



Training Presentation: Flavored Smoking Products, Electronic Smoking Devices, and San Diego County Ordinance No. 10647

County of San Diego, Health and Human Services Agency,
Tobacco Control Resource Program

Updated June 21, 2020

www.sandiegocounty.gov/hhsa/tobacco



Introduction



- This training is designed to inform tobacco retailers about Ordinance No. 10647, which includes a ban on the sale of flavored smoking products and a temporary ban on the sale of electronic smoking devices in unincorporated San Diego County.
- The County of San Diego's Tobacco Control Resource Program (TCRP) is available to provide guidance and information on how to follow the flavors and device ban.
- For questions or to request assistance, email tobacco@sdcounty.ca.gov or call (619) 542-4178.

Presentation Goals



This presentation will help you learn about:

1. The reasons why the flavors and device ban was established.
2. The requirements of the flavors and device ban.
3. How your business can follow the flavors and device ban.
4. Available resources.

Context: E-cigarette, or Vaping, Product Use Associated Lung Injury (EVALI)



- In June of 2019, multiple reports of sudden and severe lung illness associated with vaping began to be noticed by physicians across the United States. EVALI is also known as Vaping-Associated Pulmonary Injury (VAPI).
- The specific cause of EVALI has not yet been identified, but is being investigated by health officials.
- **As of May 6, 2020, there have been 47 confirmed and probable EVALI cases reported among San Diego County residents.** All cases were hospitalized and there have been no deaths.

Why Ban Flavored Smoking Products and Electronic Smoking Devices?



- In 2019, more than 5 million U.S. middle and high school students reported e-cigarette use, an increase of more than 1.5 million students from 2018.¹
- Among current exclusive e-cigarette users in 2019, approximately 72% of high school students and 60% of middle school students used flavored e-cigarettes.¹
- Youth get access to tobacco products through stores, the Internet, and social sources such as friends or classmates. Eliminating youth access requires action on all three fronts. State and federal action is needed, but curbing retail sales is often addressed by local government.²

1. Source: 2019 National Youth Tobacco Survey

2. San Diego County Ordinance No. 10647

History of the Flavors and Device Ban



On **January 28, 2020**, the County of San Diego Board of Supervisors approved the flavors and device ban, which is applicable to the unincorporated area of San Diego County.



COVID-19



- According to the Centers for Disease Control and Prevention (CDC):
 - Smoking may lead to a weakened immune system.
 - Smoking and vaping also increase your chances of developing lung diseases.
- People with a weak or compromised immune system and people with lung disease are high-risk groups for poor COVID-19 health outcomes.
- High-risk groups are more likely to have severe complications for getting seriously sick from COVID-19 if they are infected.
- Because of this, many health professionals and scientists suggest that quitting smoking and vaping could help lower the risk of complications related to COVID-19.

Source: Centers for Disease Control and Prevention. Coronavirus Disease 2019: People Who Are at Higher Risk. May 2020.

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>

What is Prohibited



Effective July 1, 2020:

- The sale or distribution of all flavored smoking tobacco products is prohibited.
- The sale or distribution of an electronic smoking device is prohibited until February 28, 2021, or an earlier date depending on the results of the Centers for Disease Control and Prevention (CDC)'s ongoing vaping illness investigation.

What is “Distribution”?



According to the flavors and device ban:

“Distribution” means to give smoking products to the general public at no cost, or at nominal cost, or to give coupons, coupon offers, gift certificates, gift cards, or other similar offers, or rebate offers for smoking products to the general public at no cost or at nominal cost.

What is a “Flavored Smoking Product”?



According to the flavors and device ban:

“Flavored Smoking Product” is a product containing, made, or derived from tobacco or nicotine that is intended for smoking, and that emits a taste or smell, other than the taste or smell of tobacco, including, but not limited to, any taste or smell relating to fruit, menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, candy, dessert, alcoholic beverage, herb, or spice.

When will the temporary ban on electronic smoking devices end?



- The ban will end on February 28, 2021, or earlier, based on other triggers contingent on the outcome of the Centers for Disease Control and Prevention (CDC) investigation or United States Food and Drug Administration (FDA) approval of such devices.
- The public health officer shall issue a notice at the end of the CDC's investigation with further information.

Complaint Process



Complaint Received

- Phone
- E-mail
- Web Form

County performs investigation to determine if there is evidence to support the complaint.

IF YES:

- Establishment receives educational packet
- County fines establishment based on date of violation

IF NO:

- Establishment receives educational packet

Fines Associated with the Smoke-Free Outdoor Dining Ordinance



First violation: Warning and educational session with the County

Second violation within a 12-month period: \$100

Third violation within a 12-month period: \$200

Each additional violation within a 12-month period: \$500

The Ordinance may also be enforced through administrative remedies or through a civil court action, if necessary.

Appeal Process



1. Establishment requests appeal.

2. County conducts hearing

3. Hearing Officer makes final decision.

4. Establishment receives final decision.

How to Comply with the Flavors and Device Ban



1. Be knowledgeable about the sections of Ordinance No. 10647 that are related to the sale or distribution of flavored smoking products and electronic smoking devices.
2. Remove all flavored smoking products and electronic smoking devices from shelves.
3. Do not sell or distribute flavored smoking products or electronic smoking devices.

The screenshot displays the website for the Health & Human Services Agency (HHS) with a focus on the Tobacco Control Resource Program (TCRP). The page features a navigation menu at the top, a search bar, and a main header with icons for a no-smoking sign and a scale of justice. The TCRP section includes a description of the program's goals and a list of objectives: discouraging youth use, reducing secondhand smoke, and connecting people to resources. Below this, there are four buttons for 'SMOKING LAWS', 'QUITTING SMOKING', 'DATA, MATERIALS, & RESOURCES', and 'TOBACCO CONTROL ORGANIZATIONS'. A large orange button at the bottom is labeled 'SUBMITTING A COMPLAINT'. The right sidebar contains logos for HHS and Live Well San Diego, social media icons, and a list of popular services such as Aging & Independence Services and Behavioral Health Services.

Resources are available at www.sandiegocounty.gov/hhsa/tobacco

Where to Get Resources and Other Information



- To learn more about Ordinance No.10647 and obtain resources, visit:
<http://www.sandiegocounty.gov/hhsa/tobacco>.
- If you have other questions, contact the County of San Diego Tobacco Control Resource Program by e-mail at tobacco@sdcounty.ca.gov or call (619) 542-4178.

Review: What You Need to Know about the Smoke-Free Outdoor Dining Ordinance



- The flavors and device ban will become enforceable on July 1, 2020.
- The County will investigate all complaints to determine if there is evidence to support the complaint.
- Establishments that are found in violation of the Ordinance can be fined.
- The County is available to help you be successful!



Thank you!

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