

PROPOSED ORDINANCE TO END THE SALE OF FLAVORED TOBACCO IN DENVER





WHAT PROBLEM ARE WE TRYING TO SOLVE?

- 1 The Tobacco Industry for decades has used FLAVORS to target youth and communities of color.
- 2 Flavored tobacco products are driving the recent youth e-cigarette epidemic.
- 3 Menthol and other flavored tobacco products play a significant role in causing health disparities and health inequities.



WHAT THIS ORDINANCE DOES

- Ends the sale of flavored tobacco products in the city and county of Denver
- Exempts any FDA approved cessation device
- Protects against unintended racial Targeting
- Helps prevent youth from ever starting
- Reduces smoking related health disparities

PREVIOUS COMMITTEE MEETINGS

October 6, 2021

- Public testimony from community, stakeholders, and industry (20 mins)
- Discussion among committee members
- Request for additional data
- Move to hold further discussion on ordinance and potential amendments on 10/27

October 27, 2021

- Discussion of proposed exemptions
- Move to hold further debate and committee vote on 11/17

UPDATES

PROTECTING VULNERABLE INDIVIDUALS

Sec. 24-404. - Sale of flavored tobacco products prohibited.

It shall be unlawful for any retail tobacco store, or for any person acting as an officer, authorized agent, representative, or employee of such retail tobacco store, to sell, offer for sale, give, barter, deliver or furnish to a user or consumer any flavored tobacco product or samples of such products...

Sec. 24-407. - Suspension of right to sell tobacco products.

(a) Upon a determination that a violation of this division 1 has occurred at a given location, the manager may issue a warning that a future violation within one (1) year may result in the suspension of the person's right to sell tobacco products where the violation occurred.

HOOKAH EXEMPTION

Sec. 24-401. - Definitions...

(d) *Hookah* means a type of waterpipe, used to smoke shisha or other tobacco products, with a long flexible tube for drawing aerosol through water. Components of a hookah may include heads, stems, bowls, and hoses.

(e) *Hookah tobacco retailer* means a tobacco retailer that is engaged in the retail sale of hookah, hookah smoking accessories, or tobacco intended to be smoked in a hookah, which includes hookah tobacco, shisha tobacco, waterpipe tobacco, maassel, narghile, and argileh. Hookah tobacco retailer includes facilities that permit the consumption of hookah on the premises by customers.

Sec. 24-404. - Sale of flavored tobacco products prohibited...

(b) This section shall not apply to the following flavored tobacco products:

(1) Tobacco intended to be smoked in a hookah that is sold at a hookah tobacco retailer, provided the hookah tobacco retailer prohibits entry to any individual under 21 years old.

PREMIUM CIGAR & PIPE TOBACCO EXEMPTION

Sec. 24-401. - Definitions...

(f) *Pipe tobacco* means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to smoke in a pipe, excluding any tobacco product which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes, including roll-your-own cigarettes.

(i) *Premium cigar* means any cigar that is handmade, is not mass produced by use of mechanization, has a wrapper that is made entirely from whole tobacco leaf. A premium cigar does not have a filter, tip, or nontobacco mouthpiece and is capped by hand.

Sec. 24-404. - Sale of flavored tobacco products prohibited...

(b) This section shall not apply to the following flavored tobacco products:

(1) Tobacco intended to be smoked in a hookah that is sold at a hookah tobacco retailer, provided the hookah tobacco retailer prohibits entry to any individual under 21 years old.

(2) Pipe tobacco or premium cigars sold or displayed by a person who primarily engages in the business of selling cigars, pipe tobacco, cigar related accessories, and pipe tobacco related accessories.

ANNUAL REPORTING REQUIREMENT

Sec. 24-408 - Reporting.

Report to city council. The manager shall report in writing to the city council by July 1 of each year, beginning in 2023, regarding the implementation and effectiveness of D.R.M.C., Sec. 24-404.

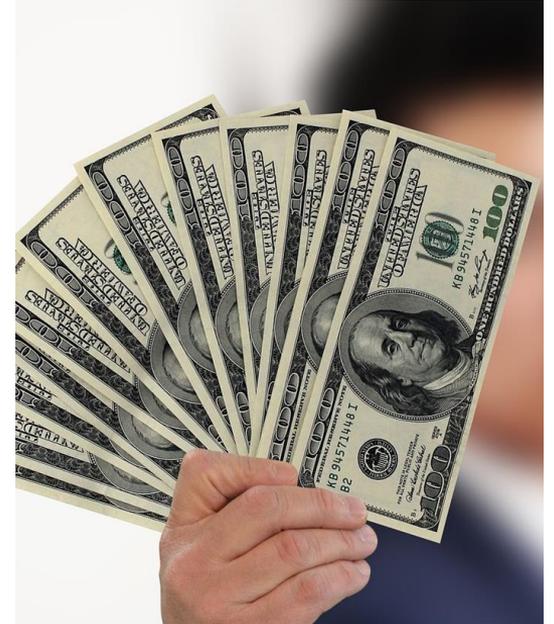
ADDITIONAL PROPOSED CHANGES:

1. AGE RESTRICTED STORES

2. MENTHOL

AGE-RESTRICTED STORES

- Ineffective/creates a loophole that weakens the policy's effectiveness
- Denver students will still access products:
 - 20% given to them by someone 21+
 - 23% gave someone 21+ money to buy for them
- Big Tobacco uses every tactic to exploit loopholes



AGE-RESTRICTED STORES, CONT.

- **Oakland and Minnesota examples**
 - Letter from St. Paul CM Jane Prince
 - Menthol impacts on Black community in Oakland
- Despite strict age-verification and ID requirements, escalating fines, and criminal consequences, 25.5% of Denver kids report marijuana use

UNDER AGE SALES AND RETAIL TOBACCO STORE TYPE

Convenience stores:

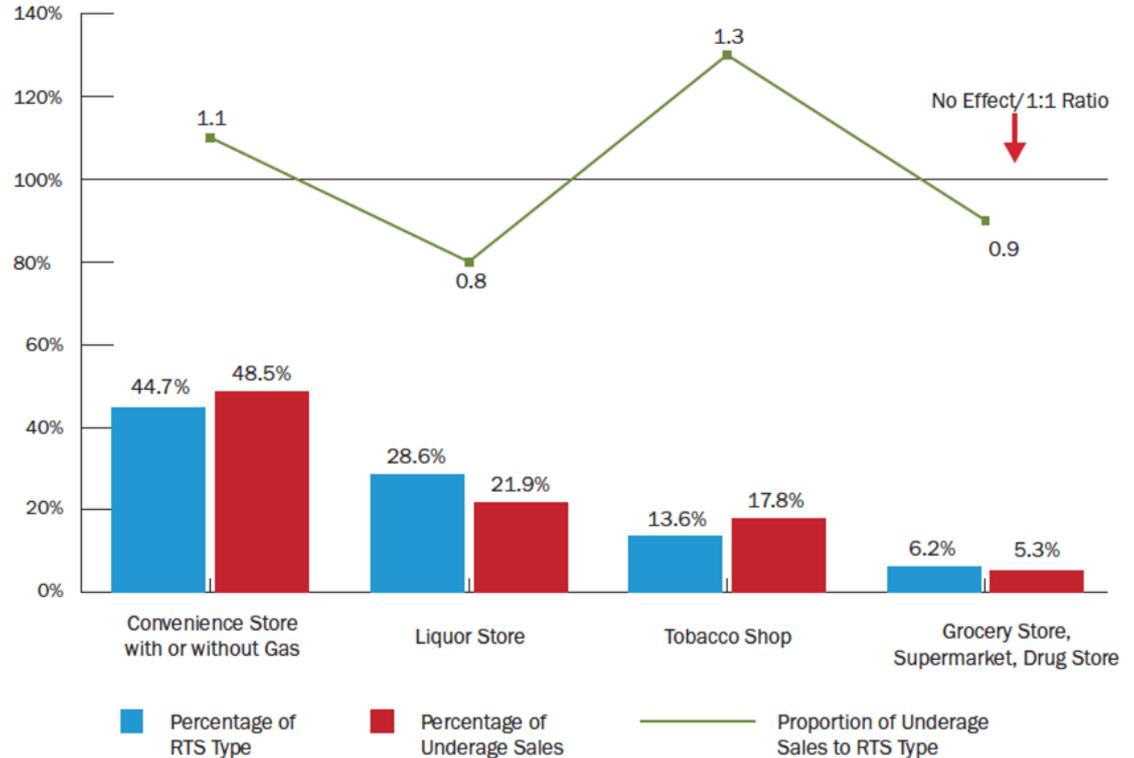
44.7% of RTS community

48.5% of underage sales

Tobacco shops:

13.6% of RTS community

17.8% of underage sales



MENTHOL



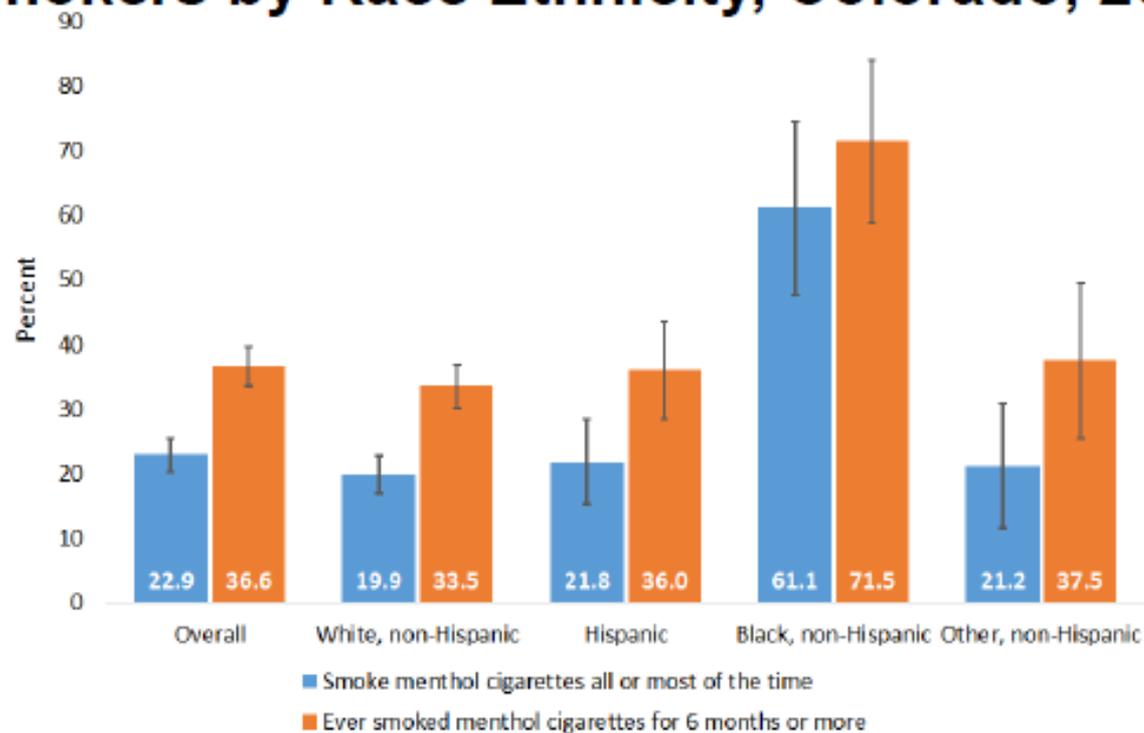
- To reduce youth initiation
- To help people quit
- To improve health equity in Denver and address health disparities facing African American, Latino, LGBTQ, and other marginalized communities

THE TOBACCO INDUSTRY HAS BEEN TARGETING BLACK AMERICANS FOR DECADES



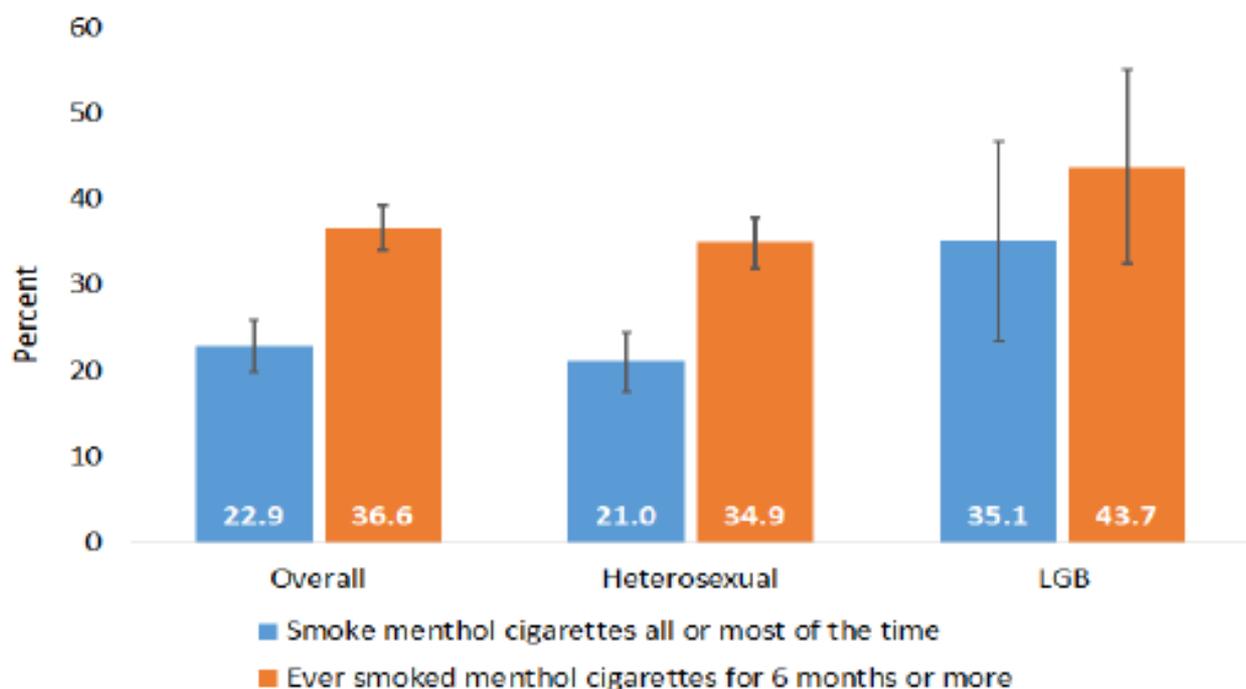
- 85% of Black smokers use menthol cigarettes, compared to 29% of White smokers
- Black smokers are less likely to quit than White smokers, and die at higher rates from tobacco-related diseases
- Each year, 45,000 Black Americans die from tobacco-related diseases; lung cancer is highest in Black community
- The Black community is the only demographic in CO whose smoking prevalence has increased since 2001
- Black Coloradans access the Quitline at the same rates as White and Hispanic peers, but success rates are lower because menthol is harder to quit

Menthol Cigarette Use among Current Smokers by Race Ethnicity, Colorado, 2018



Data Source: CO Tobacco Attitudes and Behaviors Survey, 2018

Menthol Cigarette Use among Current Smokers by Sexual Orientation, Colorado, 2018



Data Source: CO Tobacco Attitudes and Behaviors Survey, 2018

DR. SHIRLEY WEBER



DISCUSSION