

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931 TELEPHONE (530) 872-6291 FAX (530) 877-5059 www.townofparadise.com

Mayor, Greg Bolin Vice Mayor, Steve Crowder Council Member, Jody Jones Council Member, Melissa Schuster Council Member, Mike Zuccolillo Town Manager, Lauren Gill
Town Attorney, Dwight L. Moore
Town Clerk, Dina Volenski
Community Development Director, Susan Hartman
Administrative Services Director/Town Treasurer, Gina Will
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, John Messina
Disaster Recovery Director, Katie Simmons

Town Council Meeting June 9, 2020

Attached are comments, received after the posting of the agenda, regarding the following agenda items:

4. Public Comments

<u>6b.</u> Prohibiting the sale of Flavored Tobacco products in the Town of Paradise.

6c&d. Undergrounding utilities and Broadband study

6f – Professional investment portfolio management for the PG&E Settlement monies

From: <u>Celine Cowan</u>
To: <u>Volenski, Dina</u>

Cc: Jeff Deshaies; John Miller-George
Subject: PUBLIC COMMENT ITEM

Date: Tuesday, June 09, 2020 12:15:09 PM

This is a quick announcement that ARYUS MANUFACTURING will be starting to set up our factory in the old Paradise Post building just off Clark Road right here in Paradise on July 6th!

By the time of your next Council Meeting, if all goes moderately well, we should be setting up our manufacturing equipment for building Structural Insulated Panels in preparation to build new energy-efficient homes and buildings!

The COVID-19 pandemic threw a monkey wrench into our original plans with the and slowed us down, but it is now time to start hiring local people to build new homes and business buildings and Rebuild Paradise!

Our Sales office, Aryus Homes, is in Paradise across Skyway from Tri-Counties Bank and Holiday Market at 6141 A Center Street. However, the COVID-19 pandemic closed it to foot traffic until July 6th. But you can call our office at 530-395-1091 with any questions. We will be donating several plans to the BRIC. And you can have a custom-designed home built just for you if you wish.

We will likely have much more to report next month, but we are looking forward to working with the Town of Paradise, Butte County and other cities and towns to help heal the 'Burn Scar', and bring new jobs and opportunities back!

Thank You...

Jeffrey Deshaies and Celine Cowan Aryus Manufacturing From: <u>James Allison</u>
To: <u>Volenski, Dina</u>

 Subject:
 Tuesday, June 9, 2020 Agenda

 Date:
 Friday, June 05, 2020 12:56:29 PM

Attachments: image001.png

image005.png Paradise Letter 6.5.pdf

Town Clerk Volenski,

I could not find contact information for several of the councilmembers, so in lieu of contacting them directly, would you be able to disseminate the below message and attached letter to the council, ahead to Tuesday's meeting?

"In response to a proposal on Tuesday's agenda, the California Fuels & Convenience Alliance would like to take this opportunity to provide a written statement regarding the impacts of this proposal.

CFCA represents California's fuel retailers and over half of all gas stations and convenience stores. These businesses are largely small, family-owned stores. Our members would be disproportionately affected as a result of this proposal. The products named in your proposed ordinance make up a substantial revenue category for these stores, and their loss would be significantly impactful, even during normal circumstances. That said, they present markedly greater detriment under the current circumstances facing all businesses during the COVID-19 crisis.

These stores serve as essential businesses, as classified by Governor Newsom's Executive Order N-33-20. These businesses are doing everything they can during these turbulent times to help their communities and making available the goods families need, providing groceries, fuel, and other necessities that larger, overwhelmed grocers simply cannot. Moreover, especially during this critical situation, store owners and employees are disadvantaged from participating in the virtual civic process.

We implore you to dedicate this time to focusing on COVID-19 crisis relief and not enacting harmful policy towards small businesses.

Attached is a formal letter opposing the proposed ordinance. We greatly appreciate your consideration, and if you have any questions or concerns at all, please do not hesitate to reach out."

Thank you,

James Allison
Public Affairs
California Fuels & Convenience Alliance

2520 Venture Oaks Way, Suite 100 | Sacramento, CA 95833

Main: (916) 646-5999 ext 990 | Fax: (916) 646-5985 | www.cfca.energy







Statement of Confidentiality: The information in this electronic message and any attachments to this message are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, please notify James Allison immediately at james@cfca.energy and destroy all copies of this message and any attachments. Thank you for your





2520 Venture Oaks Way, Suite 100

Sacramento, CA 95833

916.646.5999

June 5, 2020

Paradise Town Council 5555 Skyway Paradise, CA 95969

Re: Proposed Ordinance to Implement a Tobacco Retail License and Ban the Sale of Flavored Products

To:

Mayor Greg Bolin Vice Mayor Mike Zuccolillo Councilmember Jody Jones Councilmember Steve Crowder Councilmember Melissa Schuster

The California Fuels and Convenience Alliance (CFCA) represents about 300 members, including nearly 90% of all the independent petroleum marketers in the state and more than one half of the state's 12,000 convenience retailers. Our members are small, family- and minority-owned businesses that provide services to nearly every family in California. Additionally, CFCA members fuel local governments, law enforcement, city and county fire departments, ambulances/emergency vehicles, school district bus fleets, construction firms, marinas, public and private transit companies, hospital emergency generators, trucking fleets, independent fuel retailers (small chains and mom-and-pop gas stations) and California agriculture, among many others. CFCA appreciates the opportunity to provide comment on this proposed ordinance.

The retailers represented by CFCA are mostly small, family, and/or immigrant owned businesses that would be crippled by regulations banning legally sold and manufactured products. They have been heavily involved in keeping age restricted products out of the hands of youth, including the recent change to California's age of sale from 18 to 21 years of age. Not only does our industry comply with federal and rapidly changing state and local laws, but they also conduct internal sting operations and build their own successful prevention policies, such as the WeCard Program. The ability to sell age restricted products, including tobacco, is part of the financial stability of these community convenience stores. Through the support of CFCA, the State of California recently passed a resolution declaring September "WeCard Awareness Month", in order to promote the safe and legal sale of age restricted products.

Implementation of a Tobacco Retail License

CFCA is a dedicated advocate for safe and responsible retail of age-restricted products. That stated, we ask that you please consider the increasing burden of cost of doing business in California and set the TRL price fairly as to not impact small businesses. For many of these stores, even what may be perceived as slight setbacks can be crippling to family operation that depends on store revenues for groceries and school supplies. We ask that you consider these elements and not unfairly burden these small businesses.

Sale of Current Stock

If this ordinance passes, it is imperative to allow enough time for retailers to sell their current stock, as most purchase products in bulk from distributors. **The Paradise Town Council should include a provision allowing retailers to sell the rest of the products they currently own or purchase prior to commencement of any ban ordinance in order to ease the burden of this ordinance.** San Francisco allowed for this in an ordinance placing similar restrictions on flavored products to assist the small business owners that will be affected.

Youth Sales

The illegal sale of tobacco and nicotine products is not a common occurrence at convenience stores. In 2005, the California Tobacco Survey found that 82% of adolescent smokers obtained the products from "social sources", mainly older friends and family members.¹

Furthermore, 2016 research from the California Department of Public Health showing they are the number one retail source of youth tobacco. Convenience stores were found to be much less likely to be a source of illegal sales, below the state average.²

Identification Requirement and Online Sales

Given the rise of online purchases of all goods, and the government's complicity in encouraging this - including age restricted products, the City should be more focused on the modern ways youth are obtaining these otherwise legal products. A short exploration of the ordering process for major manufacturers shows the ease with which youth can obtain these products. Many companies do not require adult signatures for these products and they can be delivered to the user's door with no identification verifying their legal age.

Convenience stores and other brick-and-mortar locations are perfectly situated to adhere to federal, state, and local laws by checking a physical identification card and following the guidelines created and followed by the industry, such as the WeCard program. WeCard is a non-profit organization that provides training and materials such as age-of-purchase calendars that make it simple for an employee to ensure the purchaser is of legal age. They also have an e-cigarette specific webpage and materials.³ WeCard ensures the correct materials and standards are being used in those locations and provides an invaluable service to small businesses that sell age restricted products.

Harm Reduction through Vapes/ENDS

ENDS offer an option to adult consumers that can serve as a tool for smoking cessation and harm reduction that adds to the small list of methods available. Nicotine gum and patches are listed as smoking cessation methods, but they are not intended to get a user to zero nicotine. They are a way to alleviate the withdrawal symptoms that are commonly experienced by nicotine users moving away from nicotine products. ENDS are often used the same way, but also allow a wider variety of flavors and nicotine percentages, *including zero nicotine*. Allowing smokers to work their way to nicotine free solutions means they can reduce their risk of harm from nicotine. More flavor options and styles of ENDS increase the amount of consumer freedom and may lead to more traditional cigarette users to switch to a less harmful method.

In 2016, the Royal College of Physicians released a report concluding that e-cigarettes and ENDS are beneficial to public health as they decrease the rate of traditional cigarette use. The study found that long term use of ENDS is unlikely to exceed 5% of the harm from traditional cigarettes. Furthermore, they found ENDS to not be a "gateway to smoking", do not result in a "normalization of smoking", and provide a first step to smoking cessation for many users. Professor John Britton, chair of the Royal College of Physicians Tobacco Advisory Group, stated their report "lays to rest almost all of the concerns over these products, and concludes that, with sensible regulation, electronic cigarettes have the potential to make a major contribution towards preventing the premature death, disease, and social inequalities in health that smoking currently causes in the UK." Paradise will not be able to take advantage of these benefits if it continues down this path of overregulation that curtails healthier choices for adult users.

Often overlooked in these studies and rulemakings is the importance of reducing the harm from second-hand and third-hand smoke. ENDS reduce the possibly harmful smoke that can be breathed in or contaminate surfaces indoors,

2

¹ https://www.tobaccofreekids.org/assets/factsheets/0073.pdf

https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/YouthTobaccoPurchaseSurveyYTPSHistoricalSalesChart2016.pdf

³ http://www.wecard.org/e-cig-and-vapor-central

⁴ https://www.rcplondon.ac.uk/news/promote-e-cigarettes-widely-substitute-smoking-says-new-rcp-report

reducing incidental risk to children, the elderly, the infirm, and those who do not use nicotine products. By promoting the use of ENDS over traditional cigarettes, we can protect the most vulnerable populations from the environmental hazards associated with second-hand and third-hand smoke. Research shows the biomarkers for second hand smoke are 5.7 times higher in homes using traditional cigarettes than those of ENDS users.⁵

Furthermore, smoking amongst adults and youth is at an all-time low. Fourteen percent of adults smoke, down from 16% the year prior and teen smoking has sunk to 9%, a record low. The level of smoking in the United States continues to decline while health concerns such as obesity and heart disease continue to climb at an alarming rate. Paradise should focus on effective implementation of existing policies, supporting the businesses that work hard to keep age restricted products out of the wrong hands, and address the online sales that allow these products to be delivered directly to those under the legal age.

Another study published by the New England Journal of Medicine in January 2019 shows e-cigarettes are more effective at helping smokers quit than other nicotine-replacement therapy. Smokers in the study were twice as likely to quit using e-cigarettes as those using nicotine patches or gum.ⁱ

Conclusion

CFCA urges the Paradise Town Council to examine the methods by which youth are obtaining these age restricted products, including cigarettes and vapes or ENDS. We encourage the Town to work with the California Department of Public Health, the FDA, and others to do the necessary research in order to effectively limit youth access to tobacco while acknowledging the hard work by convenience stores and others to achieve the same goal. The fuels and convenience industry is willing to do its part to prevent youth access to age-restricted products, especially to find a manner to do it without the harm and negative impacts that ordinances such as this will bring onto small, family- and minority-owned businesses.

Please contact James Allison at james@cfca.energy or (916) 646-5999 with any further questions or comments.

⁷ https://www.nejm.org/doi/full/10.1056/NEJMoa1808779

⁵ https://www.ncbi.nlm.nih.gov/pubmed/25262078

⁶ https://apnews.com/f24650f675704019b0093e3cce23d020

My name is Ann Phillippe, and I coordinate tobacco education programs for Chico Unified School District. For the past 25 years, I have worked with youth in the schools as a School Psychologist and tobacco grant writer and Coordinator. We look to our youth as our future leaders, and our youth look to their parents, teachers, and key decision makers, for showing them what leadership looks like. Paradise youth need their Town Council to lead the way now, by restricting and enforcing the sale of flavored tobacco products in their community. These products are specifically marketed to youth, and this marketing works. Recent data indicates over a third of high school students, and close to a quarter of middle school students are current users of e-cigarettes. These numbers continue to increase dramatically due to the availability of flavored nicotine products. As you are aware, last month, a youth decoy operation conducted by Chico Police Department found that 6, of 13 retailers, sold to minors. It is not enough to restrict flavored tobacco products. Instituting a tobacco retail license, which provides retailer education and monitoring of compliance, is the kind of leadership that the youth in our communities depend on. Thank you.

From: <u>Issa Abuaita</u>
To: <u>Volenski, Dina</u>

Subject: PUBLIC COMMENT ITEM 6b

Date: Monday, June 08, 2020 3:22:17 PM

I oppose a ban on flavored without an exemption for Hookah. Many cultures use hookah like Americans use beer at a bbq because drinking alcohol is against their religion.

Hookah is completely different than an e-cigarette. First, it's used in a large water pipe and difficult to hide, in a backpack for instance. It's difficult to use without someone noticing. It takes time to set up. Setting one up actually takes 20 minutes and at least an hour to consume. Because of this, hookah is not very appealing to youth.

Of course, we don't want our youth to use any tobacco products nor do we want them using marijuana or alcohol for that matter. Banning hookah just doesn't raise the same youth use issues. Specifically, the latest information from the CDC on youth use of hookah is only 2.6% compared to almost 26 percent for vaping.

Please protect our youth but also save our tax paying businesses, the employees of those business and the important cultural tradition of hookah.

Thank you.

From: <u>Larry Johnson</u>
To: <u>Volenski, Dina</u>

Subject: PUBLIC COMMENT ITEM 6B

Date: Monday, June 08, 2020 12:46:02 PM

Paradise Town Council,

My name is Larry Johnson. I spoke several months ago at one of your meetings in regards to potentially placing a ban on flavored tobacco products for Paradise. I am an Administrator at Paradise Junior/Senior High School. I was raised in Paradise, I am a father of two young children and I have 12 nephews and nieces varying from 1 year of age to adults. The last thing I want to see is one of the children in my life become addicted to flavored tobacco.

I see in Agenda Item 6b you are considering four options. First of all, I applaud you for taking this topic seriously. As we all know, flavored tobacco use amongst minors is a major issue across the nation and certainly in our community. Paradise Junior/Senior High School has taken many actions to help prevent students from taking part in tobacco use. Some of those actions include, parent conferences, tobacco awareness presentations, tobacco counseling in small groups and with individuals, detentions, suspensions, legal interventions and much more. As much as we have taken on a school district to help with this challenging task, we continued to have issues with minors and tobacco use up until school closure.

The tobacco companies clearly created flavored tobacco products that would be of interest to young people. Products like Cotton Candy flavored VAPES are obviously marketing to our younger generations. I ask that the Town Council Create a Tobacco Retail License for businesses in the Town of Paradise which also bans the sale of flavored tobacco products. Trust me when I say that the last thing I like doing is government overreach and unnecessarily restricting businesses; however we simply do not have a choice with this issue. The time to take action is now.

I would like to thank the Paradise Town Council for your hard work and dedication for our community. You are serving during a difficult time for our community, nation and world. Your service is truly appreciated.

Sincerely,

Larry Johnson

7th & 8th Grade Principal

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Larry Johnson Principal, 7th & 8th Grade Facebook Page From: Rima Khoury
To: Volenski, Dina

Subject: PUBLIC COMMENT ITEM 6B

Date: Monday, June 08, 2020 1:09:37 PM

Attachments: image001.png

PLEASE READ AT JUNE 9th MEETING

Dear Mayor and councilmembers,

Before you inadvertently vote to ban the thousand year cultural tradition of hookah in the Town of Paradise please understand the facts.

There is no teen hookah epidemic. The FDA and CDC reports have made it clear that hookah is not the problem with youth. There are no facts that support a ban on hookah.

Hookahs are not being confiscated in schools. Hookahs are 3 feet tall and cannot be easily concealed in your pocket or backpack like vape. Hookahs take 25 – 30 minutes to set up and need hot coals, therefore it cannot be smoked during recess in the bathroom at school. Hookah's cost over \$200 for all the parts and accessories, making it out of reach for most kids. Gov. Gavin Newsom stated in his executive order address on September 16, 2019 that "hookah is not the problem in classrooms".

Furthermore, FDA recently stated in their Guidance for the Industry dated January 2020 that although data shows that flavored tobacco entice youth, that such data does NOT appear to raise comparably urgent public health concerns with youth usage of hookah products because the lower prevalence of youth use of these products suggests that they do NOT appear to be as appealing to youth at this time. Emphasis added.

Hookah is not the problem.

Yet hookah is becoming collateral damage in the war against vape. Hookah is not vape. Hookah has been practiced for over a thousand years by Arabs, Persians, Armenians, Turks and Indians, many of which have immigrated to America and still practice their cultural traditions. Hookah is the center piece of social gatherings and is often offered to guests as a sign of hospitality and respect.

Many immigrant small business owners have built their business doing what they know from their home country. Often times they work 20 hour days, seven days a week to support multiple generations of their family. Rather than banning hookah and crippling these immigrant small business owners, consider passing reasonable regulations that address youth usage and access. Many of these business owners that have been operating legally for years would be happy to work with law makers to address youth access issues. These hookah lounge and retailer owners often have several years remaining on their leases and have personally guaranteed their leases. They will not only lose their business, but their homes and no longer be able to support their family and extended family.

A tobacco flavor ban is a ban on hookah because it only comes in flavors. Even hundreds of years ago hookah was made with molasses and honey.

The federal government has recently passed a 21 and over minimum for tobacco products

across all fifty states. In addition, the FDA has passed an e-cigg ban on flavored cartridges. May 12, 2020 is the FDA deadline for all vape and hookah products to be accepted for FDA review, after which any products without FDA authorization will be unlawfully on the market and their products seized and injunctions restricting sales will be issued along with fines and penalties. The federal government is addressing the youth access issue and also providing legislation across the board, eliminating the patchwork of laws from city to city and closing loop holes for bad actors to skirt the law.

Please exempt hookah and preserve our cultural tradition.



RIMA KHOURY, ESQ. GENERAL COUNSEL (619) 331-3535 EXT. 723 FUMARI INC.

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June 9, 2020

Paradise Town Council 5555 Skyway Paradise, CA 95969

Dear Mayor Bolin and Councilmembers-

The California Health Collaborative (CHC), a local non-profit in Chico, thanks you for addressing the sale of flavored tobacco products in the town of Paradise. The city of Oroville recently adopted a ban on the sale of flavored tobacco products because of the escalating use among youth of all flavored tobacco products. The policy went into effect on March 1, 2020 and CHC staff and volunteers conducted personal visits to each tobacco retailer in the city providing information about the law and offering signage and educational materials. The education was well received by retailers despite initial opposition to the policy from a few retailers.

We are happy to report that a tobacco retail survey in May 2020 found that nearly 100% of retailers in Oroville are complying with the new law. Research conducted across the country finds that- if implemented- bans on the sale of flavored tobacco products do reduce youth initiation and resulting addiction to tobacco products. But to be effective, they should include all flavored tobacco including hookah, e-juice, and menthol cigarettes. In areas where these products were exempted, youth simply switched to these flavored products.

In addition, Hookah is a communal activity meaning several people sharing the same water pipe; increasing the risk of communicable diseases such as COVID-19. Another alternative is the flavored e-hookah which is also sold in retail stores and is VERY popular among youth. A ban on the sale of <u>all</u> flavored tobacco products would greatly impact the number of youth who can obtain them, yet it will still allow the sale of non-flavored tobacco products, which don't appeal to youth, for adults who wish to purchase them.

Paradise youth need adults to protect them from the Tobacco Industry's consistent targeting of them to become the next generation of nicotine addicts. There is no place in our community for flavored tobacco products.

Thank you,

DeAnne Blankenship <u>dblankenship@healthcollaborative.org</u> (530) 345-2483 x 213

From: Martin, Angela
To: Volenski, Dina

Subject: Public Comment for Agenda Item: 6B Flavored Tobacco Ban Item

Date: Tuesday, June 09, 2020 10:04:50 AM

Dear Council,

Please see the following comment in regards agenda item 6B, Flavored Tobacco Ban for the June 9 town council meeting. This information is be provided for information purposes only to highlight what information/facts have already been provided in packets, discussed, and presented previously in relation to tobacco and youth access in Butte County.

- 1. The tobacco companies are targeting kids with candy-flavored tobacco products, including sweet-flavored liquid nicotine for vaping.
- 2. Nicotine is addictive, and can damage developing brains.
- 3. Vaping among high school-age youth increased 78% during the past year.
- 4. Flavors are one of the main reasons youth try vaping.
- 5. Local stores are selling flavored tobacco products to underage youth.
- 6. We need to protect Butte County's youth from addiction, and prioritize health over tobacco industry profits.

Thank you,

Angela



June 9, 2020

The Honorable Greg Bolin

Mayor of Paradise 5555 Skyway Paradise, California 95969

Dear Mayor Bolin and Members of the City Council:

I am writing to you today on behalf of the American Petroleum and Convenience Store Association (APCA) representing owners of 1,400 businesses who are providing jobs, essential services, and products to Californians. Each day, 165 million people visit their favorite neighborhood market resulting in sales that allow the average convenience store to collect \$1.28 million in property, payroll, and sales taxes for local, state, and federal governments every year. Here in City of Paradise, our association members are investing in the community by supporting local charities, youth sports teams, and food drives.

The sale of tobacco and e-cigarettes products is a critical part of our retailers' business model. Tobacco and e-cigarettes sales drive ancillary sales of gas, food, and other products and keep us in business. If we lose the ability to sell tobacco and e-cigarettes products as the city proposes, our customers will go elsewhere. We oppose this sales ban as it eliminates an entire category of products from our shelves that adults in this country have the right to buy and enjoy.

Banning legal products at licensed retail locations undermines the city's and the state's tobacco and e-cigarettes retail licensing program, which has successfully limited youth access to tobacco and e-cigarettes, protected consumers from altered products, and given local government the enforcement tools they need. Moreover, local bans on tobacco and e-cigarettes products create an illicit market and an enormous profit margin driving illegal sales in those locales.

According to the most recent California Healthy Kids Survey (2017), youth usage rates of tobacco and e-cigarettes products are at historic lows. Cigarette smoking by 11th graders has declined to a low of 4.3% and only 1.7% of underage youth use smokeless tobacco and e-cigarettes products like moist snuff or chewing tobacco and e-cigarettes. We are fully opposed to any regulation on the sale of menthol or mint products within traditional tobacco and e-cigarettes categories. The ordinance you are proposing does not address youth usage, but it will result in the closures of essential neighborhood markets.

During the COVID-19 crisis, Americans have become acutely aware of what is considered necessary in their lives such as fresh and shelf stable food, hygiene items, and cleaning products. Within days of the declaration of the global pandemic, government officials deemed our nation's grocery stores and convenience stores "essential," one of only a handful of businesses allowed to operate during shelter in place orders. Because of our ability to stay in business, our gas stations and convenience stores have been able to save jobs and serve local communities during the crisis. In recent weeks, our members have fanned out across the state to deliver much-needed masks to coronavirus frontline workers and donate to nonprofits like Tri City Volunteer Food Pantry and Second Harvest Silicon Valley who are providing healthy food to Bay Area residents.

The current crisis is unprecedented, but California has seen its fair share of catastrophes. Whether it was the Camp Fire in 2018 or the Valley fire in 2015, our stores have always been there. We continued to provide fuel, bottled water, and other essential items to those who needed it most. If cities like Paradise continue to attack our ability to remain profitable, there will be a day when no one is left at neighborhood markets to provide much-needed supplies to meet critical needs.

We appreciate your consideration of our comments on this issue and urge you to oppose any ordinance that would restrict our ability to sell flavored tobacco and e-cigarettes products and devices in our stores to adults over the age of 21. We are responsible retailers who provide jobs and essential goods. We are an integral part of our cities and we are dependable community partners. Our city leaders should safeguard our ability to continue operating.

Should you have questions or require additional information, please do not hesitate to contact us at 916.627.1170.

Sincerely

Jivtesh Gill Chairman, APCA

Attachment

C Store Decisions

https://cstoredecisions.com/2020/05/15/american-petroleum-and-convenience-store-association-provides-masks-food-and-funds-to-frontline-workers/
May 15, 2020

APCA Provides Masks, Food and Funds to Frontline Workers

The organization donated over \$20,000 in collective funds and distributed 12,000 masks to frontline workers, nonprofit staff and volunteers across California in response to the COVID-19 pandemic.

By Isabelle Gustafson | May 15, 2020



Pictured from Left to Right: Jaswinder Singh, Bay Area Chapter Member, APCA; Tracy Weatherby, Vice President of Strategy and Advocacy, Second Harvest of Silicon Valley; Sam Liccardo, Mayor, San Jose; Sanjiv Patel, National Board Member, APCA; Inderjit Sidhu, Bay Area Chapter Vice President, APCA; Khushvinder Singh, Bay Area Chapter President, APCA

Members of the <u>American Petroleum and Convenience Store Association</u> (APCA) delivered masks, food and donations to frontline workers, nonprofit staff and volunteers across California in response to the COVID-19 pandemic.

The industry group found that, besides health care workers, police officers and food bank staffers were in desperate need of gear to help prevent transmission of the virus.

"During our conversations with these organizations, we heard supplies of masks were extremely low or nonexistent. We recognized that we were in a unique position to identify alternative sources for some of these supplies, and we got to work," said Jivtesh Gill, chairman, APCA. "Deemed 'essential businesses' by the Department of Homeland Security, our members'

1,400 convenience stores and gas stations have remained open, and they've maintained access to suppliers. Despite catastrophically low fuel sales and an inside sales decline, our members displayed their resilience and desire for community wellbeing and were able to distribute much-needed supplies to meet critical needs."



The organization distributed 12,000 masks to the Catholic Charities Family Support Center in Santa Rosa, Sonoma County Sheriff's Office, Solano County Emergency Services, Sacramento Police Department, Tri-City Food Pantry and Thrift Store in Fremont, Second Harvest Silicon Valley, and the Modesto Police Department.

Additionally, members of the association collected funds to donate \$12,500 to the Central California Food Bank in Fresno, \$5,000 to the Sacramento Food Bank and Family Services, \$5,000 to Second Harvest Food Bank serving San Joaquin and Stanislaus counties, and \$1,000 to the Twin Lakes Food Bank in Folsom.

Every day, 165 million people visit their favorite neighborhood market. This activity results in sales that allow the average store to collect \$1.28 million in taxes for local, state and federal governments every year.

"The COVID-19 crisis is unparalleled, but just like during the Camp Fire in 2018 and the Valley Fire in 2015, APCA members and our employees remain committed to serving our customers and our communities," said Gill.









Pictured from Left to Right: Inderjit Sidhu, Bay Area Chapter Vice President, APCA; Sanjiv Patel, Bay Area Chapter Champion, National Board Founding Member, APCA; Faisal Gowani, Bay Area Chapter Ex-President, APCA; Taylor Johnson, Executive Director, Tri-City Volunteers Food Bank and Thrift Store; Phani Yadavalli, Bay Area Chapter Board Member, APCA; Raj Salwan, Council Member, City of Fremont

From: Esther Craig
To: Volenski, Dina

Subject: Public Comment Item 6b

Date: Tuesday, June 09, 2020 11:45:36 AM

Attachments: image001.png

Hello Paradise City Council,

My name is Esther Craig, Program Coordinator with California Health Collaborative Si Se Puede Program. I have been working in Tobacco and Drug Prevention for over seven years. I support a flavored tobacco restriction with a Tobacco Retail License in Paradise to better protect youth. Despite the Federal Drug Administration's recent e-cigarette restrictions, disposable flavored products that are favored for kids are still widely available in kid-friendly flavors such as strawberry, churro and blue raspberry. The Centers for Disease and Control (CDC) has reported that teens are nearly seven times more likely to vape nicotine than adults. In 2019, CDC and Federal Drug Administration (FDA) data showed that more that 5 million U.S. youth, including 1 in 4 high school students and 1 in 10 middle school students, used e-cigarettes in the past 30 days. While adults may enjoy flavored tobacco products, it's time to acknowledge what the science has already shown-youth are disproportionately attracted to flavors, and restricting all flavors (including menthol) of all tobacco products is our best bet to keep them from becoming addicted. And a Tobacco Retail License would create real consequences for retails that are caught selling to youth and provide resources to help local police departments enforce the law.

Thank you.

Esther Craig (Pronouns: She/her/hers) Program Coordinator- Si Se Puede California Health Collaborative 25 Jan Court, Ste 130 Chico, CA 95928 (530) 345-2483 x 222



From: Suzie Lawry-Hall
To: Volenski, Dina

Subject: PUBLIC COMMENT ITEM 6B

Date: Tuesday, June 09, 2020 11:46:07 AM

Attachments: Resolution to restrict the sale of flavored tobacco products Enloe Medical Center.pdf

Enloe Medical Center is in support of the ordinance to restrict the sale of flavored tobacco products in Paradise and the surrounding areas. The resolution attached is for the City of Chico, however the position of Enloe Medical Center remains the same. National and local data support that flavored tobacco products are targeting teens and young adults, contributing to a new generation of people addicted to nicotine. Long-term tobacco use is associated with many serious health problems including many cancers and COPD. This policy will reduce access and improve community health.

Thank you,

Suzie Lawry-Hall

Community Outreach Coordinator, Enloe Medical Center p. 530-332-7329 | f. 530-893-6834 | e. suzie.lawryhall@enloe.org

Enloe Medical Center

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Thank you.

A RESOLUTION TO ENCOURAGE CHICO TOBACCO RETAILERS AND CHICO CITY COUNCIL TO RESTRICT THE SALE OF FLAVORED TOBACCO PRODUCTS INCLUDING MENTHOL CIGARETTES

WHEREAS, tobacco use is the leading preventable cause of over 480,000 deaths annually in the United States (1) and results in chronic smoking-related illness for approximately 8,600,000 Americans; (2) and,

WHEREAS, youth are targeted as "replacement smokers"; even as tobacco use kills nearly 1,300 Americans daily, more than 3,800 youth try smoking for the first time in addition to 2,100 youth and young adults become regular smokers every day; (3) and,

WHEREAS, California is a national leader in reducing tobacco use, halving smoking rates in the past 25 years; nevertheless, 40,000 adult Californians die from tobacco-related disease annually, and at current rates, about 441,000 kids under 18 in California will die prematurely from smoking; (4) and,

WHEREAS, as its customers succumb to tobacco-related illness and death, the tobacco industry continually adapts to changing regulatory and market environments, innovating around electronic smoking devices (ESDs) and flavored tobacco products to create a new, younger generation of customers; and,

WHEREAS, the 2009 Family Smoking Prevention and Tobacco Control Act prohibited flavored cigarettes (other than menthol and tobacco flavor itself) because of flavor's power to pull youth into nicotine addiction; (5) while the prohibition led to significant declines in youth cigarette use, it also contributed to significant increases in the use of menthol cigarettes and cigar use; (6) and,

WHEREAS, federal and California state law do not restrict the sale of menthol cigarettes or flavored noncigarette tobacco products such as cigars, little cigars, cigarillos, smokeless tobacco, hookah tobacco, ESDs and their flavored solutions; and,

WHEREAS, these flavored tobacco products contain candy and fruit flavors such as bubblegum, cotton candy, grape, and banana split, with some flavored tobacco products sharing the names, packaging, flavor chemicals, and sweetness of popular candy brands like Jolly Rancher, Kool-Aid, and Life Savers (7), as well as just a few store aisles away; and,

WHEREAS, the tobacco industry well understands that smoking is most likely to become a habit if started young – in California, 67.7 percent of current and former smokers start by the age of 18, and 98.1 percent start by the age of 26 (8) – and that flavored tobacco products are a gateway for youth to become regular smokers (9) because flavors disguise the harshness of tobacco which can make smoking seem enticing and less harmful; and,

WHEREAS, youth smokers typically initiate the habit with flavored tobacco: 80.8 percent of 12 to 17 year olds who had ever used a tobacco product began with a flavored tobacco product, and that 79.8 percent of current youth tobacco users had used a flavored tobacco product in the past month; (10) and,

WHEREAS, the appeal of flavored tobacco is disproportionately powerful among the young: those 18 to 24 years old had an 89 percent increased odds of using a flavored tobacco product compared to those aged 25 to 34 years old, (11) suggesting that the flavored tobacco market is less about selling to an existing base of adult customers, and more about cultivating the next one; and,

WHEREAS, the United States Centers for Disease Control and Prevention reports that ESDs are the most commonly used tobacco product among youth with three million middle and high school users in 2015, and ESD use among high school students has increased more than ten-fold from 2011 to 2015; (12) and,

WHEREAS, flavors in ESDs are the key to youth tobacco use initiation, with an estimated 7,700 unique, sweet flavors available; (13) 81.5 percent of current youth who are an ESD users said they used them "because they come in flavors | like"(14) and youth, in particular, do not perceive ESDs' flavored nicotine solutions as being harmful, (15) and,

WHEREAS, youth who use ESDs are more likely to become conventional cigarette smokers: eighth grade students who use ESDs are ten times more likely than their peers to eventually smoke tobacco cigarettes and become the next market for tobacco cigarettes; (16) and,

WHEREAS, these flavored tobacco products present significant public health threats to children, adolescents and young adults, who do not fully perceive the health risks of ESDs and flavored tobacco products, threatening the progress California has achieved in tobacco control; and,

WHEREAS, existing age restrictions do not keep tobacco products away from youth: among cigarette users under the age of 18, only 14.1 percent usually bought their own cigarettes in a store, (17) so even the recent increase in the California minimum age to purchase tobacco may not prevent youth from purchasing flavored tobacco products; and,

WHEREAS, a significant portion of cigars are being repurposed for the consumption of cannabis, with nearly half of high school tobacco users removing the filter paper and nearly two-thirds replacing the tobacco with cannabis, (18) an emerging issue with the legalization of cannabis for adult use by Proposition 64; and,

WHEREAS, the California Office of the Attorney General has concluded that state and local governments' police power to protect public health includes the power to regulate the sale and distribution of all types of tobacco products and all characterizing flavors, including menthol; (19) and,

WHEREAS, fifteen California jurisdictions have limited or banned the sale of flavored tobacco products, with 10 jurisdictions including menthol cigarettes; and,

WHEREAS, a ban on flavored tobacco products can yield a drastic reduction in flavored tobacco sales, and more importantly, one study modeled a 37 percent reduction in teens having tried flavored tobacco and a 28 percent lower chance of teens using any type of tobacco product, even when surrounding jurisdictions fail to ban flavored tobacco products; (20)

NOW, THEREFORE BE IT RESOLVED THAT THE ENLOE MEDICAL CENTER BOARD OF TRUSTEES:

- 1) Urges the State of California to exercise its authority to ban the sale of all flavored tobacco products.
- 2) Urges retailers, as leaders in their communities in the health and well-being of local populations, to voluntarily cease the promotion and sale of flavored tobacco products to increase the health of the community as well as prevent a new generation of smokers and tobacco users from being created.
- 3) Urges retailers to refrain from allowing anyone under 21 years of age to handle or sell tobacco products, including electronic smoking devices (ESDs). 4) Urges the City of Chico to enact an ordinance prohibiting the sale of flavored tobacco products. 5) Encourages the City of Chico to adopt and enforce a

strong tobacco retailer licensing ordinance, including annual compliance checks and suspension for violations of any federal, state or local tobacco law, along with sufficient annual fees to ensure robust compliance and to reduce illegal tobacco sales to minors.

PASSED AND ADOPTED by the Enloe Board of Trustees, this 22nd day of October, 2018.

Carol Huston, Board Chair

Carol I phiston

Citations

- 1 U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, "Tobacco Related Mortality," available at:
- https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/tobacco_related_mortality/index.htm
- 2 Department of Health and Human Services, Ending the Tobacco Epidemic: A Tobacco Control Strategic Action Plan for the U.S. Department of Health and Human Services, Nov. 2010, available at: https://www.hhs.gov/sites/default/files/ash/initiatives/tobaccostrategicplan2010.pdf
- 3 U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General, 2012, available at: https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf
- 4 Campaign for Tobacco-Free Kids, "The Toll of Tobacco in California Factsheet," March 1, 2017, available at: https://www.tobaccofreekids.org/facts issues/toll us/california.
- 5 Pub.L. 111–31, H.R. 1256, available at: https://www.gpo.gov/fdsys/pkg/PLAW-111publ31/html/PLAW-111publ31.htm.
- 6 Courtemanche et al., "Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use," American Journal of Preventative Medicine, Jan. 2017, abstract available at: http://www.ajpmonline.org/article/S0749-3797(16)30620-1/abstract.
- 7 Brown et al., "Candy flavorings in tobacco," New England Journal of Medicine, 2014, 370:2250-2252, available at: http://www.nejm.org/doi/full/10.1056/NEJMc1403015#t=article; in addition, alternative tobacco products often contain higher levels of sweeteners such as sucralose than candy products to further ease initiation, Miao et al., "High-Intensity Sweeteners in Alternative Tobacco Products," Nicotine & Tobacco Research, 2016, 8(11):2169-2173, available at: https://academic.oup.com/ntr/article/18/11/2169/2399292/High-IntensitySweeteners-in-Alternative-Tobacco.
- 8 California Department of Public Health, California Tobacco Control Program, California 7 Tobacco Facts and Figures 2016, available at
- $\frac{\text{https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document\%20Library/Research and Evaluation/Facts and Figures Web.pdf}{}$
- 9 U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General, 2014; U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General, 2012.
- 10 Ambrose et al., Journal of the American Medical Association, "Flavored Tobacco Product Use among US Youth Aged 12-17 Years, 2013-2014," Oct. 26, 2015, 314(17):1871-1873, available at: https://iamanetwork.com/journals/jama/fullarticle/2464690
- 11 Villanti et al., American Journal of Preventive Medicine, "Flavored Tobacco Product Use among U.S. Young Adults," 2013, 44(4):388-391, abstract available at: http://www.ajpmonline.org/article/S0749-3797%2812%2900939-7/abstract; also, King et al., Nicotine & Tobacco Research, "Flavored cigar smoking among U.S. adults: Flavored Cigar Smoking Among U.S. Adults: Findings from the 2009–2010 National Adult Tobacco Survey," 2013, 15:608–14, available at: https://academic.oup.com/ntr/article/15/2/608/1062062/FlavoredCigar-Smoking-Among-U-S-Adults-Findings.

- 12 Centers for Disease Control, Tobacco Use among Middle and High School Students United States, 2011-2015, Morbidity and Mortality Weekly Report (MMWR) 65(14):361-367, April 14, 2016, available at: http://www.cdc.gov/mmwr/volumes/65/wr/pdfs/mm6514a1.pdf.
- 13 Arrazola et al., Centers for Disease Control & Prevention, "Tobacco Use Among Middle and High School Students—United States, 2011–2014," April 17, 2015, 64(14):381-385, available at: https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6414a3.htm; National Youth Tobacco Survey, 2015; Zhu et al., "Four hundred and sixty brands of e-cigarettes and counting: implications for product regulation," Tobacco Control, 2014, 23 (Suppl 3): iii3—iii9, available at: http://tobaccocontrol.bmi.com/content/23/suppl 3/iii3.
- 14 Ambrose et al., "Flavored Tobacco Product Use among US Youth Aged 12-17 Years, 2013- 2014," Journal of the American Medical Association, October 26, 2015, 314(17):1871-1873, available at: https://jamanetwork.com/journals/jama/fullarticle/2464690
- 15 Pepper et al., "Adolescent males' awareness of and willingness to try electronic cigarettes," Journal of Adolescent Health, 2013, 52(2):144-150, available at: https://uncch.pure.elsevier.com/en/publications/adolescent-males-awareness-of-and-willingness-to-try-electronic-c
- 16 Mlech et al., "E-cigarettes and the drug use patterns of adolescents," Nicotine & Tobacco Research, 2015, 18(5):654-659, available at: 8 https://www.ncbi.nlm.nih.gov/labs/articles/26416823/; also, the U.S. Surgeon General has noted that "while some of the flavorings used in e-cigarettes are generally recognized as safe for ingestion as food, the health effects of their inhalation are generally unknown" and some of the flavorings found in e-cigarettes have been shown to cause serious lung disease when inhaled. U.S. Department of Health and Human Services, E-Cigarette Use among Youth and Young Adults: A Report of the Surgeon General, 2016, available at: https://e-cigarettes.surgeongeneral.gov/documents/2016 SGR Full Report non-508.pdf.
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- 18 Trapl et al., "Cigar Product Modification among High School Youth," Nicotine & Tobacco Research (2016), available at: https://www.ncbi.nlm.nih.gov/pubmed/28003508
- 19 Wellington, Office of the Attorney General of California, Focus on Flavors: The authority of a state or local government to restrict or prohibit the sale or distribution of flavored tobacco products, 2016, available at: https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/FlavoredTobaccondMenthol/FinalWellingtonFocusOnFlavors.pdf
- 20 Farley et al., "New York City flavored tobacco product sales ban evaluation," Tobacco Control, Jan. 26, 2017, 26:78-84, abstract available at: http://tobaccocontrol.bmj.com/content/26/1/78.

From: <u>Keaton Christopher Kovach | Lounge Ambassador - USA</u>

To: Volenski, Dina

Subject: PUBLIC COMMENT ITEM 6B

Date: Tuesday, June 09, 2020 11:56:03 AM

Hello Paradise Town Council,

I am asking that you please exempt hookah tobacco. Hookah is not the problem. While vapes are concealable and take little to no time to set up, the process of setting up a hookah takes over 20 minutes and is too large to fit in a backpack. In addition, hookah is an important cultural practice that is centered around socializing with friends and family. Again, please exempt hookah tobacco.

Thank you,

Keaton

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From: Shonte Anneke Powers | Lounge Ambassador - USA

To: Volenski, Dina

Subject: PUBLIC COMMENT ITEM

Date: Tuesday, June 09, 2020 12:27:14 PM

Hello,

The main focus of the ordinance should focus only on restricting flavored electronic cigarettes and nicotine vapor products. Hookah should not be included in this category. It is not something that can be done discreetly, or quickly. It takes about 15 minutes to be set up, and the pipe alone is at least 2 feet tall. Please exempt hookah from the ordinance.

Shonté P.

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From: <u>Jaime Rojas Jr</u>

To: <u>Bolin, Greg; Zuccolillo, Mike; Jones, Jody; Crowder, Steve; Schuster, Melissa</u>

Cc: <u>Volenski, Dina</u>

Subject: Public Comment Item #6B - Flavor Tobacco Ban

Date: Tuesday, June 09, 2020 12:36:14 PM

Attachments: NATO Letter to Paradise Town Council June092020.pdf

Dear Mayor and Councilmembers:

Please find attached the National Association of Tobacco Outlets' public comment regarding the flavor tobacco ban on agenda item #6B. Should you have any questions, please feel free to contact us.

We thank you for your consideration.

Regards,

Jaime Rojas

__

National Association of Tobacco Outlets Legislative Consultant



18653 Ventura Blvd., Suite 115 Tarzana, CA 91356 Tel: 213.400.8664

www.RCGcommunications.com



Mayor Greg Bolin Paradise Town Council Members Paradise Town Hall 5555 Skyway Road Paradise, CA 95969

RE: Potential Ban on the Sale of Flavored Tobacco Products

Dear Mayor Bolin and Members of the Paradise Town Council:

As the Executive Director of the National Association of Tobacco Outlets (NATO), a national retail trade association that represents more than 60,000 retail stores throughout the country including retail members with stores in Paradise, I am writing to submit our comments and concerns regarding a staff recommendation that an ordinance be adopted prohibiting the sale of all flavored tobacco products.

Amendment for Certain Tobacco Products: We ask that the Town Council give serious consideration to removing traditional flavored tobacco products (menthol cigarettes, flavored smokeless products, pipe tobacco, and flavored cigars) and tobacco and menthol flavored electronic cigarettes from the proposed sales ban ordinance for the following reasons:

- Based on the following data from the California Healthy Kids Survey of 11th graders in Paradise, these traditional tobacco products are not the issue because use rates of these products are at historic lows and, in two categories, almost zero:
 - o 91% had never smoked a cigarette
 - o 96% had not smoked a cigarette in the last 30 days
 - o 90% had never tried smokeless tobacco
 - o 97% had not used smokeless tobacco in the last 30 days
 - o 77% had never used electronic cigarettes
- With California retailers already being prohibited under state and federal laws from selling tobacco products to anyone under 21, the new age 21 laws should be allowed to work to further reduce underage access to and use of tobacco products.
- With the California legislature considering Senate Bill 793 that would ban flavored tobacco products statewide, allow the legislature to address this issue.
- Adults age 21 and over who need nicotine and have transitioned to using tobacco or menthol-flavored
 electronic cigarette products should be allowed to continue to purchase these two products while
 other flavors of electronic cigarettes could be prohibited in an effort to reduce underage use.

Amendment for FDA Approved Electronic Cigarette Products: Separate from the request above to consider allowing tobacco and menthol flavored electronic cigarette products to be sold to legal age adults, please also consider an amendment that allows other flavored electronic cigarettes to be reintroduced in the market only if the U.S. Food and Drug Administration (FDA) issues a Pre-Market Tobacco Authorization order approving the marketing of a particular brand of flavored electronic cigarette. Under FDA tobacco regulations, every manufacturer of electronic cigarettes is required to submit by September 9, 2020 a pre-market tobacco authorization application for each electronic cigarette product produced. The FDA will review the submissions and can approve an application if the agency determines that there is scientific evidence provided by the manufacturer which shows that an electronic cigarette product "is appropriate for the protection of the public health." The language we suggest be added to the ordinance is as follows:

"This section shall not apply to any electronic cigarette sold or offered for sale that the U.S. Food and Drug Administration has authorized to legally market as defined under 21 U.S.C. Section 387(j) and that has received a pre-market review approval order under 21 U.S.C. Section 387(j)(c)."

This same kind of provision allowing an electronic cigarette product to be reintroduced into the market if the FDA issues a marketing approval order for such electronic cigarette product was passed by the New York State legislature earlier this spring and was signed into law by the New York Governor.

Pandemic Impact and Economic Crisis Will Be Magnified by a Flavored Tobacco Product Ban: During the current emergency caused by the Coronavirus, we believe that now is not the appropriate time for a local government to consider an ordinance that would prohibit the sale of legal products. This is especially true when employees of convenience stores and service stations have been designated by the U.S. Department of Homeland Security as "essential workers for critical infrastructure" and these retail stores are "essential businesses" that provide basic necessities.

According to our convenience store members, their stores have experienced a significant loss of gasoline sales and a large decrease in grocery, snack, beverage, and tobacco product sales. These declines are significant because the average convenience store relies on tobacco product sales, including menthol cigarettes and other flavored tobacco products, for approximately 36% of in-store sales.

If flavored tobacco products are banned, hundreds of brands will be removed from store shelves and legal-age customers will drive to a nearby city to buy not only their preferred tobacco products, but purchase gasoline, grocery items and beverages. These retailers have done everything possible to survive the pandemic, but they will not survive an across the board ban on legal flavored tobacco products that results in even higher aggregate sales declines. Moreover, the closure of these stores will leave a deep void in the public's need for retailers that sell gas, food, and beverages.

Our retail members share everyone's interest in keeping tobacco products out of the hands of persons under 21 years old, but the ordinance overreaches because the main concern should be with only restricting certain flavored vapor products that may be desired by underage individuals. Thank you for considering our concerns.

Sincerely,

Thomas A. Briant

Executive Director, National Association of Tobacco Outlets

From: Thornburg, Lynze
To: Volenski, Dina

Subject: PUBLIC COMMENT ITEM 6B

Date: Tuesday, June 09, 2020 12:40:46 PM

My name is Lynze Thornburg and I am a Health Education Specialist for the Butte County Tobacco Education Program. Data suggests that flavored tobacco disproportionately targets youth and marginalized populations. In fact, youth are 7 times more likely to vape than adults and 97% of youth who are vaping are using flavored products. Flavorings in tobacco products mask the naturally harsh taste of tobacco, making it easier for youth and new smokers to begin and keep smoking. These products are designed to hook a new generation of smokers, and are subsequently putting them at risk for a lifetime of serious health problems. Research demonstrates that adopting a strong Tobacco Retail License (TRL) plays a key role in restricting youth access to tobacco products. A TRL will provide the resources needed to hold retailers accountable. Over 150 counties and cities in California have adopted a TRL, these policies create positive change and protect our youth and marginalized populations. Thank you for taking time to discuss this important issue.

Lynze Thornburg

Public Health Education Specialist Tobacco Education Program Butte County Public Health

Pronouns: She/Her/Hers Phone: (530) 552-4051 Ithornburg@buttecounty.net

http://www.buttecounty.net/publichealth/

COVID-19 Call Center: 530.552.3050 Open 8 am-5 pm, M-F

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Public Health Administration

Danette York, M.P.H., Director Andy Miller, M.D., Health Officer

202 Mira Loma Drive Oroville, California 95965 T: 530.552.4000 F: 530.538.2164

buttecounty.net/publichealth

June 9, 2020

Paradise Town Council 5555 Skyway Paradise CA 95969

Mayor Bolin and Council Members:

Thank you for considering the controversial topic of a Flavored Tobacco Ban and Tobacco Retail Licensing. It shows just how much you care about the health of your community and the young people living there.

After many years of hard work, Public Health as a system made great strides in reducing the rate of tobacco use. Unfortunately, much of that success has been eroded with the introduction of e-cigarettes, vaping products and the marketing of flavors to children! Youth are heavily targeted by the tobacco industry through appealing, flavored products. Reaching young people ensures that tobacco industry develops lifelong customers as children become addicted to these dangerous products. Preventing the sale of flavored tobacco products reduces the number of children who try tobacco or vaping products.

Recently, there have been efforts to restrict flavored tobacco from the state and federal levels. However, our local citizens and in particular our youth cannot wait for either the State or Federal Government to implement restrictions. Tobacco interests continue to spend millions of dollars on campaign contributions and lobbying expenditures that influences legislative policy.

Thank you again for watching out for your citizens. If you have any questions for me or would like more information from Public Health, please feel free to contact me at 360.989.5850. I will be watching tonight's meeting and will be available at this number if you wish to call.

Sincerely,

Danette D. York

Danette D. York, MPH, CPH Butte County Public Health Director From: <u>Crystal Sanchez | Lounge Ambassador - USA</u>

To: <u>Volenski, Dina</u>

Subject: Public Comment Item 6B

Date: Tuesday, June 09, 2020 3:00:02 PM

Hello Council Members of Paradise,

I am writing to **oppose** Item 6B sections 1 & 2.

I am asking that council considering modifying section 3 to include hookah tobacco products to be **EXCEMPT** along with menthol.

Hookah has been used for hundreds of years in all communities as a way to come together friends, families and colleagues. It is an adult hobby that some minorities take part of due to religious restraints - Alcohol is prohibited in Islam.

This pastime has multiple components that's are costly and time consuming (about 20-30 min to set-up). The device is quite large – about 3 ft tall. For these reasons, hookah tobacco does not appeal to the youth.

"Hookah is not the problem in classrooms" – Governor Newsom on September 16, 2019.

Thank you, Crystal Sanchez

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From: deercreek620@sbcglobal.net

To: <u>Volenski, Dina</u>

Subject: PUBLIC COMMENT ITEM 6b

Date: Tuesday, June 09, 2020 3:25:37 PM

My name is Ellen Michels and I am a Paradise resident. My husband and I recently moved into our rebuilt home. We are glad to be back. We attended the meetings in which long-term planning for a rebuilt Paradise took place. We were pleased with the vision of a safer, welcoming, stronger, better and greener Paradise. I would love to see new businesses open in Paradise, but they should be businesses that fit within the vision the community created. Smoke and vape shops do not fit this vision. They do not promote a safer, stronger, better community. They promote addiction to nicotine, much of it sweetly flavored to attract kids. They promote a lifetime of the diseases that addiction to nicotine causes – heart disease, lung disease, and more. They end up costing us all in terms of increased health care costs borne by the taxpayer. I would like to see Paradise limit the number of smoke/vape shops that can open here, as Oroville has already done. I would like to see a ban on all flavored tobacco products, including menthol. And I support a local tobacco retail license, so we can enforcement tobacco control laws that protect kids. Thank you.

As a health education student and employee for the American Lung Association, I have had the opportunity to extensively research the public health concern of the tobacco industry and the effects flavored products have on all persons; particularly the youth. Research shows that almost 81 percent of young people ages 12 to 17 were first introduced to smoking through a flavored product(1). Of the youth (12-17 years old) using e-cigarettes, nearly 82% reported the main reason for use was the flavoring in the product(1). The research makes it clear to see that flavored tobacco plays a massive role in getting young people to try tobacco products and maintain use. By banning flavored tobacco products we are able to limit the youths access to preferred tobacco products, resulting in a decreased number of new and habitual use.

Rebecca Wasko
Intern | Public Health and Tobacco Control Policy
American Lung Association
25 Jan Ct., Suite 130 | Chico, CA 95928

Lung HelpLine: 1-800-LUNGUSA

From: Melissa Anderson
To: Volenski, Dina

Subject: PUBLIC COMMENT ITEM 6B

Date: Tuesday, June 09, 2020 4:28:49 PM

Hello,

I am writing as a Certified Health Education Specialist (CHES) and a Butte County community member (who visits and works in Paradise often) and I am in favor of your proposed flavor ban in Paradise. In the past I have worked in the field of Public Health on a tobacco control team. Currently I am the coordinator of student health prevention programs with Butte County Office of Education, a position I have held for the last 2 years. Part of my job with BCOE is working directly with middle to high school aged youth. Tobacco has always on been an issue with teens, but since vaping hit the market, I have personally seen the rates of nicotine use skyrocket. I worked at Paradise High School this past school year and counseled many students that had been caught vaping or were addicted to vaping and the number one reason for using that I heard over and over was "because of the flavors".

Flavors are appealing to young people and banning flavors is a great first step. I do believe that putting a TRL in place with the ban is also necessary. I worked for a county during my time with Public Health that had a very effective TRL in place. The fee for businesses to have the TRL was low, but the fine that the county issued to stores selling flavored products to youth during "stings" was expensive. That large fine is what sustained the program, it allowed for officers to staff the decoy operations and conduct compliance checks.

As long as stores are following the rules of selling nicotine, I do not believe that the TRL will have a negative effect on their business. It could actually have a very positive effect on our community.

Thank you,

Melissa Anderson

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From: Steve Rodowick
To: Volenski, Dina

Subject: Fwd: Public Comment Item 6B

Date: Tuesday, June 09, 2020 3:47:49 PM

Sent from my iPhone

Begin forwarded message:

From: deercreek620@sbcglobal.net Date: June 9, 2020 at 3:45:43 PM PDT To: steverodowick55@icloud.com Subject: Public Comment Item 6B

To the Paradise Town Council,

I'm writing in support for the tobacco flavor ban and support for retail licensing in Paradise. For years the tobacco industry has successfully hooked generations of young people to a lifetime of addiction. They have done this in a number of ways but candy flavored tobacco and vape protects are the most crass and brazen means to hook young people to date.

To ensure that the retailers comply with the flavor ban, we should adopt a retail licensing requirement to aid in the compliance of the new measures. Compliance is importance as demonstrated by Chico's recent survey showing half or the retailers sold tobacco or vape products to under-aged decoys.

Paradise should not be made the go-to location in Butte County for candy coated addiction. Passing this ordinance is the definition of smart government.

Steve Rodowick

From: Prabhjot Singh

Subject: Re: Not to Remove Tobacco Flavor Cigarettes.

Date: Tuesday, June 09, 2020 5:01:39 PM

Hello dear sir/madam

My name is Prabhjot Singh. I am the owner of a gas station in Paradise known Stop & Shop. Located on 8229 Skyway. In our store flavor cigarettes has 1% sale. After the fire business has been very slow in all ways. whether its the sale from inside my store or out in the gas. It has been very hard to pay off my bills and manage all expenses, including one of my employees. Past few months it was really a very difficult time for us to pay our bills, we had to pay it out of our own personal account.

We need more business from customers. The city of Oroville did ban flavored tobacco because they already have a lot of customers. After Fire Oroville got a lot more customers than Paradise because more people moved there for shelter. Oroville stores gain 10% of business profit. After the ban, if they lose 1% on their business and it would not gonna affect their business in any means. They are still gaining 9% more business. Also after the fire, we don't have a lot of people. That means fewer teenage kids in paradise. Mostly they have moved to the outskirt of Paradise. The people who are moving back to Paradise are mostly elderly people. Only a few kids are coming back not a lot. like 1% only. In our store all of our employees and even all of us very strict in selling Tobacco to anyone buying from our store. We all very very careful in that, we only sell it by seeing the ID of a person. Even if the Town will ban the flavored smoke in Paradise the kids can still buy the smoke from the next city in Magalia or they can buy it online. Why would we give our business to another city or online? In that way, Paradise can loo a lot more business in the future.

I would like to add one more thing that there's a brand called ZYN, it's also a flavored Tobacco. Which is very popular among the young peer group. And very helpful in quitting smoke the smoke. If you will ban the regular smoke then this will also get banned. Covid-19, it's been very poor in business. The business has been gone in a loss for 2-3 months.

I was a business owner who owns what's wrong and right for business. I would request the Town of Paradise not to ban the flavored smoke. My vote is on NO.

Thank you, Prabhjot Singh

On Tuesday, March 10, 2020, 11:40:45 AM PDT, Prabhjot Singh <vickeyprabh@yahoo.com> wrote:

Hello dear sir/madam

My name is Prabhjot Singh. I am the owner of a gas station in Paradise known Stop & Shop. Located on 8229 Skyway. In our store flavor cigarettes has 1% sale. After the fire business has been very slow in all ways. whether its the sale from inside my store or out in the gas. It has been very hard to pay off my bills and manage all expenses, including one my employees. Past few months it was really a very difficult time for us to pay our bills, we had to pay it out of our own personal account.

We need more business from customers. City of Oroville did banned the flavored tobacco because they already have lot of customers. After Fire Oroville got lot more customers than Paradise because more people moved their for shelter. Oroville stores gain 10% of business profit. After ban if they loss 1% on their business and it would not gonna affect their business in any means. They are still gaining 9% more business. Also after the fire we don't have lot of people. That means less teenage kids in paradise. Mostly they have moved to outskirt of Paradise. The people who are moving back to Paradise are mostly elderly people. Only few kids are coming back not a lot. like 1% only. In our store all of our employees and even all of us very strict in selling Tobacco to anyone buying from our store. We all very very careful in that, we only sell it by seeing the ID of a person. Even if the Town will ban the flavor smoke in Paradise the kids can still buy the smoke from the next city in Magaila or they can buy it online. Why would we gave our business to other city or online. In that way Paradise can loos lot of more business in future.

I as a business owner owns whats wrong and right for a business. I would request Town of Paradise to not to ban the flavor smoke. My vote is on NO.

Thank you, Prabhjot Singh From: <u>Marissa Maxey</u>
To: <u>Volenski, Dina</u>

Subject: PUBLIC COMMENT ITEM 6B

Date: Tuesday, June 09, 2020 5:22:23 PM

Good Evening Councilmembers,

My name is Marissa Maxey. I am the Advocacy Coordinator for the American Lung Association in the North Valley region. I am addressing you today as a Lung Association employee, but more importantly as the mother of two teenage boys. We know that Big Tobacco spends billions annually researching how to make new appealing products and on developing advertising campaigns targeting youth. Without youth initiation of tobacco use, Big Tobacco's customers would eventually run out. Flavored tobacco products, especially flavored vape juices, are intensely attractive to youth. In fact, roughly a third of high school students are using e-cigarettes, with the overwhelming majority choosing flavored products. We know that in the last decade e-cigarette use among youth has risen from 1.5% to 27.5%, due in no small part to the thousands of flavors available on the market. In dramatic contrast, the latest research shows only 3% of adults regularly using e-cigarettes. My youngest son has multiple peers, in middle-school, that regularly vape fruit and candy flavored tobacco products. I cannot tell you how alarming and sad I find that. Flavored tobacco is a public health issue and it has a detrimental impact on our youth. Thank you.

Warm Regards,

Marissa Maxey

Advocacy Coordinator

American Lung Association in California
25 Jan Ct., Suite 130 | Chico, CA 95928
O: 530-715-2156
Lung HelpLine: 1-800-LUNGUSA
Lung.org | Marissa.Maxey@lung.org



Preferred Pronouns: She/Her/Hers

[&]quot;Do your little bit of good where you are; its those little bits of good put together that overwhelm the world." -Desmond Tutu

From: mteixeira
To: Volenski, Dina
Subject: Flavored Vaping

Date: Tuesday, June 09, 2020 5:45:17 PM

Hi,

I work at PJSHS. Many of the middle school students have taken up of vaping since arriving at the high school. Given that vaping can represent up to 5 packs of cigarettes a day and I've heard from students in my classroom that they were addicted and trying to stop. It is too easy to get and at the very least should be banned in our own town. Given our trauma we are susceptible. Please don't allow flavored vaping.

Sincerely, Millie Teixeira Resident

Sent from my Verizon, Samsung Galaxy smartphone

From: John G
To: Volenski, Dina

Subject: Town Council Meeting Comment agenda item 6c & 6d

Date: Monday, June 08, 2020 10:03:55 AM

Attachments: My Movie 32 - Small.mov

World Class Internet is already on Pearson Rd and underground ready. Please view attached video.

Thank you,

John Gillander - Paradise resident living in my new home. :) 5533 Belviso Terrace Paradise 872-1722

<u>Please click on reply so I know that you have received this email and any referenced attachments.</u>

From: John Miller-George
To: Volenski, Dina

Subject: Public Comment Item # 6F

Date: Tuesday, June 09, 2020 2:57:44 PM

For some reason, I was not able to download the agenda for 6/9 to get the item number.

However, this is a comment on the item about finding Financial Management for the PG&E Camp Fire Settlement funds.

Please consider opening a PUBLIC BANK with Camp Fire Funds. California law now allows these banks to be set up. The first USA state to set up Public Bank is North Dakota. North Dakota has used their public bank to lower the cost of home and farm loans, and to provide funding for many construction projects! Imagine multiplying the amount received by a factor of 10. So, a deposit of \$250 million becomes \$2.5 BILLION in loanable funds. Just imagine how fast homes and lives could be rebuilt in Paradise with that kind of FDIC-backed funding!

The standard, but *DUMB* way to handle the funds would be to let financial managers "invest them" for the Town.

However, Wall Street investments carry low returns unless you are willing to take HIGH RISK! Much better to have the tax base of the town restored by building homes to get the population back. There can be no business recovery without the population returning to Paradise, which means every year wasted is another year of budget cuts.

Please be SMART in your RFP for funds management and include a public bank option.

Thank You for Your Attention,

John Miller-George