

**Additional Comments Received in both, Support of and Opposing,  
Stronger Tobacco Regulations**

(A) Letters in Support of Stronger Tobacco Regulations

(1)



June 2, 2020

**MAILING ADDRESS:**

*Administration*  
2579 San Pablo Ave.  
Oakland, CA 94612  
510.446.7100 Main  
510.446.7191 Fax

**SERVICE SITES:**

*Outpatient Services  
Hayward*  
22971 Sutro Street  
Hayward, CA 94541  
510.728.8600 Main  
510.728.8605 Fax

*Outpatient Day Support  
and Holistic Health Services*  
2577 San Pablo Ave.  
Oakland, CA 94612  
510.446.7180 Main  
510.446.7108 Fax

*Residential Services  
Project Pride*  
2545 San Pablo Ave.  
Oakland, CA 94612  
510.446.7160 Main  
510.446.7188 Fax

[www.ebcrcp.org](http://www.ebcrcp.org)  
[www.facebook.com/EBCRP](https://www.facebook.com/EBCRP)

Mayor Barbara Halliday  
Councilmember Sara Lamnin  
Councilmember Elisa Márquez  
Councilmember Al Mendall  
Councilmember Mark Salinas  
Councilmember Aisha Wahab  
Councilmember Francisco Zermeño  
Hayward City Hall  
777 B St.  
Hayward, CA 94541-5007  
Via e-mail: [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)

RE: Support for Strengthening City of Hayward's Tobacco Retail Licensing Ordinance

Dear Mayor Halliday and Councilmembers:

I am writing to urge you to strengthen the tobacco retail license ordinance ending the sale of cheap flavored tobacco products, including menthol cigarettes, in Hayward with no exemptions. I have worked with youth many of whom have been hooked on tobacco for many years. I have also worked to help staff integrate tobacco treatment into primary care, substance abuse and mental health treatment for youth and adults. The explosion of nicotine use brought on by the tobacco industry's manipulation of e-cigarettes by doctoring them up with flavors to recruit our youth is horrifying. You have the power to help turn this around so 32% of HUSD eleventh graders will not have smoked e-cigarettes and their peers will not think that it is easy to get e-cigarettes\*

E-cigarettes now come in over 15,000 flavors, from gummy worm to cotton candy. Flavored cigars make up more than half of the U.S. cigar market. And over half of youth smokers use menthol cigarettes. These flavorings have been approved for eating but not for heating and inhaling and they are known to be dangerous to the delicate tissues of the bronchi and alveoli in the lungs. The industry uses these flavors because they are appealing to youth and they make the poison go down easier. Even flavored e-cigarettes without nicotine have been proved to be harmful.

I am concerned that Hayward continues to have tobacco retailers that sell cheap flavored tobacco and these stores are found more often in low-income communities of color. All of these flavors have helped fuel the popularity of cigarettes, e-cigarettes and cigars among youth. In fact, 81% of kids who have used tobacco products started with a flavored product.

Please strengthen the ordinance and end the sale of all flavored tobacco products, including menthol cigarettes, with no exemptions. Please also include:

– a minimum price requirement of \$8.00 for cigarettes and little cigars  
Because it will deter youth who are very price sensitive from purchasing these products.

– a minimum pack size of 20 little cigars

Because it will necessitate a higher cost than singles deterring youth

– a tobacco-free pharmacy requirement to protect our youth from accessing these products.

The definition of pharmacy is “a store where medicinal drugs are sold”. Sale of tobacco in pharmacies is in conflict with the very definition of what a pharmacy is because cigarettes are the only product that when used as directed will kill you.

I am passionate about these issues because of many years of seeing the harmful damage tobacco products have caused, the health disparities caused by tobacco in African American and Latino communities and the challenges of helping individuals to quit. You are in a position to make a huge difference by passing this ordinance!

Thank you for your continued leadership and ensuring Hayward is healthy for all youth!

Sincerely,

Cathy McDonald, MD MPH FAAP  
Program Consultant  
Lifelong Tobacco Dependence Treatment Training Program

According to CA Healthy Kids Survey results from Hayward Unified School District (2017-2018):

- 63% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices
- 49% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain cigarettes
- 47% of 11<sup>th</sup> graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11<sup>th</sup> graders have used electronic cigarettes

(2)



HAYWARD PROMISE NEIGHBORHOODS

★ *Strong Kids*

★ *Strong Families*

★ *Strong Communities*

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Mayor Barbara Halliday  
Councilmember Sara Lamnin  
Councilmember Elisa Márquez  
Councilmember Al Mendall  
Councilmember Mark Salinas  
Councilmember Aisha Wahab  
Councilmember Francisco Zermeño  
Hayward City Hall  
777 B St.  
Hayward, CA 94541-5007  
Via e-mail: [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)

RE: Support for Strengthening City of Hayward's Tobacco Retail Licensing Ordinance

Dear Mayor Halliday and Councilmembers:

Hayward Promise Neighborhoods supports strengthening Hayward's existing Tobacco Retail Licensing Ordinance to:

- End the sale of all flavored tobacco products, including menthol cigarettes, with no exemptions
- Raise the minimum package size requirement to 20 little cigars and include a minimum price requirement of \$8.00 for cigarettes, little cigar packages and cigars
- Increase youth-sensitive buffers to 1000 feet
- End the sale of tobacco in pharmacies
- End the sale of electronic smoking devices
- Hold retailers accountable and ensure that youth should not be penalized for possession, use or purchase of tobacco products

These measures are best practices to reduce tobacco-related illness and death and promote health equity. Additionally, by preventing Big Tobacco from targeting and hooking youth and low-income communities to cheap flavored tobacco products, we can also reduce potential risks to COVID-19 and improve the health of all communities in Hayward.

The mission of Hayward Promise Neighborhoods (HPNs), developed by a coalition that includes the community and funded partners, established that HPNs is a collaborative partnership working to ensure educational success and a safe, healthy, thriving community for all living in Hayward. By strengthening the Tobacco Retail Licensing Order, the City of Hayward will be furthering the mission to build and maintain a safe, healthy and thriving community.

According to CA Healthy Kids Survey results from Hayward Unified School District (2017-2018):

- 63% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices
- 49% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain cigarettes
- 47% of 11<sup>th</sup> graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11<sup>th</sup> graders have used electronic cigarettes

Tobacco companies have historically targeted youth, communities of color and the LGBTQ community with aggressive marketing of flavored tobacco products, including menthol. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes.<sup>1</sup> Flavors including menthol, grape, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of 5 kids who have used tobacco started with a flavored product. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.<sup>2</sup>

When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap prices for tobacco products are most available in low-income communities of color and communities which have high proportions of school-aged youth. Nearly 1 in 4 (23%) of male high school seniors smoke cigars<sup>3</sup> and are disproportionately used by black high school students.<sup>4</sup> Establishing a minimum price of \$8.00 and a minimum pack size requirement of 20 little cigars has been shown to be an effective strategy for reducing smoking rates among youth and low-income populations.<sup>5</sup>

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<sup>1</sup> Giovino GA, Villanti AC, Mowery PD, et al. 2015. Differential trends in cigarette smoking in the USA: is menthol slowing progress? *Tobacco Control*. 24 (1): 28-37.

<sup>2</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. 2003. *Pathways to Freedom: Winning the Fight Against Tobacco*. Available at: <http://www.fairwarning.org/wp-content/uploads/2015/11/pathways.pdf>

<sup>3</sup> Robert Wood Johnson Foundation (RWJF), American Cancer Society Cancer Action Network (ACS CAN), Campaign for Tobacco-Free Kids, American Heart Association, Americans for Nonsmokers' Rights, and American Lung Association. (2014, December). *Broken Promises to Our Children: A State-by-State Look at the 1998 State Tobacco Settlement 16 Years Later*. Available at [tobaccofreekids.org/microsites/statereport2015/](http://tobaccofreekids.org/microsites/statereport2015/). Retrieved March 4, 2015.

<sup>4</sup> U.S. Department of Health and Human Services (HHS). (2014). *The Health Consequences of Smoking-SO Years of Progress: A Report of the Surgeon General*. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH). Printed with corrections. January 2014.

<sup>5</sup> White, Justin and David Boettiger. 2019. *Estimating the Effects of a Minimum Floor Price Law on Tobacco Use in Oakland, California*. Philip R. Lee Institute for Health Policy Studies, University of California, San Francisco.

## ATTACHMENT V

Additionally, making pharmacies tobacco-free further reduces the density of tobacco retailers and establishes pharmacies as places of health. Very few independent pharmacies exist anymore and of those existing, almost all are tobacco-free. In other jurisdictions, big chain pharmacies are not closing due to adopted tobacco-free pharmacy requirements.

Many other jurisdictions in Alameda County are also taking steps to strengthen their tobacco control regulations. Hayward should join Oakland, Fremont, Livermore and Unincorporated Alameda County to create a network of jurisdictions with strong tobacco retail ordinances. No city in the County should have to be the go-to place to get cheap flavored tobacco products.

Strengthening Hayward's existing Tobacco Retail Licensing law is crucial to preventing a new generation of smokers and preventing the added risks of COVID-19 on our communities. Thank you for putting the health of our youth and communities before tobacco industry profits and ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,

*Melinda Hall*

Executive Director  
Hayward Promise Neighborhoods

(3)




**HORIZON  
SERVICES, INC**

24051 Amador St.  
Hayward, CA 94544

Mailing Address:  
P.O. Box 4217  
Hayward, CA 94540  
(510) 582-2100  
(510) 582-1221 fax

Cherry Hill  
Chrysalis  
Cronin House  
Horizon South  
Mission Street  
Sobering Center  
Palm Avenue  
Project Eden



June 8<sup>th</sup>, 2020

Mayor Barbara Halliday  
 Councilmember Sara Lamnin  
 Councilmember Elisa Márquez  
 Councilmember Al Mendall  
 Councilmember Mark Salinas  
 Councilmember Aisha Wahab  
 Councilmember Francisco Zermefio  
 Hayward City Hall  
 777 B St.  
 Hayward, CA 94541-5007  
 Via e-mail: [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)

RE: Support for Strengthening City of Hayward’s Tobacco Retail Licensing Ordinance

Dear Mayor Halliday and Councilmembers:

Horizon Services supports strengthening Hayward’s existing Tobacco Retail Licensing Ordinance to:

- End the sale of all flavored tobacco products, including menthol cigarettes, with no exemptions
- Raise the minimum package size requirement to 20 little cigars and include a minimum price requirement of \$8.00 for cigarettes, little cigar packages and cigars
- Increase youth-sensitive buffers to 1000 feet
- End the sale of tobacco in pharmacies
- End the sale of electronic smoking devices
- Hold retailers accountable and ensure that youth should not be penalized for possession, use or purchase of tobacco products

These measures are best practices to reduce tobacco-related illness and death and promote health equity. Additionally, by preventing Big Tobacco from targeting and hooking youth and low-income communities to cheap flavored tobacco products, we can also reduce potential risks to COVID-19 and improve the health of all communities in Hayward.

Horizon Services is an inpatient and outpatient prevention and substance use treatment program serving low income youth and adults in Hayward and across Alameda County. In addition to adoption a no tobacco use policy and supporting cessation within our programs, our team is also focused on preventing youth tobacco use through our programs at Project Eden.

According to CA Healthy Kids Survey results from Hayward Unified School District (2017-2018):

- 63% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices
- 49% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain cigarettes
- 47% of 11<sup>th</sup> graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11<sup>th</sup> graders have used electronic cigarettes

Tobacco companies have historically targeted youth, communities of color and the LGBTQ community with aggressive marketing of flavored tobacco products, including menthol. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes.<sup>1</sup> Flavors including menthol, grape, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of 5 kids who have used tobacco started with a flavored product. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.<sup>2</sup>

When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap prices for tobacco products are most available in low-income communities of color and communities which have high proportions of school-aged youth. Nearly 1 in 4 (23%) of male high school seniors smoke cigars<sup>3</sup> and are disproportionately used by black high school students.<sup>4</sup> Establishing a minimum price of \$8.00 and a minimum pack size requirement of 20 little cigars has been shown to be an effective strategy for reducing smoking rates among youth and low-income populations.<sup>5</sup>

Additionally, making pharmacies tobacco-free further reduces the density of tobacco retailers and establishes pharmacies as places of health. Very few independent pharmacies exist anymore and of those existing, almost all are tobacco-free. In other jurisdictions, big chain pharmacies are not closing due to adopted tobacco-free pharmacy requirements.

Many other jurisdictions in Alameda County are also taking steps to strengthen their tobacco control regulations. Hayward should join Oakland, Fremont, Livermore and Unincorporated Alameda County to create a network of jurisdictions with strong tobacco retail ordinances. No city in the County should have to be the go-to place to get cheap flavored tobacco products.

## ATTACHMENT V

Strengthening Hayward's existing Tobacco Retail Licensing law is crucial to preventing a new generation of smokers and preventing the added risks of COVID-19 on our communities. Thank you for putting the health of our youth and communities before tobacco industry profits and ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,

Christy Hayes

Executive Director



(4)



**BOARD OF SUPERVISORS**

**RICHARD VALLE**  
President  
Board of Supervisors

June 12, 2020

Mayor Barbara Halliday  
Councilmember Sara Lamnin  
Councilmember Elisa Márquez  
Councilmember Al Mendall  
Councilmember Mark Salinas  
Councilmember Aisha Wahab  
Councilmember Francisco Zermeño

Hayward City Hall 777 B St.

Hayward, CA 94541-5007 Via e-mail: [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)

RE: Support for Strengthening City of Hayward's Tobacco Retail Licensing Ordinance

Dear Mayor Halliday and Councilmembers:

Office of Supervisor Valle, District 2, supports strengthening Hayward's existing Tobacco Retail Licensing Ordinance to:

- End the sale of all flavored tobacco products, including menthol cigarettes, with no exemptions
- Raise the minimum package size requirement to 20 little cigars and include a minimum price requirement of \$8.00 for cigarettes, little cigar packages and cigars
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1221 OAK STREET • SUITE 536 • OAKLAND, CALIFORNIA 94612 • 510 272-6692 • FAX 510 271-5115  
24301 SOUTHLAND DRIVE • SUITE 101 • HAYWARD, CALIFORNIA 94545 • 510 670-6150 • FAX 510 259-0860



These measures are best practices to reduce tobacco-related illness and death and promote health equity. Additionally, by preventing Big Tobacco from targeting and hooking youth and low-income communities to cheap flavored tobacco products, we can also reduce potential risks to COVID-19 and improve the health of all communities in Hayward.

Our office represents District 2 of Alameda County, which covers the cities of Hayward, Fremont, Newark, Union City, and Sunol.

According to CA Healthy Kids Survey results from Hayward Unified School District (2017-2018):

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Strengthening Hayward's existing Tobacco Retail Licensing law is crucial to preventing a new generation of smokers and preventing the added risks of COVID-19 on our communities. Thank you for putting the health of our youth and communities before tobacco industry profits and ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,

A handwritten signature in cursive script that reads "Richard Valle". The signature is written in black ink and is positioned below the word "Sincerely,".

Richard Valle, President of the Alameda County Board of Supervisors

(5)



A Spectrum of  
Wellness Services  
Since 1975

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& Adolescent Outpatient  
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Hayward, CA 94544  
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FAX (510) 881-5925

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**Recovery & Wellness  
Services**  
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Oakland, CA 94601  
TEL (510) 300-3173  
FAX (510) 881-5921

**East Bay Community Services**  
1401 Almond Avenue  
Livermore, CA 94550  
TEL (925) 961-8045  
FAX (844) 965-9130

Mayor Barbara Halliday  
Councilmember Sara Lamnin  
Councilmember Elisa Márquez  
Councilmember Al Mendall  
Councilmember Mark Salinas  
Councilmember Aisha Wahab  
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Hayward City Hall  
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**RE: Support for Strengthening City of Hayward's Tobacco Retail Licensing Ordinance**

Dear Mayor Halliday and Councilmembers:

La Familia supports strengthening Hayward's existing Tobacco Retail Licensing Ordinance to:

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These measures are best practices to reduce tobacco-related illness and death and promote health equity. Additionally, by preventing Big Tobacco from targeting and hooking youth and low-income communities to cheap flavored tobacco products, we can also reduce potential risks to COVID-19 and improve the health of all communities in Hayward.

La Familia is a partner in health equity work, with a strong commitment to residents of the City of Hayward and its sphere of influence. La Familia acts as a service provider, advocate, and trusted messenger for approximately 6,000 families in Alameda County.

As a partner in this work, we would like to highlight the following local data that demonstrates the need for policy-level intervention.

The CA Healthy Kids Survey results from Hayward Unified School District (2017-2018):

- 63% of 11th graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices
- 49% of 11th graders believe that it is either very or fairly easy to obtain cigarettes
- 47% of 11th graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11th graders have used electronic cigarettes

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<sup>3</sup> U.S. Department of Health and Human Services (HHS). (2014). The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH). Printed with corrections. January 2014.

<sup>4</sup> White, Justin and David Boettiger. 2019. Estimating the Effects of a Minimum Floor Price Law on Tobacco Use in Oakland, California. Philip R. Lee Institute for Health Policy Studies, University of California, San Francisco.

Many other jurisdictions in Alameda County are also taking steps to strengthen their tobacco control regulations. Hayward should join Oakland, Fremont, Livermore and Unincorporated Alameda County to create a network of jurisdictions with strong tobacco retail ordinances. No city in the County should have to be the go-to place to get cheap flavored tobacco products.

Strengthening Hayward's existing Tobacco Retail Licensing law is crucial to preventing a new generation of smokers and preventing the added risks of COVID-19 on our communities. Thank you for putting the health of our youth and communities before tobacco industry profits and ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Ortiz". The signature is fluid and cursive, with a long, sweeping tail on the letter "y".

Aaron Ortiz  
CEO, La Familia

(6)

# Eden I&R, Inc.

*"linking people and resources"*

570 B Street ♦ Hayward, CA 94541 ♦ 510-537-2710 ♦ FAX 510-537-0986



June 10, 2020

Mayor Barbara Halliday  
Councilmember Sara Lamnin  
Councilmember Elisa Márquez  
Councilmember Al Mendall  
Councilmember Mark Salinas  
Councilmember Aisha Wahab  
Councilmember Francisco Zermeño

Hayward City Hall  
777 B St.  
Hayward, CA 94541-5007

Dear Mayor Halliday and Councilmembers:

Eden I&R Inc. supports strengthening Hayward's existing Tobacco Retail Licensing Ordinance to:

- End the sale of all flavored tobacco products, including menthol cigarettes, with no exemptions
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For 44 years, Eden I&R has been successfully fulfilling its mission of "linking people and resources" by consistently and creatively responding to the community's changing needs. We envision a community empowered with information and connected to resources, so that all people obtain health, happiness, hope, and improved livelihoods. Our skilled information management and referral specialists provide a critical information bridge between individuals in need and human service agencies.

[www.edenir.org](http://www.edenir.org) ♦ *Eden Information & Referral* ♦ [edenir@edenir.org](mailto:edenir@edenir.org)

## Eden I&R, Inc.

*"linking people and resources"*

570 B Street ♦ Hayward, CA 94541 ♦ 510-537-2710 ♦ FAX 510-537-0986

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- 47% of 11<sup>th</sup> graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11<sup>th</sup> graders have used electronic cigarettes

Tobacco companies have historically targeted youth, communities of color and the LGBTQ community with aggressive marketing of flavored tobacco products, including menthol. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes.<sup>i</sup> Flavors including menthol, grape, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of 5 kids who have used tobacco started with a flavored product. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.<sup>ii</sup>

When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap prices for tobacco products are most available in low-income communities of color and communities which have high proportions of school-aged youth. Nearly 1 in 4 (23%) of male high school seniors smoke cigars<sup>iii</sup> and are disproportionately used by black high school students.<sup>iv</sup> Establishing a minimum price of \$8.00 and a minimum pack size requirement of 20 little cigars has been shown to be an effective strategy for reducing smoking rates among youth and low-income populations.<sup>v</sup>

Additionally, making pharmacies tobacco-free further reduces the density of tobacco retailers and establishes pharmacies as places of health. Very few independent pharmacies exist anymore and of those existing, almost all are tobacco-free. In other jurisdictions, big chain pharmacies are not closing due to adopted tobacco-free pharmacy requirements.

Many other jurisdictions in Alameda County are also taking steps to strengthen their tobacco control regulations. Hayward should join Oakland, Fremont, Livermore and Unincorporated Alameda County to create a network of jurisdictions with strong tobacco retail ordinances. No city in the County should have to be the go-to place to get cheap flavored tobacco products.

[www.edenir.org](http://www.edenir.org) ♦ *Eden Information & Referral* ♦ [edenir@edenir.org](mailto:edenir@edenir.org)



# Eden I&R, Inc.

*"linking people and resources"*

570 B Street ♦ Hayward, CA 94541 ♦ 510-537-2710 ♦ FAX 510-537-0986

Strengthening Hayward's existing Tobacco Retail Licensing law is crucial to preventing a new generation of smokers and preventing the added risks of COVID-19 on our communities. Thank you for putting the health of our youth and communities before tobacco industry profits and ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,



Alison DeJung  
Executive Director

<sup>i</sup> Giovino GA, Villanti AC, Mowery PD, et al. 2015. Differential trends in cigarette smoking in the USA: is menthol slowing progress? *Tobacco Control*. 24 (1): 28-37.

<sup>ii</sup> U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. 2003. Pathways to Freedom: Winning the Fight Against Tobacco. Available at: <http://www.fairwarning.org/wp-content/uploads/2015/11/pathways.pdf>

<sup>iii</sup> Robert Wood Johnson Foundation (RWJF), American Cancer Society Cancer Action Network (ACS CAN), Campaign for Tobacco-Free Kids, American Heart Association, Americans for Nonsmokers' Rights, and American Lung Association. (2014, December). Broken Promises to Our Children: A State-by-State Look at the 1998 State Tobacco Settlement 16 Years Later. Available at [tobaccofreekids.org/microsites/statereport2015/](http://tobaccofreekids.org/microsites/statereport2015/). Retrieved March 4, 2015.

<sup>iv</sup> U.S. Department of Health and Human Services (HHS). (2014). The Health Consequences of Smoking-SO Years of Progress: A Report of the Surgeon General. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH). Printed with corrections. January 2014.

<sup>v</sup> White, Justin and David Boettiger. 2019. Estimating the Effects of a Minimum Floor Price Law on Tobacco Use in Oakland, California. Philip R. Lee Institute for Health Policy Studies, University of California, San Francisco.

(7)



You're  
*Welcome*  
Here.

June 15, 2020

Mayor Barbara Halliday  
Councilmember Sara Lamnin  
Councilmember Elisa Márquez  
Councilmember Al Mendall  
Councilmember Mark Salinas  
Councilmember Aisha Wahab  
Councilmember Francisco Zermefio

Hayward City Hall  
777 B St.  
Hayward, CA 94541-5007

Via e-mail: [List-Mayor-Council@hayward-ca.gov](mailto:List-Mayor-Council@hayward-ca.gov)

RE: Support for Strengthening City of Hayward's Tobacco Retail Licensing Ordinance

Dear Mayor Halliday and Councilmembers:

Eden United Church of Christ supports strengthening Hayward's existing Tobacco Retail Licensing Ordinance to:

- End the sale of all flavored tobacco products, including menthol cigarettes, with no exemptions
- Raise the minimum package size requirement to 20 little cigars and include a minimum price requirement of \$8.00 for cigarettes, little cigar packages and cigars
- Increase youth-sensitive buffers to 1000 feet
- End the sale of tobacco in pharmacies
- End the sale of electronic smoking devices
- Hold retailers accountable and ensure that youth should not be penalized for possession, use or purchase of tobacco products

These measures are best practices to reduce tobacco-related illness and death and promote health equity. Additionally, by preventing Big Tobacco from targeting and hooking youth and low-income communities to cheap flavored tobacco products, we can also reduce potential risks to COVID-19 and improve the health of all communities in Hayward.

As you may know, Eden Church was founded in 1865, prior to the establishment of the City of Hayward and the Hayward Unified School District. For as long as we, the City and the HUSD have co-existed, Eden Church has been engaged in promoting safe and healthy schools and communities. This is why the results of the CA Healthy Kids Survey of the Hayward Unified School District (2017-2018) is so troubling to us. Consider the following data, and surely, you share our concerns, too:

- 63% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain e-cigarettes or vaping devices
- 49% of 11<sup>th</sup> graders believe that it is either very or fairly easy to obtain cigarettes
- 47% of 11<sup>th</sup> graders perceive little to no harm in using e-cigarettes compared to smoking cigarettes
- Almost 1 in 3 (32%) HUSD 11<sup>th</sup> graders have used electronic cigarettes

**The Rev. Dr. Arlene K. Nehring, Senior Minister**

21455 Birch Street • Hayward, CA 94541 • (510) 582-9533 • [www.edenucc.com](http://www.edenucc.com)

As an LGBTQQI+ Open & Affirming congregation and a Sanctuary Congregation with an Accompaniment Ministry, we are deeply troubled by the way in which tobacco companies have historically targeted youth, communities of color and the LGBTQ community with aggressive marketing of flavored tobacco products, including menthol. Research shows that 95% of African American teen smokers, 61% of Asian teen smokers, and 58% of Hispanic teen smokers report smoking menthol-flavored cigarettes. Flavors including menthol, grape, cotton candy, bubble gum and gummy bear mask the harsh taste of tobacco and are highly appealing to youth, encouraging a new generation of smokers. Four out of 5 kids who have used tobacco started with a flavored product. Youth who smoke menthol are more likely to become addicted to nicotine than their peers that smoke non-menthol. As a result, vulnerable communities bear a disproportionate burden of tobacco-related disease and death; for example, 47,000 African Americans die annually from smoking-related illnesses, making tobacco use the largest preventable cause of death among African Americans and across the whole population.

When tobacco is cheap and pack-sizes are small, tobacco products are more affordable for youth and low-income populations to buy. In Alameda County, over 77% of tobacco retailers near schools sell little cigars for less than \$1.00, cheaper than the price of a candy bar. Unfortunately, cheap prices for tobacco products are most available in low-income communities of color and communities which have high proportions of school-aged youth. Nearly 1 in 4 (23%) of male high school seniors smoke cigars and are disproportionately used by black high school students. Establishing a minimum price of \$8.00 and a minimum pack size requirement of 20 little cigars has been shown to be an effective strategy for reducing smoking rates among youth and low-income populations.

Additionally, making pharmacies tobacco-free further reduces the density of tobacco retailers and establishes pharmacies as places of health. Very few independent pharmacies exist anymore and of those existing, almost all are tobacco-free. In other jurisdictions, big chain pharmacies are not closing due to adopted tobacco-free pharmacy requirements.

Many other jurisdictions in Alameda County are also taking steps to strengthen their tobacco control regulations. Hayward should join Oakland, Fremont, Livermore and Unincorporated Alameda County to create a network of jurisdictions with strong tobacco retail ordinances. No city in the County should have to be the go-to place to get cheap flavored tobacco products.

Strengthening Hayward's existing Tobacco Retail Licensing law is crucial to preventing a new generation of smokers and preventing the added risks of COVID-19 on our communities. Thank you for putting the health of our youth and communities before tobacco industry profits and ensuring that all of Hayward's youth have the opportunity to lead healthy lives.

Sincerely,

*Arlene K. Nehring*

The Rev. Dr. Arlene K. Nehring  
Senior Minister

(B) Email Comments received Opposing Stronger Tobacco Regulations

(1)

**From:** [Sanjiv Patel](#)  
**To:** [Maggie Flores](#)  
**Subject:** Opposing to Amendment to Chapter 10, Article 1, Section 10-1.2780 of the Hayward Municipal Code Relating to Tobacco Retail Sales Establishment  
**Date:** Thursday, May 28, 2020 2:26:45 PM

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**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hi;

I am a business owner in Hayward selling tobacco products to adults.

I'd like to oppose to the proposed changed to the code as it is going to add hardship to already difficult business environment due to COVID 19. I'd request to table the topic for the time being and discuss once the situation comes back to "Normal".

Thanks.

Sanjiv Patel

(2)

**From:** [John Diaz](#)  
**To:** [Maggie Flores](#)  
**Subject:** flavored cigarettes  
**Date:** Thursday, May 28, 2020 5:27:29 PM

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**CAUTION:**This is an external email. Do not click on links or open attachments unless you know the content is safe.

I understand preventing minors from smoking or drinking is for a good cause. Banning Adults from being able to purchase State and Federal legal products is not the answer. Sadly passing a city law will not stop smoking usage by minors. Enforcement of current laws preventing purchases from minors should be implemented. Why not make liquor stores only 21+ like in other States. Banning the sale of flavored items in the city is not the answer. Taking away my rights to prevent illegal usage by minors is not the answer. I live sweet and flavored items. Do I think the tobacco and alcohol companies market way to aggressively towards minors, yes I do. That being said, it doesn't mean my rights should be trampled on.

John Diaz Hayward resident 94541