

STATE OF CALIFORNIA
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April 2, 2021

Re: Letter of support for Senate Bill 793

To Whom it May Concern:

The Tobacco Education and Research Oversight Committee (TEROC) is a legislatively mandated oversight committee that monitors the use of Proposition 99 and Proposition 56 tobacco tax revenues for tobacco control, prevention education, and tobacco-related research in California.^{1,2} TEROC advises the California Department of Public Health; the University of California; and the California Department of Education with respect to policy development, integration, and evaluation of tobacco education programs funded by Proposition 99 and Proposition 56.

On August 28, 2020, Governor Newsom signed SB 793 into law. This law prohibits a tobacco retailer from selling, offering for sale, or possessing with the intent to sell or offer for sale, most flavored tobacco products, including menthol cigarettes and electronic cigarettes (e-cigarettes). On August 31, 2020, individuals associated with the tobacco industry filed a referendum to overturn the law. On January 22, 2021, the referendum qualified for the next statewide general election ballot and the law is now suspended until Californians vote on whether or not to uphold the law.

TEROC continues to support SB 793 and strongly urges California voters to uphold this law in the next statewide general election. A “yes” vote on this referendum is needed to uphold the law and ensure protection for all Californians from the dangers of flavored tobacco products. The tobacco industry continues to campaign against this law in order to continue selling flavored products targeting youth and vulnerable populations, and **TEROC condemns these actions.**

SB 793 is focused on protecting youth and is particularly critical because most individuals start using tobacco as minors or young adults. In California, 67.1 percent of current cigarette smokers started smoking by the age of 18. Flavored tobacco products are very enticing to new and young smokers as they come in sweet and fruit flavors, colorful packaging and are sold at low, affordable prices. These products often mimic popular candies and drinks in both packaging and flavor, making them particularly appealing to youth.³ Flavored tobacco products are a gateway for many youth and young adults to become regular smokers because flavors disguise the harshness of tobacco and make smoking seem less harmful.⁴

Eighty percent of young people who have ever used tobacco started with a flavored product.⁵ Since 2014, the total number of available e-liquid flavors more than doubled from 7,764 to 15,586 in 2017.⁶ This is concerning because research has shown that youth who would otherwise not have smoked cigarettes or use other tobacco products are using electronic smoking devices like e-cigarettes⁷ and adolescent electronic smoking device users are also more likely to start smoking traditional cigarettes.⁸ Youth use of e-cigarettes has increased by 60 percent since 2017.⁹ Increases in adolescent vaping from 2017 to 2018 were the largest ever recorded in the past 43 years for any adolescent substance use outcome in the U.S.⁹ Prohibiting the sale of flavored tobacco products is a proven way to reduce youth use of these products.¹⁰⁻¹²

SB 793 would also protect African Americans and other vulnerable populations including LGBT, Latinx, and Asian Americans, who for years have been targeted by the tobacco industry through aggressive marketing for menthol cigarettes and, as a result, use menthol tobacco products at higher rates.¹³ According to the Food and Drug Administration's Tobacco Products Scientific Advisory Committee, by 2020 the African American population will have suffered more than 4,700 excess deaths due to menthol in cigarettes, and more than 460,000 more African Americans will have started smoking due to the impact of menthol.¹⁴

SB 793 is consistent with TEROC's 2021-2022 Master Plan, *Achieving Health Equity, Toward a Commercial Tobacco-Free California*, Objective 1: Reduce disparities related to commercial tobacco use and Objective 4: Prevent youth and young adults from initiating tobacco use and empower them as advocates for tobacco and cannabis control. It will establish a policy that is uniform in the types of products covered and help protect many vulnerable populations in California. For these reasons, **TEROC strongly supports SB 793 to ensure protection for all Californians from the dangers of flavored tobacco products and urges voters to uphold this important law.**

Sincerely,

A handwritten signature in black ink, appearing to read "Michael K. Ong". The signature is fluid and cursive, with the first name "Michael" and last name "Ong" clearly distinguishable.

Michael K. Ong, M.D., Ph.D.
Chairperson

References

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2. Revenue and Taxation Code Section 30130.56(e).
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