



COUNTY OF SAN DIEGO

2013 OCT 31 PM 4 08

COUNTY OF SAN DIEGO

AGENDA ITEM

CLERK OF THE BOARD
OF SUPERVISORS

DATE: November 5, 2013

TO: Board of Supervisors

SUBJECT: Comprehensive Electronic Vapor Device Policy (DISTRICTS: ALL)

SUMMARY

Overview

Electronic Smoking Devices, or “e-cigarettes,” are surging in popularity and poised to become the new gateway to tobacco smoking. The potential use of the devices in public areas including County buildings calls for the examination of our existing tobacco related policies to confront this trend. We are proposing to define electronic smoking devices as electronic and/or battery-operated devices, the use of which may resemble smoking that can be used to deliver an inhaled dose of nicotine or other substances. Electronic smoking devices include any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. These battery operated devices are designed to look like, and be used, in the same manner as conventional tobacco products.

The U.S. Food and Drug Administration (FDA) has conducted laboratory analysis and found e-cigarette cartridges contained up to 20 milligrams of nicotine, carcinogens and toxic chemicals, such as diethylene glycol, an ingredient used in antifreeze. Bystanders could be exposed to those chemicals if they inhale e-cigarette vapor exhaled by someone else.

Furthermore, the FDA has expressed concerns about the lack of regulations for the content and make-up of the substance in cartridges and the way they are marketed. California law prohibits the sale of e-cigarettes to minors (California Health and Safety Code § 119405), however the marketing of the devices mimics those of traditional tobacco cigarettes. One worry is that electronic vapor devices are sold in appealing (fruit and candy-like) flavors, which can be perceived as a scheme for enticing youth to use the product. The FDA is also concerned that the devices are able to be purchased by young people online and via mall kiosks.

The use of electronic vapor devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

The intent of this item is to direct the Chief Administration Officer to review Board Policy A-99 and recommend policy language to include all electronic vapor devices.

SUBJECT: Comprehensive Electronic Vapor Device Policy (DISTRICTS: ALL)

Recommendation

SUPERVISOR DAVE ROBERTS and SUPERVISOR RON ROBERTS

1. Direct the Chief Administrative Officer to review County Board Policy A-99 relating to smoking and tobacco use and to return to the Board in 90 days to recommend language to address all electronic vapor devices.

Fiscal Impact

There is no fiscal impact as a result of these recommendations.

Business Impact Statement

N/A

Advisory Board Statement

N/A

Background

In 2010, our Board adopted the 10-year *Live Well San Diego* initiative to improve the health and wellness of the region. The first component of *Live Well San Diego*, Building Better Health, focuses on helping to prevent and manage chronic diseases. A driving force behind the strategy is the 3-4-50 concept: three behaviors lead to four diseases that account for more than 50 percent of deaths in San Diego County. The three behaviors include lack of exercise, poor diet and tobacco use.

More than 602,000 youth under the age of 18 and 370,000 young adults aged 18 to 24 live in San Diego County. In a recent study, the Center for Disease Control and Prevention (CDC) presented findings that raise concerns that for young people e-cigarettes could be an entry point to use of conventional tobacco products, including cigarettes. The CDC study found that the percentage of U.S. middle and high school students who use electronic cigarettes more than doubled from 2011 to 2012. More specifically, the CDC found that 1.78 million middle and high school students nationwide have tried e-cigarettes. Of that 1.78 million, 76.3 percent have tried e-cigarettes in the past 30 days. In reaction to these findings, CDC Director Dr. Tom Frieden was quoted as saying, "nicotine is a highly addictive drug. Many teens who start with e-cigarettes may be condemned to struggling with a lifelong addiction to nicotine and conventional cigarettes."

Electronic smoking devices, commonly known as "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," etc., are battery operated devices designed to look like, and be used, in the same manner as conventional tobacco products. The American Medical Association has determined that electronic vapor devices "are not comparable to scientifically-proven methods of smoking cessation" and that "neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established."

'Electronic vapor devices' employ the use of a cartridge, generally containing up to 20 milligrams of nicotine to deliver vapor nicotine to users. Some cartridges employed by electronic

SUBJECT: Comprehensive Electronic Vapor Device Policy (DISTRICTS: ALL)

vapor devices can be re-filled with liquid nicotine solution and other substances, creating the potential for exposure to dangerous concentrations of nicotine and/or other elements.

The use of nicotine may cause or contribute to cardiovascular disease, complications of hypertension, reproductive disorders, cancer, gastrointestinal disorders, including peptic ulcer disease and gastro esophageal reflux, and immediate adverse physiologic effects after short-term use that are similar to some of the effects seen with tobacco smoke.

The U.S. Food and Drug Administration (FDA) has expressed concern about the lack of regulations for the content and make-up of the substance in cartridges that are sold and the way they are marketed. California law prohibits the sale of e-cigarettes to minors (California Health and Safety Code § 119405), however the marketing of the devices mimics those of traditional tobacco cigarettes. One worry is that electronic vapor devices are often marketed in appealing (fruit and candy-like) flavors, which can be a tactic for enticing youth to use the product. This increases the potential for nicotine addiction among young people. As stated above, this behavior may lead youth to try conventional tobacco products. The FDA is also concerned that the devices are being sold to young people due to their accessibility online and via mall kiosks.

The FDA conducted laboratory analysis of electronic smoking device cartridges and found the following:

- Diethylene glycol, an ingredient used in antifreeze and toxic to humans, was found in one cartridge;
- Certain tobacco-specific nitrosamines, which are human carcinogens, were detected in half of the samples tested;
- Tobacco-specific impurities suspected of being harmful to humans—anabasine, myosmine, and β -nicotyrine—were detected in a majority of the samples tested;
- All but one tested cartridge labeled as containing no nicotine did in fact contain low levels of nicotine;
- Three identically labeled cartridges emitted markedly different amounts of nicotine with each puff. Nicotine levels per 100 mL puff ranged dramatically from 26.8 to 43.2 mcg nicotine; and
- One high-nicotine cartridge delivered twice as much nicotine to users as was delivered by a nicotine inhalation product approved by FDA for use as a smoking cessation aid which was used as a control.

The use of electronic vapor devices in smoke free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment. This claim is backed up by the Journal of Environmental and Public Health's study suggesting that electronic vapor devices "may have the capacity to 're-normalize' tobacco use in a demographic that has had significant denormalization of tobacco use previously."

Considering the various arguments above, several municipalities are taking action on limiting areas where electronic vapor devices can be used. On October 22, 2013 the City of Vista banned electronic cigarettes in restaurants and other public places where smoking is already prohibited.

SUBJECT: Comprehensive Electronic Vapor Device Policy (DISTRICTS: ALL)

On October 21, 2013 the Sweetwater Union High School District updated its tobacco policy to include electronic nicotine delivery and other vapor devices.

Today, we are asking for the Board's support to incorporate electronic vapor devices into the Board's existing Tobacco Use, Prevention and Cessation policy framework that gives County staff authority to work with county departments and community stakeholders to establish guidelines for limiting use and marketing. The intent of this item is to direct the Chief Administrative Officer and Health and Human Services Agency to review Board Policy A-99 and recommend policy language to include all electronic vapor devices.

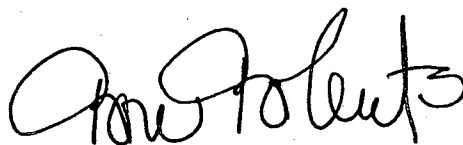
Linkage to the County of San Diego Strategic Plan

This requested item has a direct link to San Diego County's *Live Well San Diego* 3-4-50 initiative. It encourages healthy behaviors and addresses children's health issues and the Safe and Livable Communities component of the Strategic Plan by promoting health and well-being throughout our region.

Respectfully submitted,



DAVE ROBERTS
Supervisor, Third District



RON ROBERTS
Supervisor, Fourth District

ATTACHMENT(S)

Board Policy A-99 Tobacco Use, Prevention and Smoking Cessation

SUBJECT: Comprehensive Electronic Vapor Device Policy (DISTRICTS: ALL)

|AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED
 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:
N/A

BOARD POLICIES APPLICABLE:
Board Policy A-99 Tobacco Use/Prevention and Smoking Cessation

BOARD POLICY STATEMENTS:
N/A

MANDATORY COMPLIANCE:
N/A

ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S):
N/A

ORIGINATING DEPARTMENT: District 3 and 4, Board of Supervisors

OTHER CONCURRENCE(S): N/A

CONTACT PERSON(S):

Lindsey Masukawa
Name
619-531-5855
Phone
Lindsey.Masukawa@sdcounty.ca.gov
E-mail

Stephanie Gioia
Name
619-515-6989
Phone
Stephanie.gioia@sdcounty.ca.gov
E-mail

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Tobacco Use, Prevention and Cessation

**Policy
Number**

A-99

Page

1 of 2

Purpose

To establish policy guidelines for programs dealing with tobacco use prevention and cessation.

Background

The use of tobacco constitutes a major and serious public health hazard. Tobacco use exacts a heavy toll in terms of disease, disability and death. It has been determined to be a causal factor in over 443,000 premature deaths a year nationally or approximately 3,600 in San Diego County. Additionally, the California Air Resources Board declared environmental tobacco smoke or secondhand smoke (SHS) as a toxic air contaminant, defined as a pollutant, which may cause or contribute to an increase in morbidity or mortality. SHS alone is responsible for approximately 49,400 deaths annually in adult nonsmokers, nationwide, and is associated with an increased risk of lower respiratory tract infections in children. The health care cost of treating patients with conditions caused by or aggravated by tobacco use is an estimated \$96 billion per year. These costs are borne by taxpayers through federal, state and local programs. The opportunity and responsibility exists for the Board of Supervisors of the County of San Diego to take social, educational and legislative action to discourage tobacco use, restrict tobacco industry influence, and eliminate exposure to SHS, and thereby protect and promote the health of San Diego citizens.

The County of San Diego is committed to improving the health of its more than 3 million residents, and identifies tobacco use as a primary impediment to achieving optimal health. Tobacco use is one of the three behaviors identified by the 3-4-50 initiative (poor nutrition and lack of physical activity being the other two behaviors) that contribute to four diseases (type 2 diabetes, cardiovascular disease, respiratory conditions and certain types of cancer) that result in more than 50 percent of all deaths in San Diego County.

This policy supports the County's adopted *Live Well, San Diego!* initiative by providing direction for pursuing policy changes for a healthier environment.

Policy

It is the policy of the Board of Supervisors to:

1. Support and strengthen the County Tobacco Regulatory Ordinances as an ideal vehicle for promotion and operation of tobacco use (including cigarettes, cigars, pipes, snuff, chewing tobacco, electronic cigarettes, or other tobacco products) prevention, cessation, and enforcement programs.
2. Support utilization of the media, such as radio, television, outdoor advertising, print and the Internet, in presenting focused and timely information on anti-tobacco issues and tobacco-free lifestyles.
3. Direct the Health and Human Services Agency (the "Agency") to work with other County departments to provide tobacco use prevention and cessation information to County employees.

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Tobacco Use, Prevention and Cessation

**Policy
Number**

A-99

Page

2 of 2

4. Support school and youth peer-oriented approaches for the development of both tobacco use prevention and cessation activities in San Diego schools and youth agencies.

5. Support coordination of countywide tobacco control efforts between local organizations.

6. Encourage city and county fire departments to continue public education on the hazards of careless smoking habits in the home.

7. Direct the Agency to collect, tabulate and analyze vital, morbidity, mortality, and other data related to tobacco use for the planning and implementation of local tobacco control programs.

8. Support federal, state, and local legislation and regulations that promote and support efforts to implement tobacco use prevention and cessation activities, reduce youth access to tobacco products, restrict the promotion of tobacco products, and limit tobacco advertising.

9. Address policy conflicts between government support of medical care, tax generation, and tobacco growth, sales, and advertising.

10. Authorize the Agency Director to carry out any additional activities necessary to reduce the impact of tobacco use in San Diego County, including but not limited to:

- countering pro-tobacco influences;
- reducing youth access to tobacco products;
- reducing exposure to second-hand smoke; and
- promote cessation services and 100% tobacco-free environments on County properties.

Sunset Date

This policy will be reviewed for continuance by 12-31-18.

Board Action

06-05-84 (25)

12-13-88 (73)

12-05-96 (36)

07-10-01 (15)

04-25-06 (4)

12-09-08 (33)

01-24-12 (10)

CAO Reference

1. Health and Human Services Agency

2. County Counsel

