



October 15, 2015

The Honorable Mark Burton  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266

**RE: Support of a Tobacco Retailer Licensing (TRL) Ordinance**

Dear Mayor Burton and Members of the Manhattan Beach City Council:

The American Cancer Society Cancer Action Network (ACS CAN) is committed to protecting the health and well-being of the residents of Manhattan Beach through evidence-based policy and legislative solutions designed to eliminate cancer as a major health problem. We appreciate that the City of Manhattan Beach has worked diligently to strengthen Smoke-Free protections, and now seeks to reduce youth access to tobacco products through the drafting of a tobacco retail licensing (TRL) ordinance. In addition, we encourage electronic tobacco products or e-cigarettes to be included in your TRL ordinance.

We encourage you to use the following definition of tobacco products, so that all e-cigarettes will be subject to the same regulations as tobacco. Enforcement agencies cannot be left to discern which products contain nicotine, and we do not want youth accessing any of these products. In addition to nicotine, the aerosol from e-cigarettes has been found to contain heavy metals and volatile organic compounds, among other potentially harmful chemicals. Additionally, because this is an unregulated industry, there is no sure way for e-cigarette users to know what they are consuming and the extent of potential risk--FDA tests found nicotine in some e-cigarettes that claimed the opposite.

**“Tobacco product” means:**

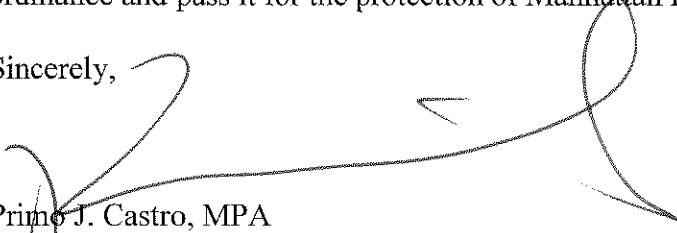
- (a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus; and
- (b) Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.
- (c) Notwithstanding any provision of subsections (a) and (b) to the contrary, “tobacco product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco

cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

We also encourage you to remove the possibility for a new retailer to gain an exemption for the proposed policy that requires retailers to be no closer than 1000-feet from other retailers. Tobacco retail density tends to be highest in the lowest income neighborhoods and tobacco retailers display advertising with images that appeal to youth. This combination does not create a healthy environment for our most vulnerable populations. All children should be protected equally.

Manhattan Beach is to be commended for the great strides this city has made in the past. A strong tobacco retail license will help to reduce youth access, which in turn can help to reduce the number of youth who ever become smokers—helping to protect them from a lifetime of addiction and the deadly cancers it causes. We encourage you to further strengthen the proposed ordinance and pass it for the protection of Manhattan Beach youth.

Sincerely,



Primo J. Castro, MPA  
Director, Government Relations  
Greater Los Angeles/Tri-County Region



**CYNTHIA A. HARDING, M.P.H.**  
Interim Director

**JEFFREY D. GUNZENHAUSER, M.D., M.P.H.**  
Interim Health Officer

**Division of Chronic Disease and Injury Prevention**  
Paul Simon, M.D., M.P.H.  
Director

3530 Wilshire Blvd., Suite 800  
Los Angeles, California 90010  
TEL (213) 351-7825 • FAX (213) 351-2713  
[www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)



**BOARD OF SUPERVISORS**

**Hilda L. Solis**  
First District

**Mark Ridley-Thomas**  
Second District

**Sheila Kuehl**  
Third District

**Don Knabe**  
Fourth District

**Michael D. Antonovich**  
Fifth District

October 20, 2015

Honorable Mayor Mark Burton  
City of Manhattan Beach  
400 Highland Avenue  
Manhattan Beach, CA 90266

Dear Mayor Burton:

The Los Angeles County Department of Public Health is committed to protecting the health and well-being of the youth in Los Angeles County. As part of its mission to prevent tobacco-related disease and death, Public Health supports strong local regulations to reduce the availability of tobacco products to minors.

While it has been illegal to sell tobacco to minors in California for over 100 years, retailers continue to do so at alarming rates. A recent survey of 18 retailers in the City of Manhattan Beach found that 11% (2/18) of retailers were willing to sell tobacco to minors. This rate translates into the retailer's willingness to sell tobacco products illegally to approximately 1 in 10 youth.

Not only is the sale of tobacco products to minors illegal, but it also impacts the public's health. The Centers for Disease Control and Prevention found that the younger a person is when they start smoking, the more difficult it is to quit. Tragically, one-third of all youth smokers will eventually die prematurely from smoking-related diseases. Tobacco control approaches that prevent smoking initiation among youth are urgently needed.

Strong tobacco retail licensing laws (i.e. with annual fees to fund compliance checks and enforcement) have proven to be effective in reducing youth access to tobacco products. In Pasadena, illegal tobacco sales to minors dropped from 20% to 5% and then to 0% after the City adopted a retail licensing law; and in Burbank, the sale rate dropped from 26.7% to 4%. Other cities with strong tobacco retail regulations have also demonstrated a decrease in the rate of illegal sales.

Honorable Mayor Mark Burton  
October 20, 2015  
Page 2

Over 141 jurisdictions in California have established a strong local tobacco licensing policy to protect kids from a lifelong addiction to tobacco. This includes over 41 cities in Los Angeles County, two of which incorporated banning single sales of little cigars and cigarillos into a tobacco retail license (TRL) policy. Twenty four cities, including Beverly Hills, Culver City, Los Angeles and Santa Monica also regulate e-cigarettes through a TRL policy.

I applaud your leadership in protecting the health of the youth of Manhattan Beach and I look forward to working with you to safeguard future generations from a life-long and often deadly addiction. Please contact me or Tonya Gallow, director of the Tobacco Control and Prevention Program, at (213) 351-7902 or by email at [tgallow@ph.lacounty.gov](mailto:tgallow@ph.lacounty.gov) if you have any questions or need additional information.

Sincerely yours,



Paul Simon, M.D., M.P.H.  
Director, Division of Chronic Disease & Injury Prevention

PS:tgg

c: Mayor Pro Tem Tony D'Errico  
Councilmember Wayne Powell  
Councilmember David Lesser  
Councilmember Amy Thomas Howorth  
City Attorney Quinn Barrow  
City Manager Mark Danaj  
Environmental Programs Manager Sona Kalapura Coffee  
Tonya Gorham Gallow