



City and County of San Francisco
London N. Breed
Mayor

San Francisco Department of Public Health
Grant Colfax, MD
Director of Health

July 25, 2019

John Arntz
Director of Elections
1 Dr. Carlton B. Goodlett Place, Room 48
San Francisco, CA 94103

Dear Director Arntz:

The Department of Public Health is writing in response to your request for information regarding the initiative Measure entitled "Vapor Products." As requested, we are providing an analysis of the effect of the Measure for the Ballot Simplification Committee.

Current State

San Francisco has adopted a series of public health protections over the past 20 years in an effort to protect children from a lifetime of harmful nicotine addiction. These include the introduction of tobacco retailer licensing in 2004, adoption of an ordinance that includes e-cigarettes in the definition of tobacco products in 2013, and recent ordinances that eliminate the sale of flavored tobacco and the sale of all e-cigarette products. The elimination of flavored tobacco product sales was unanimously adopted by the Board and Mayor in 2017, reaffirmed by voters with a 68% support by ballot initiative in 2018, and went into effect in January 2019. The elimination of all e-cigarette sales in brick-and-mortar and online establishments was adopted unanimously by the Board in June 2019 and signed by the Mayor.

Tobacco use continues to be the number one cause of death and disability nationally and costs San Francisco \$380 million annually.¹ E-cigarettes are the leading growth product for tobacco companies, and they are used at 5 times the rate among Californians under age 30 as compared to those over the age of 30.² After years of declining tobacco use due to dedicated public health education and policy work, national tobacco use rates climbed in 2017-2018, presumably due to increased e-cigarette use.³

New data released from the California Department of Public Health indicate that San Francisco/San Mateo high schoolers have the highest current e-cigarette use rate of all regions across California (20.8%), nearly double the 10.9% statewide use rate.⁴ San Francisco and San Mateo high schoolers also have the second highest rate of ever using any tobacco product among 22 regions statewide (41%).⁴ The data shows that 65.2% of CA high school students think it is easy to obtain e-cigarettes.⁴ It has been found that e-cigarette products often contain very high concentrations of nicotine and may provide developing brains with a highly addictive substance during sensitive

¹ Max, W., Sung, H., Shi, Y., and Stark, B. The costs of smoking in California, 2009. San Francisco, CA: Institute for Health & Aging, University of California, San Francisco, 2014.

<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CostofSmoking2009finalreport71414.pdf>

² California Department of Public Health. California Tobacco Facts and Figures. 2019.

<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/CATobaccoFactsandFigures2019.pdf>

³ Centers for Disease Control and Prevention. Progress erased: youth tobacco use increased during 2017-2018.

<https://www.cdc.gov/media/releases/2019/p0211-youth-tobacco-use-increased.html>

⁴Zhu S-H, Zhuang YL, Braden K, Cole A, Gamst A, Wolfson T, Lee J, Ruiz CG, Cummins SE (2019). California Student Tobacco Survey 2017-18. San Diego, California: Center for Research and Intervention in Tobacco Control (CRITC), University of California, San Diego.

<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/Reports/2017-18CaliforniaStudentTobaccoSurveyBiennialReport.pdf>(tables 51 and 52a)

developmental stages.^{5 6} Additionally, a recent Dartmouth study concluded that for every adult who potentially stops using cigarettes because they have fully converted to e-cigarettes, 80 new youth and young adults would commence using e-cigarettes through the availability and marketing of e-cigarettes.⁷

Impact if the Measure Passes

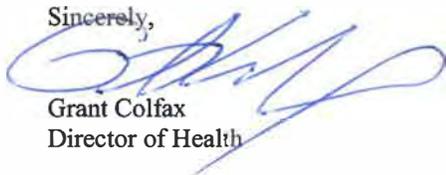
Reports indicate that the proposed initiative may reverse several elements of the youth protections that were implemented by the San Francisco Board of Supervisors and residents of San Francisco. The proposal may roll back the ordinance that will eliminate the sale of all e-cigarettes at stores and online in January 2020. It additionally may reverse the local prohibition of online flavored tobacco sales and allow the sale of flavored e-cigarettes. Finally, the measure may remove local authority to regulate tobacco products such as e-cigarettes, disallowing elected officials from making decisions to protect local children from addictive nicotine products.

If the proposal has the effect of repealing several elements of youth protections, several costs would be incurred by the City and the San Francisco Department of Public Health (SFDPH). The proposal creates a new type of license for e-cigarettes that would require SFDPH to identify all potential online sellers of e-cigarettes, national and international, to request that they apply for a license locally. The costs of this process are unknown. The proposal additionally does not provide a fee for this license and therefore institutes an unfunded mandate to SFDPH. Direct medical costs, indirect costs of illness and disability, and future medical costs and loss of life attributable to the growing rate of e-cigarette use are not currently known.

Conclusion

The San Francisco Department of Public Health believes that the proposal does not serve the public health as it may remove local regulations aimed at protecting youth and reducing future nicotine addiction. Based on growing youth use rates and what the US Surgeon General calls an “epidemic of youth use” this proposal would not protect public health but rather support the producers and sellers of e-cigarette products.⁵

Sincerely,



Grant Colfax
Director of Health

⁵ Surgeon General’s advisory on e-cigarette use among youth. Centers for Disease Control and Prevention. December 18, 2018. https://www.cdc.gov/tobacco/basic_information/e-cigarettes/surgeon-general-advisory/index.html

⁶ Hoffman, J. Addicted to vaped nicotine, teenagers have no clear path to quitting. NY Times. December 18, 2018. <https://www.nytimes.com/2018/12/18/health/vaping-nicotine-teenagers.html>

⁷ Soneji, S. Sung, H., Primack B., Pierce, J., Sargent, J. Quantifying population-level health benefits and harms of e-cigarette use in the United States. March 14, 2018. <https://www.ncbi.nlm.nih.gov/pubmed/29538396>