

The Bill to Protect Kids and End the Sale of Flavored Tobacco Products in Denver

Presentation to the Committee on
Safety, Housing, Education and Homelessness
December 4, 2024

What reports, news, or updates occurred since the committee last met?

New Trends from the Centers for Disease Control and Prevention (CDC) Foundation

There was a 47% increase in e-cigarette unit sales at U.S. retail outlets from 2019 through 2023, with flavor categories like fruit, candy, mint, menthol, and desserts accounting for more than 80% of those sales. In Massachusetts, sales restrictions and a range of effective enforcement measures reduced sales of flavored e-cigarettes by more than 98% in brick-and-mortar retailers.

New Evidence from the U.S. Surgeon General's Nov. 2024 Report

Tobacco control policies across all levels of government—federal, tribal, territorial, state, and local—can, or have the potential to, reduce tobacco-related health disparities. These policies include restrictions on selling flavored tobacco products, including menthol cigarettes and flavored cigars.

What new evidence or trends did the CDC Foundation report find?

Key Findings:

- U.S. e-cigarette sales jumped 47% from 2019 to 2023, with over 80% being flavored products. Disposable vapes now dominate the market, with a surge in flavors and increased nicotine content.
- This significant rise highlights the urgent need for more cities and states to adopt comprehensive policies restricting flavored e-cigarette sales.
- In Massachusetts, sales restrictions and a range of enforcement measures reduced retail sales of flavored e-cigarettes by more than 98%.

What evidence did the U.S. Surgeon General's new report find?

Key Findings:

- Tobacco control policies across all levels of government—federal, tribal, territorial, state, and local—can, or have the potential to, reduce tobacco-related health disparities and death.
- Tobacco use remains higher in certain groups, making tobacco-related health disparities a serious social injustice that needs urgent attention.
- Flavored tobacco products, like menthol cigarettes, appeal to young people and are marketed to specific populations, worsening health disparities.

What is the connection between tobacco use and pancreatic cancer?

**1 out of 4
pancreatic
cancer cases
relate to
tobacco use.**

According to the Department of Public Health and Environment, approximately 25% of pancreatic cancer cases relate to tobacco use. Smoking is one of the most critical risk factors for cancer. Tragically, tobacco use remains the number one cause of preventable death and disease in Denver and Colorado.

Has the government approved vaping or flavored tobacco products for smoking cessation?

No The Food and Drug Administration (FDA) has never approved vaping or tobacco as effective smoking cessation aids.

No The U.S. Preventive Services Task Force concluded there was not enough evidence to know if the benefits of using e-cigarettes to quit smoking out-weigh the harms.



What other communities previously prohibited or restricted the sale of flavored tobacco products?

According to the Campaign for Tobacco-Free Kids, over 390 U.S. municipalities and 5 individual states have restricted or ended the sales of flavored tobacco products, including 7 Colorado cities.

7 Colorado Cities

- Aspen
- Boulder
- Carbondale
- Edgewater
- Glenwood Springs
- Golden
- Snowmass Village

5 Individual States

- California
- Massachusetts
- New Jersey
- New York
- Rhode Island

How was the City of Golden impacted after passing a similar policy ending flavored tobacco sales?



November 28, 2024

Members of the Denver Community,

Thank you for the opportunity to share Golden's experience in supporting our youth.

A year ago, the Golden City Council took a courageous stand for the health of our youth by enacting a comprehensive ban on the sale of flavored tobacco products, including menthol, without exemptions. This decision, grounded in overwhelming scientific evidence, recognized the undeniable link between flavored products and increased addiction rates, particularly among young people.

The tobacco industry's deceptive marketing of flavored vaping as "harm reduction" is a dangerous myth. The reality is that these enticing flavors are specifically designed to lure young people into a lifetime of addiction. We are already witnessing the devastating consequences of this epidemic.

Contrary to industry claims, Golden is not only thriving but also setting a new standard for community health and economic vitality. Our 2024 sales tax revenues are reaching record highs, and our businesses are resilient – not a single convenience store has closed due to the flavored tobacco ban.

Numerous studies have consistently shown that restrictions on flavored tobacco products have no negative impact on businesses or the economy. In fact, Golden's commitment to public health has both protected our youth and is attracting new businesses and sustainable tourism for a stronger, more vibrant community.

The tobacco industry's playbook hasn't changed in 50 years: delay, distract and deceive because they know that more delays = more addiction = more profits. But the facts speak for themselves. By prioritizing the health of our children over corporate greed, Golden is creating an environment where hundreds of small businesses can flourish without being forced to sell harmful products.

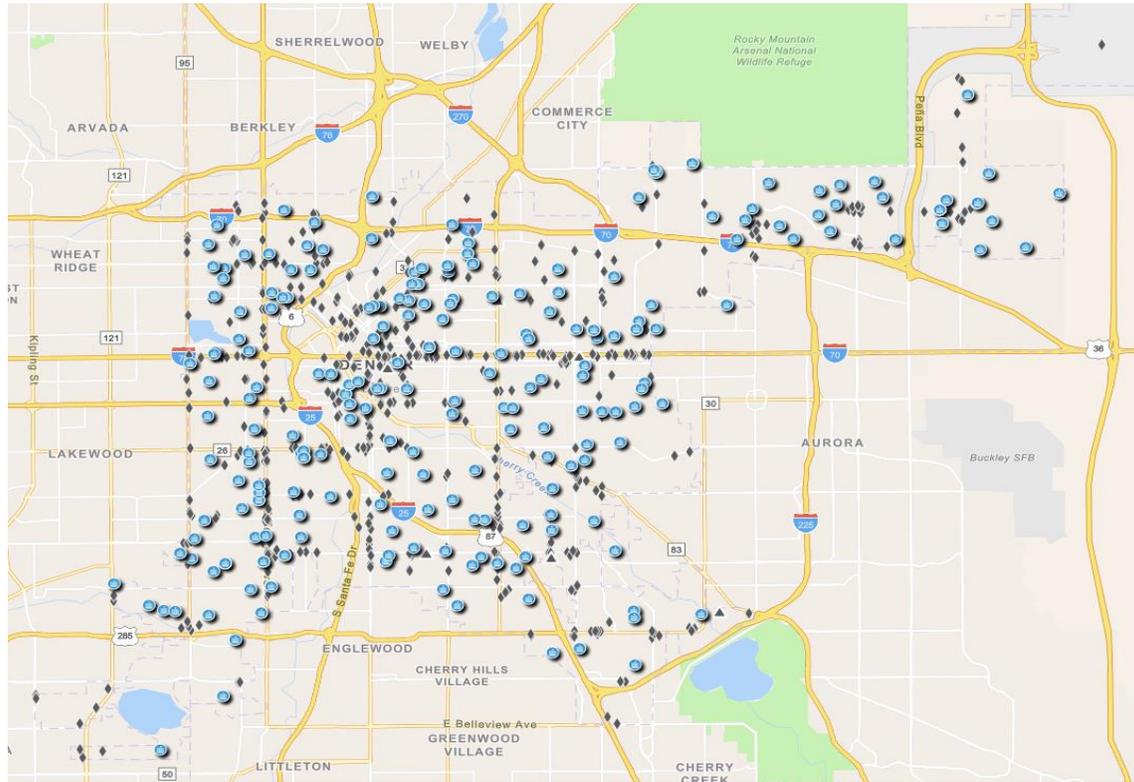
I urge you to continue championing the health and well-being of our youth. Golden's success story can inspire other communities to follow suit and build a healthier future for generations to come. Let's end the tobacco industry's reign of addiction and create a world where our children can thrive.

A handwritten signature in black ink, appearing to read "Bill Fisher".

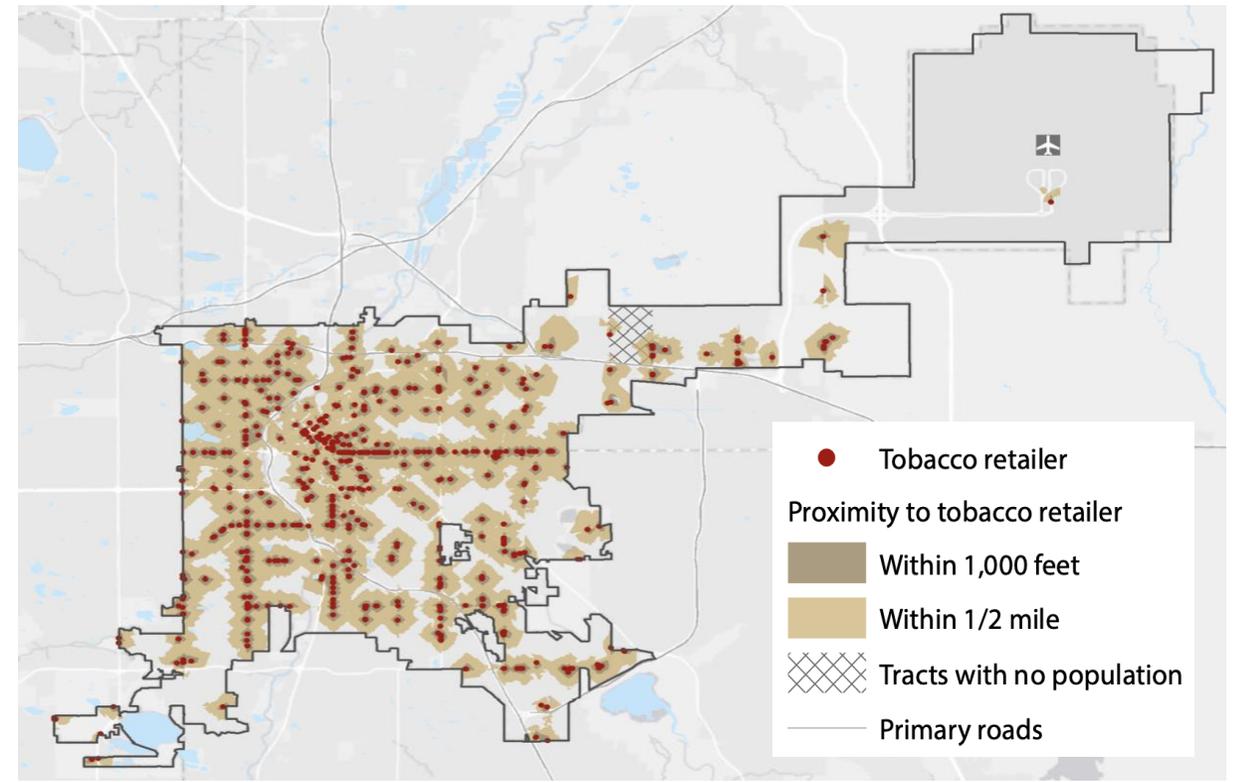
Bill Fisher
City Councilmember, Ward 4
City of Golden | Pronouns he/him/his
911 10th Street, Golden, CO 80401
bfisher@cityofgolden.net

Bill Fisher was a sponsor of City of Golden Ordinance 2216 concerning prohibiting the sale of flavored nicotine products.

How many retailers currently sell flavored tobacco products in the City of Denver? ~ 550 Retailers



This map of tobacco retailers and schools is provided by the Department of Public Health and Environment



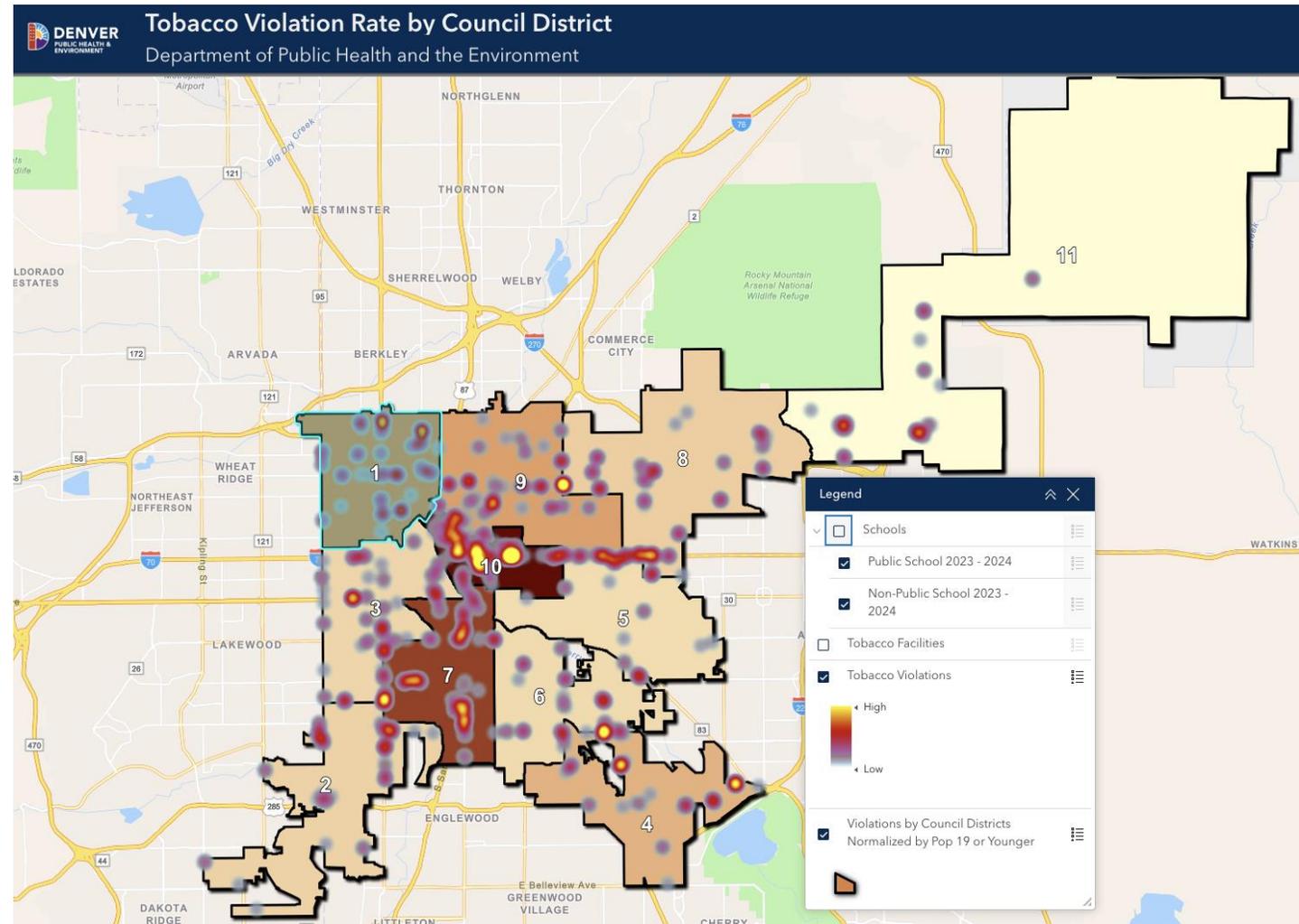
This 2020 population and proximity map is provided by The ASPIRE Center, which is funded by the National Cancer Institute.

Who is responsible for enforcement and compliance?

Department of Public Health and Environment (DPHE)

DPHE's tobacco program is structured in 3 pillars:

1. Prevention, Education, and Cessation
2. Compliance and Enforcement
3. Policy and System Changes.



How many violations have been issued by DPHE?

660 Violations

The Department of Public and Environment (DPHE) has issued 660 tobacco violations from 2017 -2023.



DDPHE Tobacco Violations: 2017 - 2023

Council District 1	72
Council District 2	45
Council District 3	63
Council District 4	52
Council District 5	31
Council District 6	35
Council District 7	87
Council District 8	70
Council District 9	78
Council District 10	98
Council District 11	29
Total	660

How does the bill treat premium cigars, cigars dipped in whiskey or alcohol, and cigar lounges?

Premium Cigars Allowed: Under the bill, non-flavored premium cigars are not applicable and defined in the same way as federal regulations.

Cigars Cannot be Dipped in Whiskey or Alcohol: Under the bill, cigars cannot be dipped in alcohol because it is a product that imparts a specific taste or smell.

Cigars Lounges Not Effected: The bill does not directly regulate cigar lounges, provided they do not sell flavored tobacco products. Any flavored tobacco products will be prohibited under the bill, and the lounge will not be able to sell the product.

What are the economic impacts on retailers?

New research shows laws to end flavored tobacco product sales do not adversely impact retailers.

“Claims of the significant negative impact of tobacco control policies that reduce demand for tobacco products are exaggerated.”

“No evidence that flavored tobacco sales restrictions have a negative and significant impact on businesses that sell tobacco and vaping products. In fact, results of the analyses show that businesses that sell tobacco products successfully adapt to changes in market conditions, including the implementation of FTP [flavored tobacco product] sales restrictions on tobacco products.”

[The Economic Effects of Cigarette Sales and Flavor Bans on Tobacco Retail Businesses](#) | Published on June 7, 2023, by:

John A. Tauras, Ph.D. University of Illinois Chicago National Bureau of Economic Research and

Frank J. Chaloupka, Ph.D. University of Illinois Chicago National Bureau of Economics Published June 7, 2023

What are the economic impacts of this public health crisis?

\$2.2 Billion

**Estimated Annual Healthcare Costs
in Colorado caused by smoking**

\$4.4 Billion

**Estimated Smoking-Caused
Productivity Losses in Colorado**

\$415.3 Million

**Estimated Medicaid Costs
caused by smoking in Colorado**

\$772 per Household

**Approximation of Colorado residents' state
and federal tax burden from smoking**

[Data](#) was provided by the Campaign for Tobacco-Free Kids, which added the following to its analysis. The amounts do not include health costs caused by exposure to secondhand smoke, smoking-caused fires, or use of non-cigarette tobacco products. Productivity losses are from smoking-caused premature death and illness that prevent people from working. Tobacco use also imposes costs, such as damage to property.

Which sections of the bill relate to enforcement and responsibility, and how has that changed?

Section 24-07

Section 24-407 enhances and clarifies penalties, including license suspension thresholds, by introducing escalating lookback periods, with the full three-year period not applying until 2028.

Section 24-08

Section 24-408 codifies existing DDPE practices that retail tobacco stores are responsible for the actions of their employees. This ensures that the license holder – not the clerk – will be held accountable.

What changes have been made to the proposal?

1. Strengthen the definitions to ensure we are capturing all current products and dynamic marketplace.
2. Removed “component, part, or accessory” from the definition of tobacco product.
3. Reordered the placement of the updated cigar definition to eliminate confusion.
4. Adjusted the implementation date to allow time for retailer education and to support DDPHE in their ramp-up efforts.
5. Exempted hookah at the request of Council Members.

What new support has the proposal received?

Our proposal to end the sale of flavored tobacco products is **supported by over 100 Organizations**, including, most recently, the Denver Board of Public Health and Environment!

New Endorsements:

- CLLARO
- Common Spirit
- Healthier Colorado
- The Blazer Track Club
- Dream Big 4 Children Foundation
- Denver Board of Public Health & Environment
- National LGBTQi+ Cancer Network
- New Hope Baptist Church
- Northeast Denver Islamic Center
- Single Mothers of Color (SMOC)
- Colorado School of Public Health
- National Council of Jewish Women (NCJW) Denver
- National Council Of Negro Women Denver Chapter

Questions and Discussion