

UPDATED
SPRING 2017

31%

of stores surveyed
in Lemon Grove
sold cigarettes or
electronic smoking
devices (ESD) to
minors (<21 y/o).

(LGTPS, 2017)

95%

of adult smokers
started smoking
before age 21,
the legal age to
purchase tobacco.

(DHHS, SAMHSA,
NSDUH 2014)

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Lemon Grove Tobacco Retailers: Illegal Sales = No Accountability

Cigarette smoking kills an estimated 480,000 people in America each year —more than alcohol, illegal drug use, homicide, suicide, car accidents, and AIDS combined! (CDC 2014)

Although it has been illegal to sell tobacco to minors for more than 100 years in California, nearly 9 out of 10 smokers still start smoking before age 21. In East County 60% of high school juniors believe tobacco is easy to get. And 4% of Grossmont Union's 11th graders are current smokers with 11% using electronic cigarettes within the last 30 days (CA Healthy Kids Survey 2015-16 Grossmont Union High School District).

Young adults are very sensitive to nicotine, the addictive drug in tobacco products. Physical addiction to nicotine makes quitting smoking difficult for so many, even when their own health has been damaged. The younger that children are when they start using these products, the more likely they are to become addicted to nicotine and the more heavily addicted they will become (US Surgeon General 2012).

Even more effective nicotine delivery systems, **e-cigarettes, vape pens, and hookah pens**, or electronic smoking devices (ESD) are sold in many local stores. **E-cigarette use among middle and high school students tripled from 2013 to 2014, nationally** (Centers for Disease Control and Prevention, 2015).

The Food & Drug Administration (FDA) and the Chief Health Officer of the State of California have issued warnings to users about the potential health risks posed by ESD. In addition to nicotine, an FDA laboratory analysis found that ESD contain carcinogens and toxic chemicals, many of which are listed on the California Proposition 65 list of potential carcinogens and reproductive toxins.

San Diego County's East Region has the highest percentage of smokers in the County (County of San Diego Health and Human Services Agency, 2012). Reducing illegal underage sales of these products prevents a lifetime of addiction and resulting chronic disease. Increasing the enforcement of laws prohibiting illegal sales to minors has been remarkably effective in many California cities.

"Raising the legal minimum age for cigarette purchaser to 21 could gut our key young adult market (17-20) where we sell about 25 billion cigarettes and enjoy a 70 percent market share."

Phillip Morris, January 21, 1986

Tobacco Retailer Information Packets Hand-Delivered

CASA staff researched, reviewed, and produced educational materials about the new tobacco laws effective June, 2016, that increased the legal age governing sales of both tobacco and electronic smoking devices to individuals 21 and older.

Prior to conducting the **Tobacco Purchase Survey (TPS)** CASA provided educational packets to each tobacco retailer in Lemon Grove along with the message, "We're concerned about reducing illegal sales to individuals under age 21. We need your help to reduce them. Please use these materials to train your employees about the new law." Retailer education packets were delivered in the week prior to conducting the TPS.

Some retailers were missing the updated signs that are required by law to be posted at cash registers. CASA staff provided two additional, yellow, Stop Tobacco Access to Kids Enforcement (STAKE) Act signs to every retailer. Educational packets included notices regarding the 2016 state law prohibiting sales of electronic smoking devices to persons under 21 years old. Following each survey, notification letters are sent to each store regarding their store's survey results. Letters include information regarding on-line retailer training resources and a request to call CASA staff if they have questions or need additional training materials.

Lemon Grove Tobacco Purchase Survey Results: 31% of stores made illegal sales

All 2016 surveys were conducted between March and April. A total of 26 stores were assessed for compliance with California's tobacco and ESD sales laws. Of those 26, 8 stores, or 31%, illegally sold either traditional cigarettes or an ESD to an under-age surveyor. The same assessment activity was conducted in April of 2014, at which time 23 stores were assessed for compliance. In 2014, 9 out of 23 stores surveyed, or 39%, sold tobacco cigarettes or ESD to teens under age 18.

Underage surveyor's comments about their experience include:

- "The older clerk sold to me and didn't ask for my ID or anything."
- "The clerk only asked if I was older than 21."
- "The clerk asked for my [real, underage] ID, and tried to do the math then made the sale."

Among Lemon Grove stores that illegally sold to a minor:

- ✓ 19% did not ask for ID as required by law and
- ✓ 73% of store clerks did not ask the age of trained youth surveyors.

Types of stores selling to underage surveyors included:

- ✓ Gas stations (3)
- ✓ Liquor stores (2)
- ✓ Smoke shop (1)
- ✓ Convenience store without gas (1)
- ✓ Independent market (1)



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Electronic Smoking Devices (ESD) ARE considered tobacco products!

- E-cigarettes, vapes, cloud pens or e-hookahs are available in candy and fruit flavors that include bubble gum, gummy bear, cherry crush, and chocolate mint, designed to be attractive to young people.
- E-cigarette devices may also be used to inhale illegal substances, such as marijuana and hash oil. Because many of these devices are similar in appearance to a ball point pen, school and law enforcement personnel are unaware that use of nicotine and illegal substances is occurring. (State Health Officer's Report on E-Cigarettes, Health Advisory, January 2015)
- 11% of East County 11th graders have used electronic cigarettes within the last month (CHKS 2015-16).

Whatever you call them, don't call them safe!

The San Diego Union-Tribune

Sept. 2, 2015
by Karen Pearlman

Lemon Grove nixes electronic cigarette smoking

Electronic cigarette smoking will now be regulated the same way other tobacco uses are regulated in Lemon Grove.

The Lemon Grove City Council on Tuesday unanimously agreed to amend the city's municipal code to include banning e-cigarettes in public areas to protect citizens, especially youths, from health risks.

"We want people to see that vaping and smoking are essentially the same thing," said City Councilman George Gastil. "We want to discourage it as much as possible."

The San Diego County Sheriff's Department will enforce the rules in the city, including in Lemon Grove's five community parks and its lone dog park. Code violation fines start at \$100 for a first violation up to \$500 for three or more violations.

The battery operated cigarettes work by vaporizing nicotine and other ingredients in a liquid solution, with a smoker inhaling the vapors.

Debra Kelley of the American Lung Association in California and Lynda Barbour of the American Cancer Society's Action Network applauded the City Council's action.

Lorenzo Higley of Communities Against Substance Abuse said a recent California Healthy Kids Survey showed that 16 percent of 11th-graders in the 11-school Grossmont Union High School District have used electronic smoking devices within the last 30 days.

Higley also said that according to a 2015 report from Centers for Disease Control and Prevention, nationwide from 2013-14 use of electronic cigarettes among middle school and high students has tripled.

Excerpted here with permission from the reporter. Please read the complete article on The San Diego Union Tribune website www.sandiegouniontribune.com/news/2015/sep/02/lemon-grove-nixes-electronic-cigarette-smoking/

Recommendations

Prevention is critical. If young people don't start using tobacco by age 26, they almost certainly will never start. The good news is that there are many things we can do locally to help keep young people tobacco-free. Research shows, and the U.S. Surgeon General recommends (2012 Surgeon General's Report), that a comprehensive approach will have the greatest long-term impact. **Evidence-based solutions to the problem of illegal sales adopted by other California cities include:**

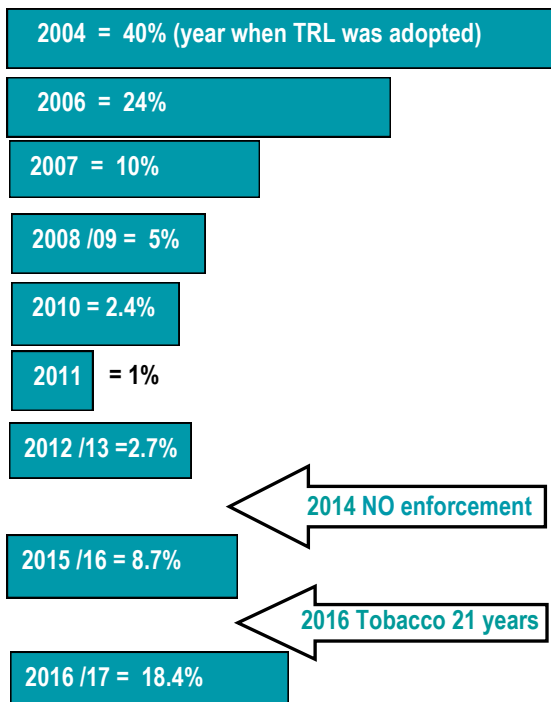
- Adoption of a **Tobacco Retailer Licensing (TRL)** ordinance with licensing fees that adequately fund regular enforcement **to reduce illegal tobacco/ESD sales to youth;**
- Utilize retailer density regulations to **limit tobacco, ESD, and drug paraphernalia sellers in proximity to schools, playgrounds, libraries, and churches;** and,
- Conduct and **evaluate the effectiveness of a retailer education campaign** about ESD and the Stop Tobacco Access to Kids Enforcement (STAKE) Act laws.

"18-20 year olds are twice as likely as 16-17 year olds to be current smokers"

(SAMHSA, DHHS, 2013, NSDUH)

Tobacco Retailer Licensing WORKS!

% of stores in the City of El Cajon that illegally sold cigarettes to minors



A well-enforced tobacco retailer licensing ordinance protects young people from a life of addiction by reducing sales to minors.

TRL ordinances in 33 California cities reduced illegal sales to kids by **68%, on average, and 98% in El Cajon** (Center for Tobacco Policy & Organizing, Sept. 2013). Annual store licensing fees should include the **cost of annual compliance checks and administrative expenses funded at no expense to the city General Fund.**

Since compliance monitoring began in 2006 there have been 53 violations in El Cajon. The number of violations per year have steadily decreased from a high of 25 (2006) to 1 in each year (2011 and 2012). In 2010 a licensee appealed to Superior Court where the city's TRL ordinance was supported and the fine was upheld. Since then, there have been no legal challenges to the ordinance.

As sales to minors in El Cajon have decreased by 97.5% since 2006, there has also been a corresponding decrease in adolescent tobacco use in El Cajon.

- Current tobacco use among high school juniors has decreased.
- The percent of teens reporting that tobacco is easy to get has decreased.

Preventing tobacco/ESD sales to kids will prevent a lifetime of addiction and improve health for years to come.

For more information about protecting youth in Lemon Grove please contact CASA at 619.442.2727