County of San Mateo Board of Supervisors Bans Flavored Tobacco Sales

Posted by Michelle Durand on Jun 5th 2018

The San Mateo County Board of Supervisors voted 5-0 in favor of banning the sale of flavored tobacco products at pharmacies and retailers in the unincorporated areas of the county as a way to promote community health, particularly among youth.

If approved by a second reading at the next Board meeting, the ordinance takes effect within 30 days but enforcement by the Health System will not start until Jan. 1, 2019. Violators may be fined or have their tobacco retailer permit revoked.

The Board voted unanimously at the June 5, 2018, meeting after hearing from more than two dozen public speakers. Many speakers asked the Board to support a ban, pointing out its marketing tactics targeting youth, minority populations and marginalized communities with colorful advertising and appealing candy flavors.

Other speakers said the ban would unduly impact local businesses and argued that most youth using flavored tobacco products accessed them from family and friends or online. District Five Supervisor David Canepa, who introduced the ordinance with District Two Supervisor Carole Groom, acknowledged that the small business owners who spoke were honest and ethical but could not say the same for “Big Tobacco.” Canepa said he weighed the greater good and the costs incurred by tobacco-related health problems.

“And you know who pays for it? The taxpayer,” Canepa said.

In San Mateo County, tobacco use is the number one cause of preventable death and disease. Between 2006 and 2010, San Mateo County had 47,066 smoking-associated hospitalizations with a treatment cost of more than $566 million, according to the Office of Statewide Health Planning and Development (OSHPD). Currently, 47 retailers in the unincorporated areas of the county are licensed to sell tobacco products. There are no unincorporated-area pharmacies.

“We proposed this ordinance because it’s about prevention,” Groom said. “We just think it’s the best thing we can do to keep this county healthy.”

The 2009 ban by the U.S. Food and Drug Administration (FDA) on flavored cigarettes excluded menthol flavored cigarettes and flavored products other than cigarettes. With its Board vote, the
County of San Mateo joins other Bay Area jurisdictions in tightening that gap with more stringent local bans.

Today’s vote is the latest move by the Board of Supervisors to control the impact of tobacco use in San Mateo County. The Board previously imposed smoke-free requirements for multi-unit housing facilities, County campuses, workplaces and restaurants; banned tobacco self-service displays and required licenses for tobacco retailers. Smoking is also prohibited within 30 feet of doors and windows in County-owned or operated buildings.

Once the County ordinance is enacted, Groom and Canepa said they will work with the cities in the county to pass similar bans on flavored tobacco products.