SB 793 (Hill, 2020)
Frequently Asked Questions

What does SB 793 do?
Under SB 793, retail stores and vending machines in California would be prohibited from selling flavored tobacco products. The legislation covers flavored e-cigarettes, e-hookahs, e-pipes, and other vaping devices as well as all flavored smokable and nonsmokable tobacco products, such as cigars, cigarillos, pipe tobacco, chewing tobacco, snuff, and tobacco edibles.

SB 793 would also prohibit the sale of “flavor enhancer,” e-liquids typically sold separately from e-cigarettes to enhance or add candy, fruit, menthol, or other flavors. Flavor enhancers are used to make DIY vape juices and undermine local and federal tobacco control policies.

Tobacco retailers that violate the law would face a civil penalty of $250 per violation.

SB 793 creates a threshold for restrictions and prohibitions regarding tobacco product sales and would not prevent local jurisdictions from taking further steps.

Are e-cigarettes less harmful than traditional cigarettes?
A January 2020 article in the American Journal of Public Health (AJPH) conclusively refutes the erroneous claim that e-cigarettes are 95 percent safer than traditional cigarettes. The AJPH article found that the claim that e-cigarettes are 95 percent safer - which originated in a 2015 Public Health England report - is unreliable and lacked evidence.

Since this claim was first made, a substantial amount of new evidence has emerged about e-cigarettes.

- E-cigarette users were 56 percent more likely to have a heart attack and 30 percent more likely to suffer a stroke. America College of Cardiology
- Nicotine exposure during adolescence and young adulthood can cause addiction and harm the developing brain. California Department of Public Health, Tobacco Control Program
- E-cigarette use among youth and young adults is strongly linked to the use of other tobacco products, such as regular cigarettes, cigars, hookah, and smokeless tobacco. U.S. Surgeon General

It is also important to recognize that for millions of kids who are now using e-cigarettes, the debate about just how harmful these products are in comparison to cigarettes misses the point. For these kids, the harms are real, often immediate and the long-term effects unknown.
Why prohibit flavored tobacco products for adults?
The tobacco industry will argue that flavors like cotton candy and gummy bear cater to adult tastes. However, the data shows that flavored tobacco use is actually higher with youth and young adults: with 80 percent of youth and 73 percent of young adults reporting current use of a flavored tobacco product.

Flavored tobacco products play a key role in initiating a dangerous addiction. Eighty percent of young people who have ever used tobacco started with a flavored product. One model even found that for every additional adult who quits smoking using e-cigarettes, 80 additional youth initiate daily tobacco use through e-cigarettes.

Why include mint and menthol flavors? I have heard these are not popular among youth.
Most insidious among the flavors preferred by youth, are mint and menthol.

The evidence indicates that if any e-cigarette flavors are left on the market, kids will shift from one flavor to another. In November 2018, Juul removed other flavors – but not mint and menthol – from stores. In response, youth easily substituted mango and fruit with mint and menthol. From 2018 to 2019, youth use of fruit flavors fell, while youth use of mint and menthol flavors increased by 50 percent.

Prevalence of menthol use is even higher among African American youth: seven out of ten African-American youth smokers smoke menthol cigarettes.

Lastly, these flavors have been used for generations to target communities of color, low-income communities, and other vulnerable populations. By 2020, 4,700 excess deaths in the African-American community will be attributable to menthol cigarettes, and over 460,000 African Americans will have started smoking because of menthol cigarettes.
The FDA recently established restrictions on e-cigarettes. Why is this bill necessary?

Efforts by the FDA to address this epidemic are deeply flawed and fall far short of protecting youth. The Federal e-cigarette policy exempts all menthol and tobacco flavored e-cigarettes and only restricts flavors in some cartridge-based e-cigarettes, leaving flavored e-liquids in every imaginable flavor widely available. The tobacco industry has already introduced the next new fad – cheap, disposable e-cigarettes in flavors such as strawberry, grape and mango. These devices – which are exempt under the FDA policy – are appealing to youth due to their high nicotine levels, wide range of flavors, ease of use, and concealability.

<table>
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<th>Products exempt under federal vaping restrictions</th>
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<td>Disposable Flavored E-Cigs</td>
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Are people who smoke or vape at more risk of COVID-19?

Smoking and vaping have many negative effects on respiratory health. While more research and data are needed, the emerging evidence suggests that smokers and vapers may be at greater risk for COVID-19.

According to the California Department of Public Health and several other public health experts, if you smoke or vape and get the COVID-19 virus, you increase your risk of developing more severe COVID-19 symptoms.

In addition, a systematic review of studies on COVID-19 concluded, “smoking is most likely associated with the negative progression and adverse outcomes of COVID-19.”

Recognizing the urgency, several universities and hospitals in California are taking steps to protect the public and collect needed data: the University of California San Francisco has added smoking and vaping nicotine and cannabis to COVID-19 triage protocol; doctors at the UC Davis Cancer Center sent letters to current and former smokers, warning them that smoking may make them more susceptible to COVID-19; the UC Merced Nicotine and Cannabis Policy Center is researching links between tobacco use and second hand smoke and COVID-19 and arming the public with valuable information; and the Stanford Medicine Tobacco Prevention Toolkit is providing resources to educators, parents, and youth.