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**Sent:** Tuesday, November 12, 2019 8:52 AM

**To:** Ann Yang <anny@hermosabeach.gov>; City Council <citycouncil@hermosabeach.gov>; Suja Lowenthal <suja@hermosabeach.gov>

**Subject:** New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

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## New eComment for City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Chris Bostic submitted a new eComment.

Meeting: City Council Meeting (Closed Session - 6:00 PM and Regular Meeting - 7:00 PM)

Item: 6a) REPORT 19-0714 CONSIDERATION OF PROHIBITION OF RETAIL SALE OF TOBACCO PRODUCTS (Community Development Director Ken Robertson)

eComment: To the Hermosa Beach City Council Re: CONSIDERATION OF PROHIBITION OF RETAIL SALE OF TOBACCO PRODUCTS, November 12, 2019 meeting Dear Councilors, Thank you for this opportunity to weigh in on your discussions regarding prohibiting the sale of all tobacco products. Action on Smoking and Health (ASH) is the nation's oldest anti-tobacco organization, and we congratulate Hermosa Beach for considering this path, and for placing health squarely above corporate profits. As you embark on this discussion, ASH would like to make a few general comments that we hope are helpful to you. 1. Hermosa Beach is on solid legal ground. Both federal and state law give the city jurisdiction on this issue. What's more, there is a growing consensus under global human rights laws and norms that the marketing of tobacco products amounts to a violation of basic human rights. Some would argue that in addition to having the right, governments have a human rights duty to phase out the sale of tobacco products. 2. We urge you to continue to make this discussion about the behavior of the tobacco industry, rather than tobacco users. Smokers are victims of an industry that intentionally addicted them to a deadly substance. Ending tobacco sales is a positive step for smokers, most of whom want to quit. In considering enforcement, please don't add penalties for individual purchasers or users. 3. We urge you to consider a phase-in period. This allows current smokers time to quit, and retailers time to alter their business models. The phase-in period should be long enough to allow for preparation and consideration. Academics have suggested three to five years as an ideal timeframe. There are several policy options to achieve a phase-in, and ASH would be happy to supply more information as your discussion advances. 4. Please ensure that smokers have access to robust cessation aid. No doubt many smokers in Hermosa Beach will react to this initiative by trying to quit (which most have attempted and failed). It is in everyone's interest that they succeed. 5. We urge you to avoid exceptions, for several reasons. First, the tobacco industry has demonstrated their ability and willingness to reengineer products to fit

exceptions. Second, there is no public health reason to exempt certain products or venues. And finally, exceptions risk opening up new avenues for litigation by the tobacco industry. Best wishes as you embark on this historic discussion. We look forward to celebrating Hermosa Beach's achievement.

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