

<div>C</div>	<div>Vapor Products</div>
<div> <div> Shall the City overturn the law passed by the Board of Supervisors suspending the sale of electronic cigarettes that lack required FDA authorization, and adopt new regulations on the sale, manufacture, distribution and advertising of electronic cigarettes in San Francisco? </div> <div> <div>YES ← -----</div> <div>NO ← -----</div> </div> </div>	

Digest by the Ballot Simplification Committee

The Way It Is Now: The City and the State of California regulate the sale of tobacco products. The term “tobacco products” includes vapor products such as electronic cigarettes, their cartridges and other parts, and liquid nicotine. Electronic cigarettes are battery-operated devices that vaporize liquid nicotine and deliver it to the user.

City and State laws regulate the sale of electronic cigarettes in San Francisco in the following ways:

- The City and State prohibit the retail sale of tobacco products to people under age 21 and the State prohibits the sale of tobacco products on the internet to people under age 21;
- The City prohibits the sale of electronic cigarettes everywhere the sale of other tobacco products is prohibited;
- The City prohibits the sale of flavored tobacco products, including flavored electronic cigarettes;
- The City prohibits the sale, manufacture and distribution of electronic cigarettes and other tobacco products on City property; and
- The City prohibits advertising of certain tobacco products on billboards or other publicly visible signs in San Francisco and on City property. Federal and State law impose additional advertising restrictions on tobacco products.

The City and State regulate the sale of electronic cigarettes as follows:

- Tobacco retailers must obtain permits from the City and the State, and tobacco distributors must obtain a license from the State;
- State law requires tobacco retailers to check the identification of any customer who appears to be under age 21, and to store electronic cigarettes where customers cannot access them without assistance; and

- State law requires sellers and distributors of electronic cigarettes on the internet to verify that customers are at least 21 years old.

The U.S. Food and Drug Administration (FDA) regulates tobacco products. Beginning in late January 2020, the City will suspend the sale of electronic cigarettes that have not gone through required pre-market review by the FDA. As of July 2019, the FDA has not completed a review for any electronic cigarette products.

The Proposal: Proposition C would authorize and regulate the retail sale, availability and marketing of electronic cigarettes in San Francisco. The measure would:

- Repeal the City law passed by the Board of Supervisors that suspends the sale of electronic cigarettes that lack required authorization by the FDA; and
- Partially repeal City law to allow the sale, manufacture and online retail sale of electronic cigarettes on City property.

Proposition C may repeal other City laws that apply to electronic cigarettes, including the City law that prohibits the sale of flavored electronic cigarettes.

Proposition C would impose new regulations on the sale and distribution of electronic cigarettes in San Francisco as follows:

- Require retailers to scan photo identification to verify that customers are 21 years or older;
 - Prohibit retailers from selling more than two electronic cigarette devices or five finished product packages of liquid nicotine in each transaction; and
 - Require retailers to train their employees twice a year.
- Proposition C would also require individuals and entities that sell more than 100 electronic cigarettes per year on the internet to San Francisco customers to:
- Obtain a permit from the City;
 - Verify that customers are at least 21 years old; and
 - Sell no more than two electronic cigarette devices or 60 milliliters of liquid nicotine, per month, to each customer.

This measure requires 50%+1 affirmative votes to pass.

The above statement is an impartial analysis of this measure. Arguments for and against this measure immediately follow.

The full text begins on page 106. Some of the words used in the ballot digest are explained starting on page 58

THIS IS A MOCK-UP OF THE VOTER DIGEST FOR THE PURPOSES OF THIS SURVEY. THE ACTUAL DIGEST HAS NOT BEEN APPROVED AND WORDING MAY CHANGE BEFORE IT IS MADE OFFICIAL.

Proposition C would prohibit advertising electronic cigarettes designed to appeal to minors or using an advertising medium known to be seen primarily by people under 21 years old.

A "YES" Vote Means: If you vote "yes," you want to overturn the law passed by the Board of Supervisors that suspends the sale of electronic cigarettes that lack required FDA authorization and to adopt new regulations on the sale, manufacture, distribution and advertising of electronic cigarettes in San Francisco.

A "NO" Vote Means: If you vote "no," you want to keep existing laws regulating electronic cigarettes.

Controller's Statement on "C"

City Controller Ben Rosenfield has issued the following statement on the fiscal impact of Proposition C:

Should the proposed initiative ordinance be approved by the voters, in my opinion, it would have a moderate impact on the cost of government for outreach and education programs.

The proposed ordinance would amend San Francisco's Health code to authorize and regulate the retail sale, availability and marketing of electronic cigarettes in San Francisco under certain conditions. The Board of Supervisors passed legislation to go into effect January 2020 to prohibit the sale of electronic cigarettes that have not gone through required pre-market review by the U.S. Food and Drug Administration. The proposed ordinance would repeal this provision of the law and partially repeal City law to allow the sale, manufacture and online retail sale of electronic cigarettes on City property. Advertising electronic cigarettes to appeal to minors would be prohibited.

The proposed ordinance would require online retailers that sell more than 100 electronic cigarette products per year to obtain a permit from the City to sell these items, with certain conditions. Permitted brick-and-mortar establishments would be required to scan valid customer identification and limit the number of electronic cigarette products sold per transaction. The Board of Supervisors would be able to establish a reasonable regulatory fee for purposes of the permits required in the proposed ordinance. The proposed ordinance would require the Department of Public Health to develop outreach and education programs for youth on the effects of nicotine consumption and vaping, estimated to be \$500,000 to \$725,000 per year, though these costs may be allowable when determining tobacco permit fees. I project the impact on City tax revenue would be de minimus.

How "C" Got on the Ballot

On July 16, 2019, the Department of Elections certified that the initiative petition calling for Proposition C to be placed on the ballot had a sufficient number of valid signatures to qualify the measure for the ballot.

9,485 signatures were required to place an initiative ordinance on the ballot. This number is equal to 5% of the total number of people who voted for Mayor in 2015. A random check of the signatures submitted by the proponents of the initiative petition prior to the July 7, 2019, submission deadline showed that the total number of valid signatures was greater than the number required.

Proponent's Argument in Favor of Proposition C

Prop C creates the strongest regulations in the U.S. to prevent youth vaping, while preserving adult choice.

Combustible cigarettes are the deadliest consumer product ever marketed — killing one of every two long-term users. That's why leading public health officials from New York University, University of Michigan, Oxford University (UK), and others favor strong regulation of vapor products, instead of a ban, to prevent youth vaping and preserve access for adult smokers as a less harmful alternative.

This year alone, over 8 million people will die from diseases related to smoking combustible cigarettes — 1.2 million of those people will die from secondhand smoke. Banning vapor products while leaving cigarettes on the shelves is a gift to Big Tobacco.

Prop C starts by preserving the city's existing ban on flavored e-cigarettes and adds strict regulations to prevent youth access and use of vapor products.

1. Prohibit marketing of vapor products to minors.

2. Stop bulk sales of vapor products to prevent black market resale to youth.

3. Require retailers to scan government IDs to check age (21+) and ID validity to prevent sales to youth.

San Franciscans know better than to trust prohibition as a solution to a public health problem. Vapor products should be kept out of the hands of youth, but banning them while leaving cigarettes on the shelves is NOT the solution.

Join the Coalition for Reasonable Vaping Regulation, which is made up of small business leaders, labor organizations, Democratic clubs and thousands of adult switchers, in support of Prop C to stop youth vaping while protecting adult choice.

Vote Yes on Prop C!

Rebuttal to Proponent's Argument in Favor of Proposition C

Don't be fooled by Juul. Vote No on C.

Juul and Big Tobacco drafted Proposition C to trick voters into rolling back San Francisco's tough restrictions on certain tobacco products, and to strip San Francisco officials of future efforts to keep children and teens away from e-cigarettes.

For decades the American Lung Association, American Heart Association, American Cancer Society Cancer Action Network, Tobacco-Free Kids Action Fund and San Francisco-Marin Medical Society have fought to protect kids from tobacco. These respected organizations studied Proposition C and concluded that Proposition C will allow flavored e-cigarettes, unapproved by the FDA, back on store shelves. They urge your NO vote.

Juul (e-cigarette company partially owned by Altria/Philip Morris/Marlboro) is spending millions of dollars in a dishonest/misleading campaign to overturn San Francisco's restrictions on e-cigarettes.

E-cigarette companies target kids with candy-flavored tobacco products in flavors like cotton candy, chocolate and gummy bear, to hook kids on tobacco and nicotine.

81 % of kids who used tobacco started with flavored products. Last year teen e-cigarette use spiked 78%, prompting Congressional inquiry of Juul's marketing practices that target youth. New studies have linked e-cigarettes and 'vaping' to pulmonary illnesses among adolescents and young adults.

Last year San Francisco voters overwhelmingly voted to ban candy-flavored e-cigarettes popular with youth. Now Juul is trying to overturn the will of San Francisco voters by writing this deceptive measure.

Proposition C is part of a national campaign by Juul to overturn local communities' efforts to stop the youth vaping epidemic.

Please join us and San Francisco's health leaders in voting NO on this tobacco industry sponsored Proposition C:

American Heart Association
American Cancer Society Cancer Action Network
Tobacco-free Kids Action Fund
San Francisco-Marin Medical Society

Mayor London Breed

Opponent's Argument Against Proposition C

DON'T BUY THE LIE FROM BIG TOBACCO'S JUUL ABOUT PROP C

Last year, nicotine vaping by American 10th and 12th graders skyrocketed by the largest amount the National Institute on Drug Abuse has ever recorded—in its 43-year survey history—for any addictive substance. It more than doubled the previous record.

The U.S. Surgeon General declared e-cigarette addiction among youth "an epidemic." Former FDA Commissioner Scott Gottlieb said, "There's no question the Juul product drove a lot of the youth use."

San Francisco's Mayor and Board of Supervisors responded to this epidemic by unanimously adopting tough e-cigarette regulations.

Juul's reaction? Prop C, a multi-million dollar tobacco-industry-written initiative to overturn S.F. anti-tobacco laws.

Juul—backed by billions of dollars from Philip Morris USA's parent company, Altria—is selling lies:

- **JUUL IS LYING** that Prop C doesn't overturn the candy-flavored tobacco ban that voters upheld last year for e-cigarettes. In truth, trusted and knowledgeable public health authorities and lawyers—including former City Attorney Louise Renne, the American Heart Association, American

Cancer Society and American Lung Association—have concluded otherwise.

- **JUUL IS LYING** that Prop C is meaningful regulation. In truth, Prop C would preempt San Francisco's e-cigarette controls, forever blocking local public health authorities and elected officials from protecting youth from e-cigarette addiction.
- **JUUL IS LYING**, saying that they placed Prop C on the ballot to restrict access to vaping products for kids. The truth is Juul and tobacco industry attorneys wrote Prop C to protect their profits, not to protect kids.
- **JUUL IS LYING**, saying Prop C will stop youth vaping. In fact, Juul's co-founder described the youth vaping epidemic this way: "A fairly small percentage of underage consumers are creating a lot of noise."

DON'T BUY BIG TOBACCO'S LIES, SAN FRANCISCO! VOTE NO ON PROP C!

Supervisor Shamann Walton
Supervisor Sandra Lee Fewer
Supervisor Aaron Peskin
Supervisor Gordon Mar
Supervisor Vallie Brown
Supervisor Norman Yee

Rebuttal to Opponent's Argument Against Proposition C

My name is Judy Smith. I'm a mother, retired teacher and — until recently — a lifelong cigarette smoker. Like so many other adult smokers in San Francisco, I used vaping to get myself off cigarettes after a series of failed attempts.

I'm hurt and embarrassed by the false and politically motivated statements used by some members of the Board of Supervisors in the debate about vaping. I testified before the Board of Supervisors about sensible regulations that they could have put in place to protect young people while preserving the rights and freedom of choice of adults. When I was diagnosed with cancer, I was certain that I was going to die. I needed help. Vapor products gave me the ability to finally escape cigarettes.

The politicians ignored us and the recommendations of dozens of public health and harm-reduction experts and

voted for an outright ban on all vapor products. If it goes into effect, I won't be able to get a legal product mailed to the privacy of my own home. That's why I joined the coalition in support of Prop C.

Prop C is made up of common-sense regulations that the board should have considered over an outright ban — had they been motivated to actually address the issue of youth vaping rather than scoring political points.

Let me make this clear: I am not "Big Tobacco." I represent one of the many San Franciscans that benefit from having vaping as an alternative to cigarettes.

We can do better. Join me in supporting Proposition C.

Judy Smith