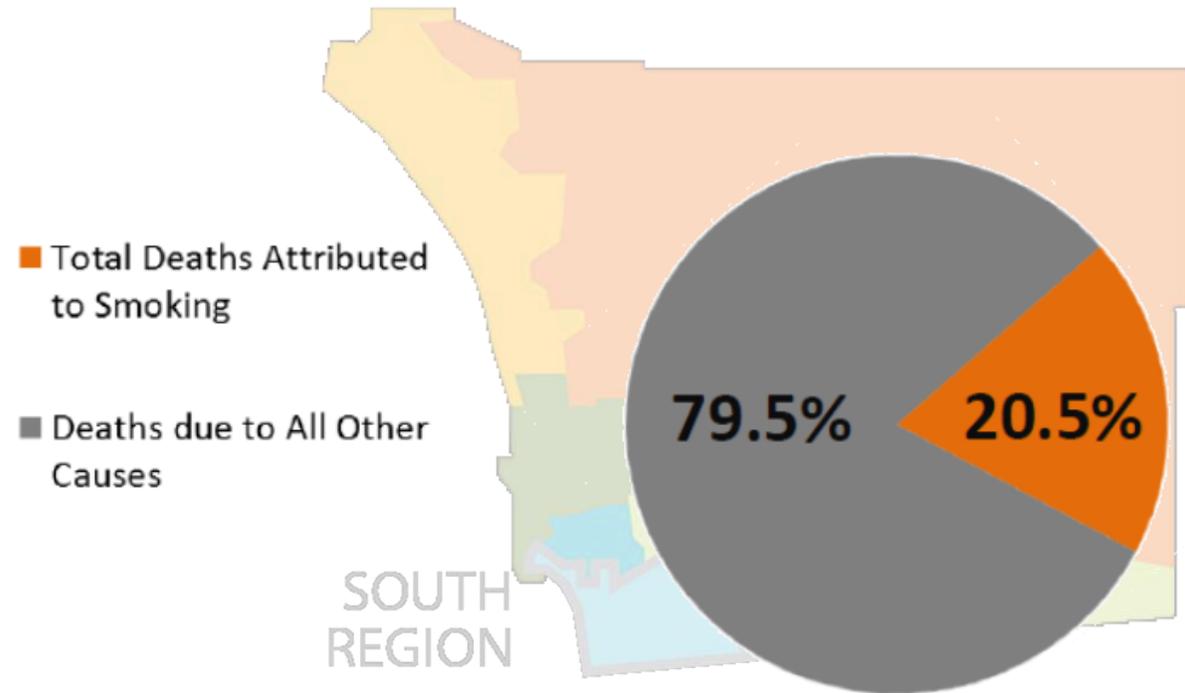
Stacey Kurz, Housing Manager  
Genevieve Hernandez, Senior Planner

Photo taken by  
Chula Vista resident Adrian Mora

# Long-Term Tobacco Use

## Chronic Disease

- Lung Cancer, COPD, heart disease and stroke.
- Over 480,000 deaths each year in the U.S.
- Healthcare spending exceeds \$170 billion annually.





# 2021 National Youth Tobacco Survey

More than **2 million** U.S. youth currently use **e-cigarettes**

**11.3%**

of high school students

**2.8%**

of middle school students

Among youth who are current e-cigarette users:

About **2 in 5** use e-cigs frequently



About **1 in 4** use e-cigs daily

Disturbingly high rates of frequent and daily e-cig use suggest many teens have a

**STRONG DEPENDENCE ON NICOTINE**

Nearly **85%** use flavored e-cigs





# Flavored Tobacco Defined

“Flavored Tobacco Product” means a Tobacco Product that contains or emits a taste or smell, other than the taste or smell of tobacco, including but not limited to, any taste or smell relating to fruit, mint, menthol, wintergreen, chocolate, cocoa, vanilla, honey, candy, dessert, alcoholic beverage, herb, or spice. Flavored Tobacco Products do not include products approved by the Food and Drug Administration (FDA) for sale either as a tobacco cessation product or for other therapeutic purposes, where the product is marketed and sold solely for such an FDA-approved purpose.

# Brain Development

## Smoking tobacco can cause:

- nicotine addiction;
- mood disorders; and
- permanent lowering of impulse control.

Nicotine changes the way synapses are formed, which can harm the parts of the brain that control attention and learning.

# 25

## The brain isn't fully mature until age 25.

During adolescence the brain is still developing. The prefrontal cortex -- which is critical for planning, judgment, decision-making and impulse control -- is one of the last areas to fully develop.<sup>1</sup>



# Flavored Nicotine E-Liquid



E-liquid



Food product



HOME / E-LIQUID / CANDY

## Unicorn Poop



\$4.00 - \$25.00

Rainbow, Sweet, Fruity, Candy, Orange, Lemon, Citrus, Lime, Strawberry

Size

Choose an option



E-liquid



Food product



# Chula Vista Smoking Policy

## CVMC 8.22 “Regulation of Smoking in Public Places and Places of Employment”

- Defined e-cigarettes
- Made all city facilities smoke/vape free
- Added affordable housing projects
- Posted signage at all city facilities & updated 30 city parks
- Conducted under cover operations at problem public venues

## CVMC 5.56 “Tobacco Retailer”

- Created licensing program



PARK RULES



CITY OF CHULA VISTA

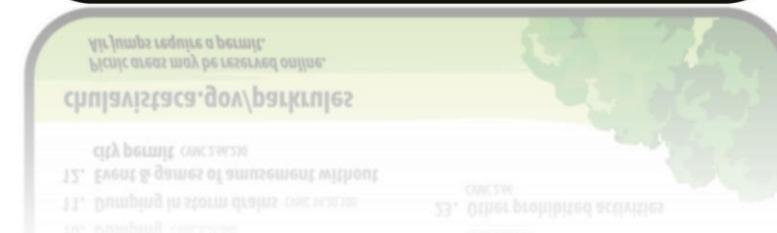
*All rules will be enforced and may be subject to citation.*

The following activities are **NOT ALLOWED** in Chula Vista City Parks

<ol style="list-style-type: none"> <li>1. Alcoholic beverages without city permit CVMC 2.66.043</li> <li>2. Smoking and vaping CVMC 8.22.030</li> <li>3. Activities prohibited during certain nighttime hours CVMC 2.66.270</li> <li>4. Amplified sound without city permit CVMC 2.66.185</li> <li>5. Archery or golf without city permit CVMC 2.66.181</li> <li>6. Bicycles, motorcycles, roller blading, roller skating, skateboarding CVMC 2.66.250</li> <li>7. Damaging or defacing park property CVMC 2.66.080</li> <li>8. Dogs, unless on leash CVMC 2.66.130</li> <li>9. Driving or parking on grass or walkways CVMC 2.66.100</li> <li>10. Dumping CVMC 8.24.040</li> <li>11. Dumping in storm drains CVMC 14.20.100</li> <li>12. Event &amp; games of amusement without city permit CVMC 2.66.230</li> </ol>	<ol style="list-style-type: none"> <li>13. Feeding of wildlife CA Code of Regulations Title 14 Section 251.1</li> <li>14. Fireworks, firearms, &amp; weapons CVMC 2.66.200</li> <li>15. Glass containers or keg beer CVMC 2.66.035</li> <li>16. Leaving dog waste CVMC 6.24.070</li> <li>17. Littering CVMC 2.66.090</li> <li>18. Open alcoholic beverage containers in parking lots CVMC 2.66.045</li> <li>19. Operation of motorized toys or devices without city permit CVMC 2.66.180</li> <li>20. Posting of handbills CVMC 2.66.060</li> <li>21. Selling or solicitations without city permit CVMC 2.66.070</li> <li>22. Vending trucks without city permit CVMC 2.66.075</li> <li>23. Other prohibited activities CVMC 2.66</li> </ol>
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chulavistaca.gov/parkrules

*Picnic areas may be reserved online. Air jumps require a permit.*



# Local and State Action

## City of San Diego

- May 2022: Adopted ban on Flavored Tobacco & Menthol (effective 1/1/23)

## State

- Dec. 11, 2020: Attorney General Xavier Becerra agreed to suspend flavor ban until November 2022 election
- Jan. 22, 2021: Validation of the number of signatures needed to suspend the enactment of a flavor ban until Nov. 2022 election
- November 2022: anticipated on Ballot



# Chula Vista as of February 2020

- Feb. 25, 2020: CV City Council request addition information
- Oct. 8, 2020: HCVAC direct staff to conduct additional research

## Areas of Research

- Types of stores & proximity to sensitive receptors
- Youth vaping trends in CV

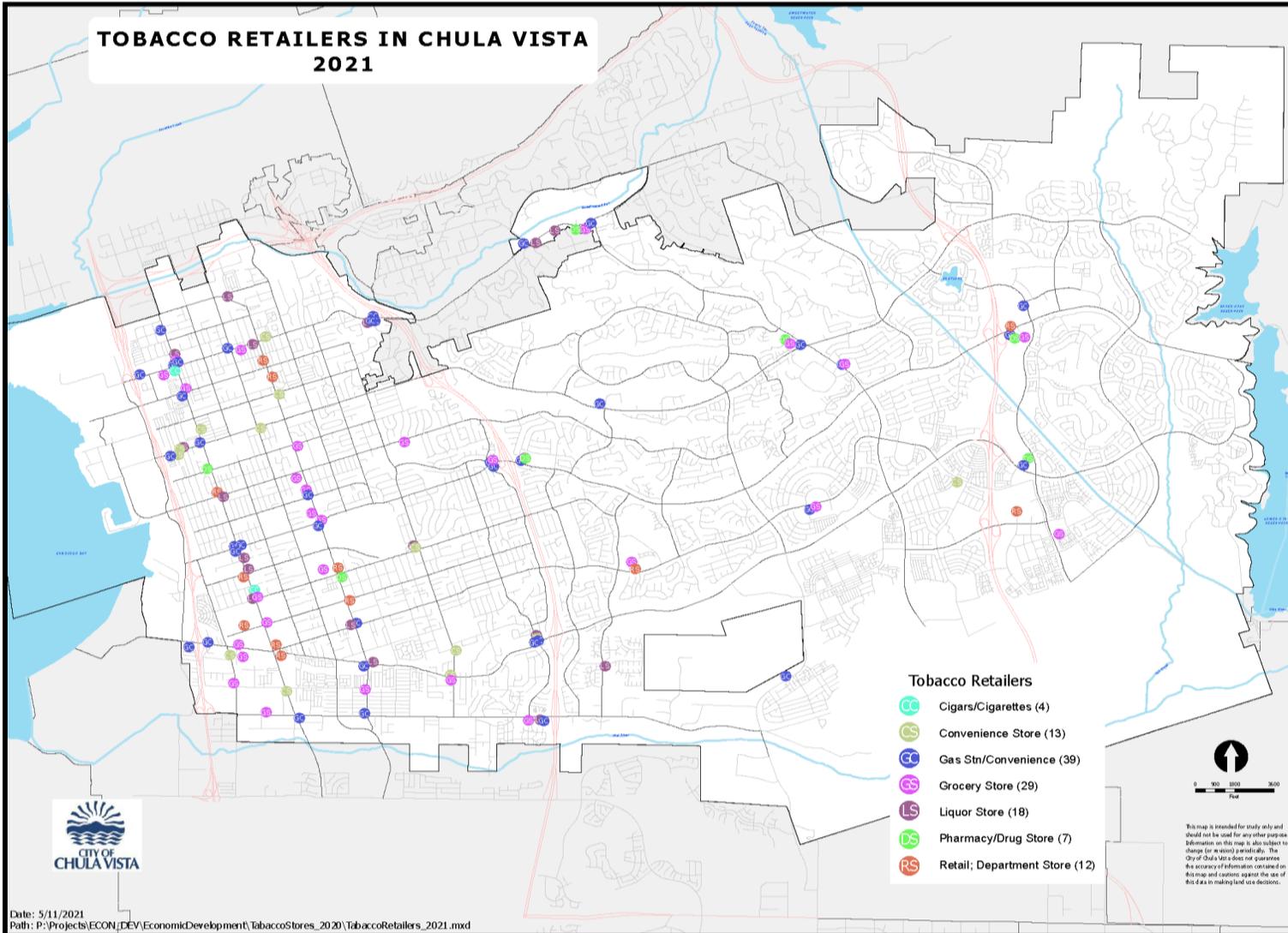


# Additional Research Conducted



1. Retailers and Sensitive Receptors
2. Local Youth Access
  - Types of Devices Used
  - Vaping Product Access
  - Youth Opinions on use of Flavored Tobacco
3. Prohibiting Nicotine Content

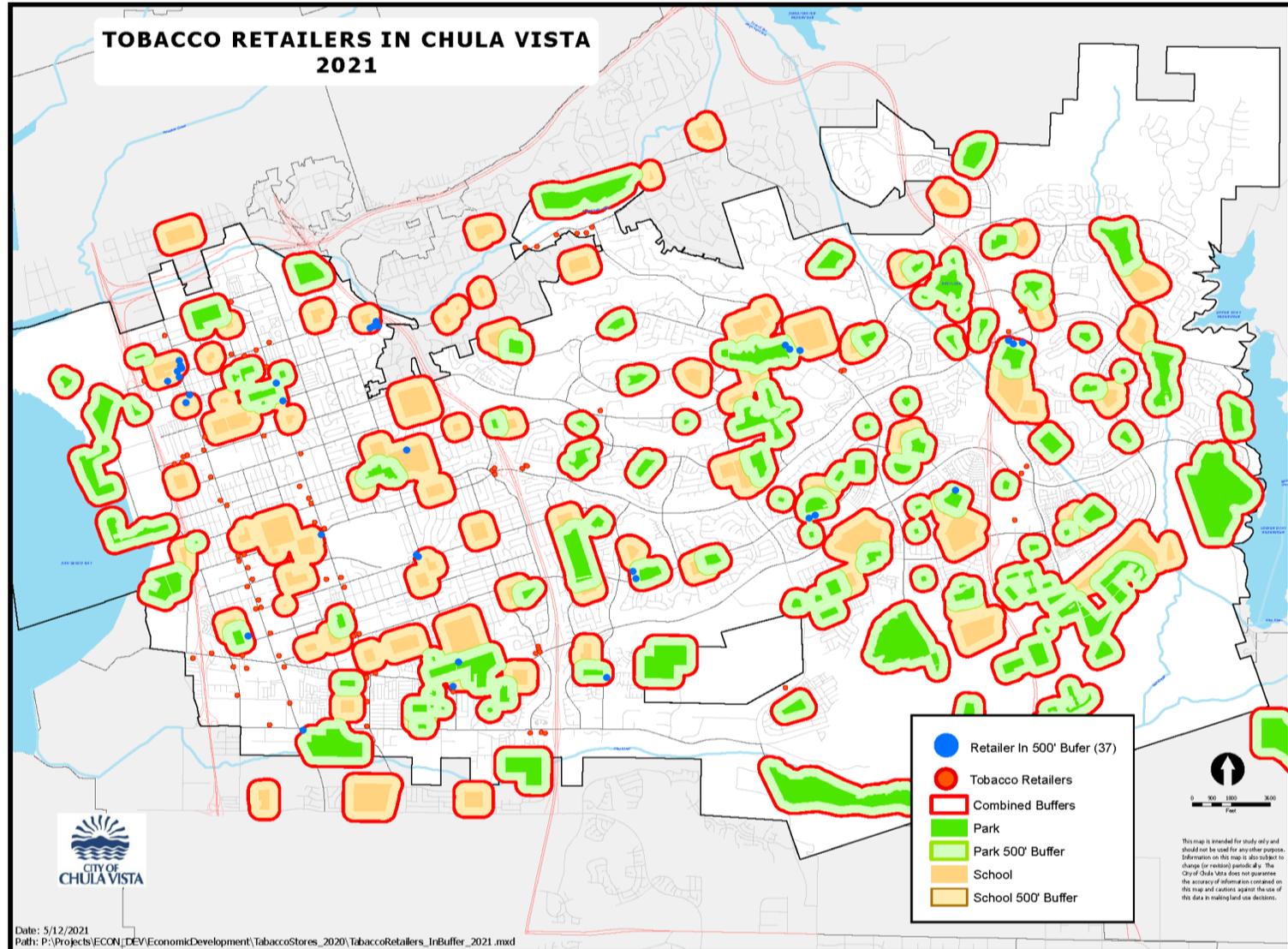
# Retailers and Sensitive Receptors



**32% [thirty-nine (39) out of 122] of the stores identifying as selling tobacco were gas stations or convenience stores.**

# Retailers and Sensitive Receptors

**30% [thirty-seven (37) retailers out of 122] were located within 500 feet of a school or park where youth are likely to be located.**



# Youth Survey



## HELP US LEARN ABOUT VAPING IN CHULA VISTA

Take part in a brief survey for local research on vaping/e-cigarettes within our youth population.

\*All submissions will be anonymous.

To participate using your smartphone,  
open your Camera App & point here:



or go to <https://www.surveymonkey.com/r/6QYVZ76>

1. Types of Devices Used
2. Vaping Product Access
3. Youth Opinions on using Flavored Tobacco

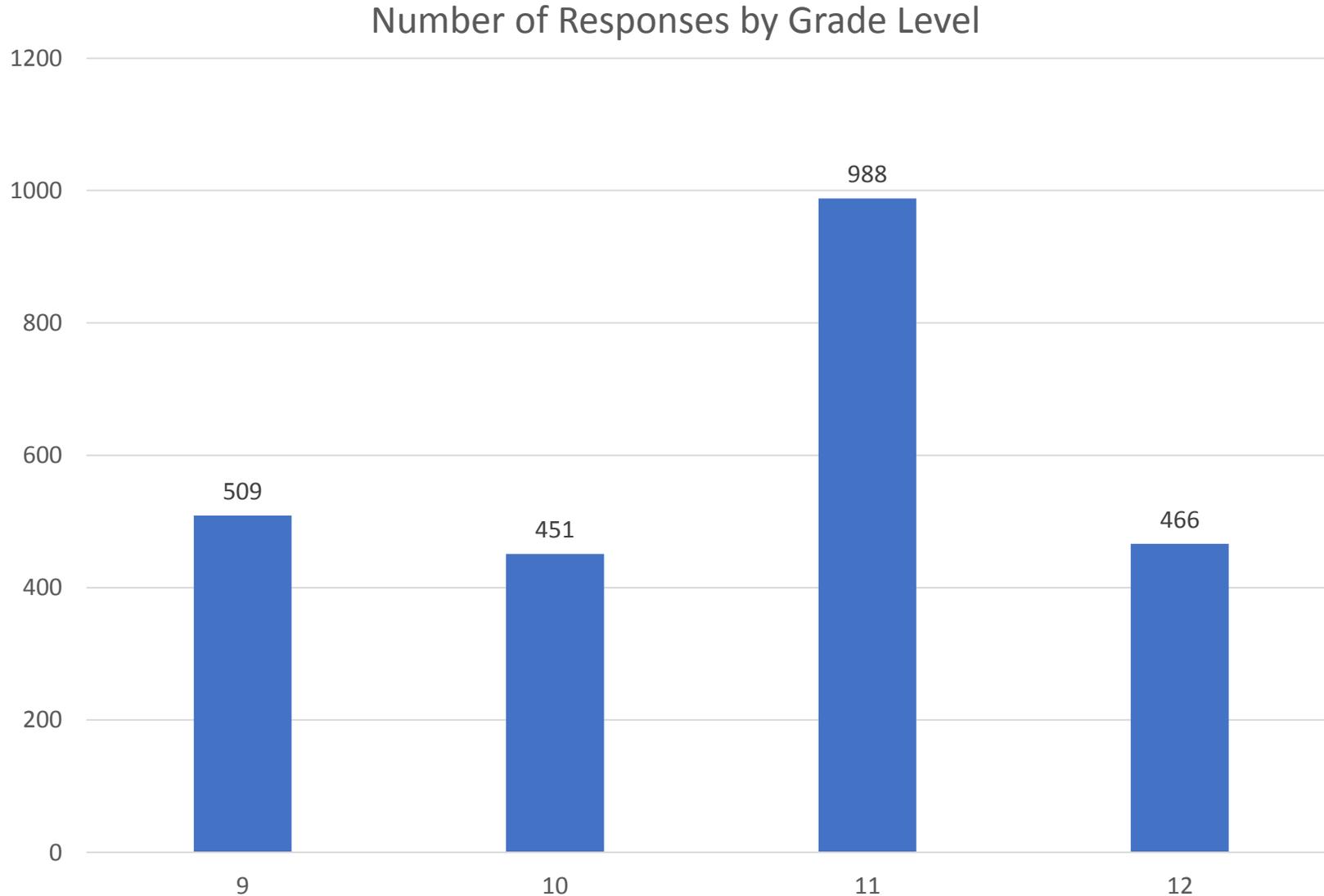
# Survey – Response by School

Location of the 14 schools with students in grades 9-12 who took the survey





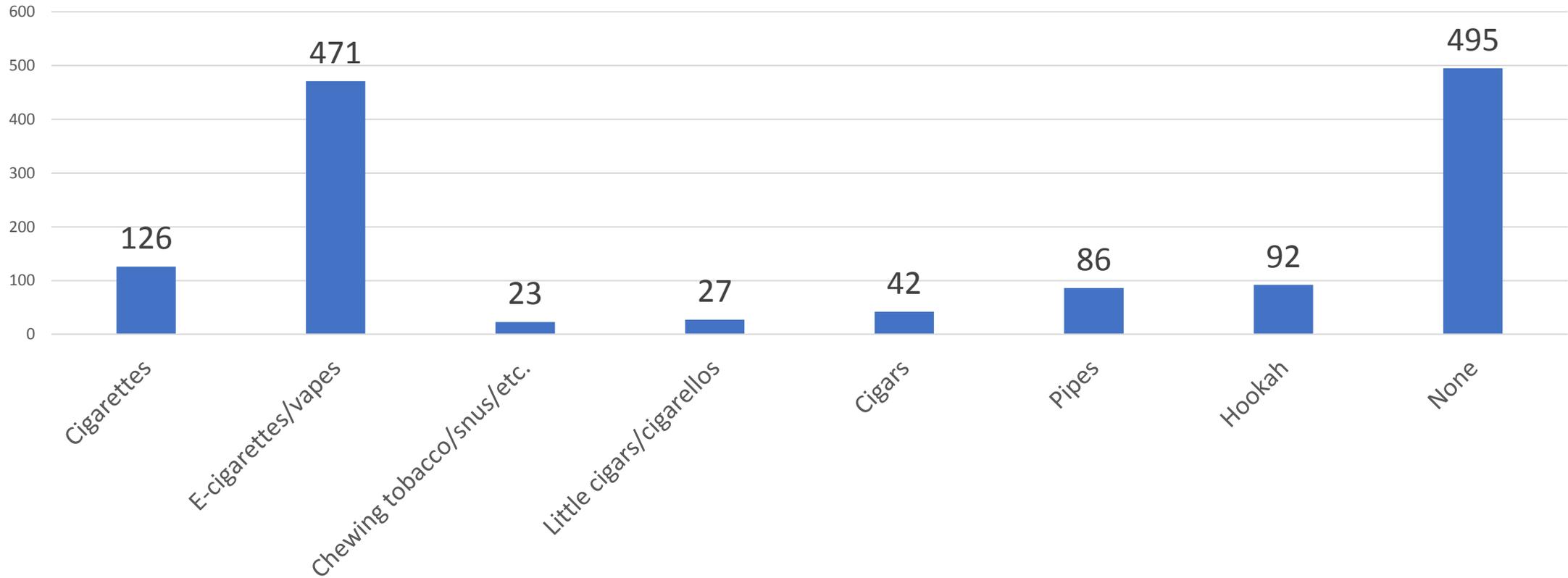
# Survey - Response by Grade Level





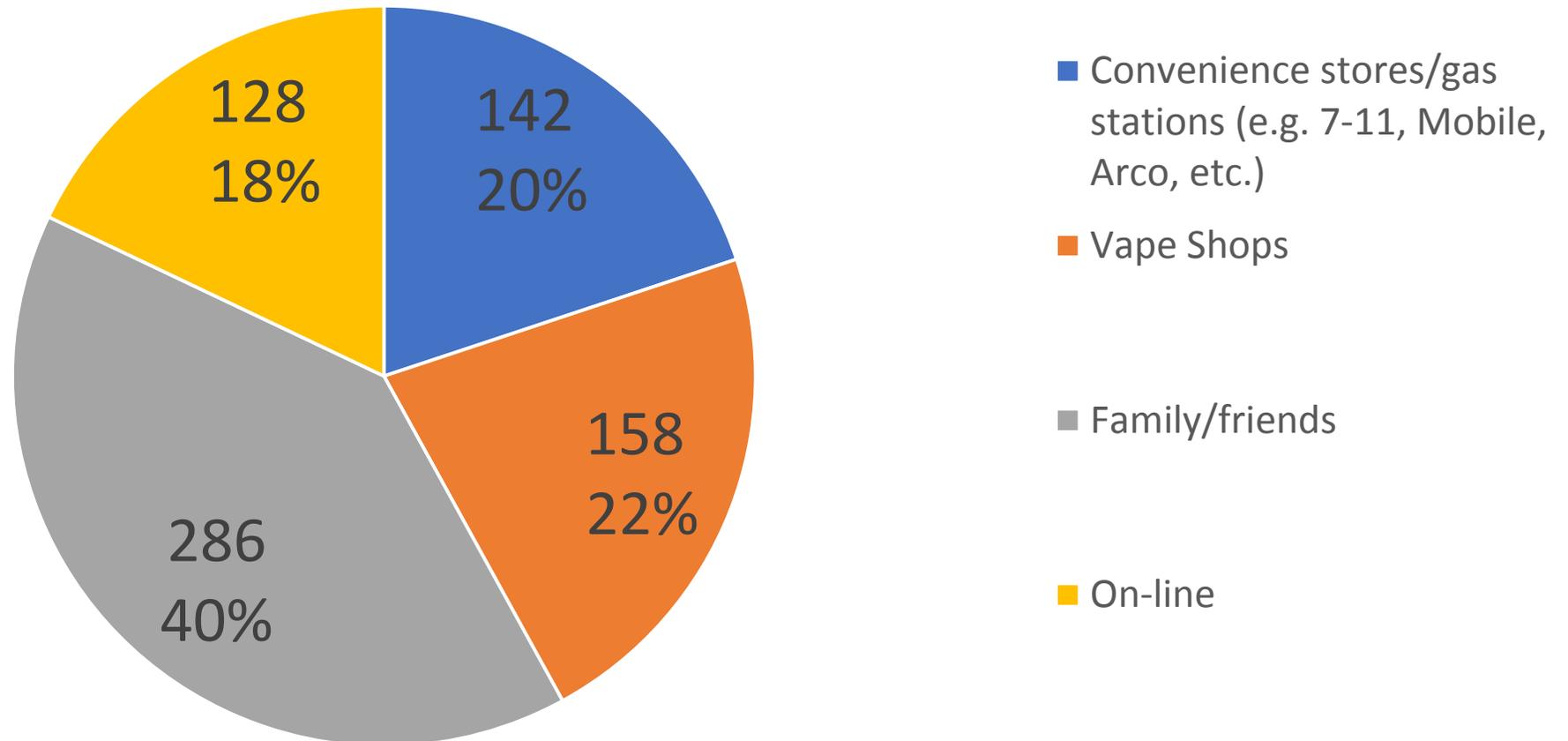
# Survey – Reported Types of Devices Used

Smoking Devices Used



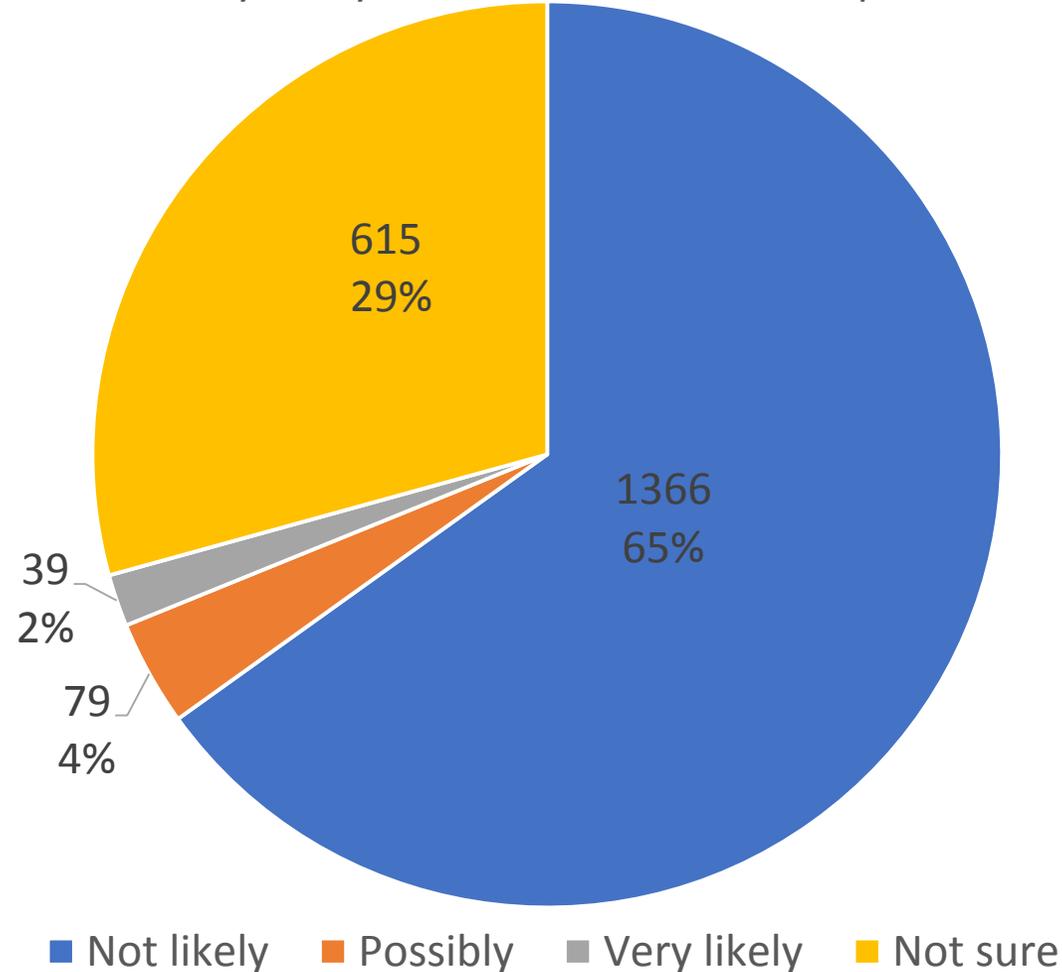
# Survey – Vaping Product Access

Where do you or your friends get vaping products?



# Youth Opinions - Flavored Tobacco

How likely are you to use a non-flavored product?



# Prohibiting Nicotine Content

City Staff conducted research on “high” level nicotine products and concluded:

- Not enough data to determine what level of nicotine consumption is “less” addictive;
- Absorption can vary based on device and content; and
- Enforcement would be difficult due to packaging and shops mixing their own liquid.





# Amendment to CVMC 5.56 Prohibit Flavored Tobacco

- The proposed ordinance makes it unlawful for any tobacco or electronic cigarette retailer to sell or distribute specified flavored tobacco products, including menthol.
- Unflavored or tobacco flavored e-cigarettes as well as FDA approved cessation devices will also be exempt.
- The ordinance does not apply to the sale of shisha, premium cigars, or loose-leaf tobacco.

## **5.56.010 Definitions.**

J. “Loose-Leaf Tobacco” consists of cut or shredded pipe tobacco, usually sold in pouches, excluding any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes, including roll-your-own cigarettes.



# Recommendation

Approve an ordinance (first reading) amending Chula Vista Municipal Code chapter 5.56, Tobacco Retailer, to prohibit the sale of flavored tobacco products within the City of Chula Vista.

**Effective January 1, 2023**