

**RESOLUTION NO. 1819-21****FREMONT UNION HIGH SCHOOL DISTRICT BOARD OF TRUSTEES  
RESOLUTION IN SUPPORT OF LOCAL GOVERNMENT ACTION TO PREVENT AND  
REDUCE YOUTH TOBACCO USE THROUGH TOBACCO SALES RESTRICTIONS,  
INCLUDING SALES OF FLAVORED TOBACCO PRODUCTS & REDUCING DENSITY OF  
TOBACCO STORES**

**WHEREAS**, the Fremont Union High School District Board of Trustees, the Santa Clara County Public Health Department and the Tobacco Free Coalition of Santa Clara County have aligned beliefs that schools and communities need to work symbiotically to ensure that the conditions in which students learn and live, support optimal health and equitable achievement at the highest levels; and

**WHEREAS**, Smoking is the leading preventable cause of death and disease. Within Santa Clara County, direct health care costs and indirect costs (such as lost productivity) due to smoking, accounts for costs of \$700 million dollars annually within the County;<sup>1</sup> and

**WHEREAS**, as its customers succumb to tobacco-related illness and death, the tobacco industry continually adapts to changing regulatory and market environments, innovating around electronic smoking devices and flavored tobacco products to create a new, younger generation of customers; and,

**WHEREAS**, the Tobacco Industry targets young people and vulnerable communities with the marketing of tobacco products that mask the harsh taste of tobacco with flavors highly appealing to youth and with advertising designed to attract young people; and

**WHEREAS**, in Santa Clara County, more than 1 in 10 (approximately 10.9%)<sup>2</sup> youth use tobacco products, including electronic smoking devices, and almost 40% of youth who smoke; stated that they acquired their cigarettes from a store;<sup>3</sup> and

**WHEREAS**, from 2017 to 2018, current e-cigarette use by high school students increased 78 percent, from 11.7 to 20.8 percent, accounting for a troubling 3.05 million American high school students using e-cigarettes in 2018. In addition, the proportion of current e-cigarette users in high school who reported use on 20 days or more in the past 30-day period increased from 20 percent to 27.7 percent between 2017 and 2018;<sup>4</sup>

**WHEREAS**, there are more than 1200 stores that sell tobacco products in Santa Clara County and more than a quarter (26.8%) are located within 2 blocks of a school;<sup>5</sup> and

**WHEREAS**, the tobacco industry purposely markets flavored (including menthol) tobacco products to lure the youth, which is evident by the fact that 80% of youth who ever used a tobacco product, started with a flavored product;<sup>6</sup> and

**WHEREAS**, flavors in tobacco products are problematic, as they can be very appealing to youth, and are frequently listed as one of the top three reasons this population uses e-cigarettes. Additionally, kids whose first tobacco product was flavored are more likely to become current tobacco users than those whose first product was tobacco-flavored; and

**WHEREAS**, Tobacco use rates are affected by where tobacco retailers are located and how concentrated, or dense, they are in a given area. Increased availability of tobacco products is associated with increases in both youth and adult smoking rates,<sup>7,8</sup> even when other neighborhood factors like racial composition

and socioeconomic status are taken into consideration.<sup>9</sup> In particular, studies have consistently shown that children are more likely to smoke when they live or go to school in neighborhoods with a high density of tobacco retailers;<sup>10,11,12,13</sup> and

**WHEREAS**, local jurisdictions in California have the authority to enact regulations on the sale of tobacco products through local tobacco retail licensing in an effort to decrease availability and use of tobacco products by youth, including restrictions on the sale of flavored tobacco products (including electronic smoking devices and menthol cigarettes), establishing maximum thresholds of tobacco retailer densities, establishing distance requirements near schools and other youth-sensitive areas; and

**WHEREAS**, an increased awareness about the public health impact of flavored tobacco products, including electronic smoking devices and menthol cigarettes, is imperative to close loopholes in existing law, the Fremont Union High School District Board of Trustees finds it is in the best interests of the health, safety and welfare of youth and vulnerable populations of Cupertino, San Jose, Santa Clara and Sunnyvale.

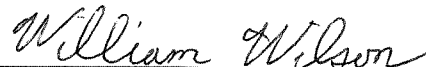
**NOW, THEREFORE BE IT RESOLVED** that the Fremont Union High School District Board of Trustees:

- Supports and encourages action by local cities, under their regulatory authority, to restrict the sale of tobacco products in order to prevent youth access and use, including prohibiting the sale of flavored tobacco products and reducing the concentration and density of tobacco stores, particularly near schools and other youth sensitive areas.

**PASSED AND ADOPTED** by the Fremont Union High School District Board of Trustees, this 21<sup>st</sup> day of May 2019.



**Roy Rocklin**  
President, FUHSD Board of Trustees



**Bill Wilson**  
Clerk, FUHSD Board of Trustees

<sup>1</sup> Max et al., University of California, San Francisco, Institute for Health & Aging, School of Nursing, The Cost of Smoking in California, 2009, available at: <http://www.trdrp.org/files/cost-smoking-ca-final-report.pdf>.

<sup>2</sup> California Student Tobacco Survey, 2016

<sup>3</sup> California Healthy Kids Survey, 2008-9.

<sup>4</sup> Cullen KA, Ambrose BK, Gentzke AS, Apelberg BJ, Jamal A, King BA. Notes from the Field: Increase in use of electronic cigarettes and any tobacco product among middle and high school students — United States, 2011–2018. *MMWR Morbid Mortal Wkly Rep.* 2018;67(45).

<sup>5</sup> California Board of Equalization, 2017

<sup>6</sup> Ambrose, B.K., et al., Flavored Tobacco Product Use Among US Youth Aged 12-17 Years, 2013-2014. *JAMA*, 2015.

<sup>7</sup> Lipperman-Kreda S, Grube JW, Friend KB, Mair C. Tobacco outlet density, retailer cigarette sales without ID checks and enforcement of underage tobacco laws: Associations with youths' cigarette smoking and beliefs. *Addiction.* 2016; 111(3).

<sup>8</sup> Chuang YC, Cubbin C, Ahn D, Winkleby MA. Effects of neighbourhood socioeconomic status and convenience store concentration on individual level smoking. *J Epidemiol Community Health.* 2005; 59(7): 568-73.

<sup>9</sup> Novak SP, Reardon SF, Raudenbush SW, Buka SL. Retail tobacco outlet density and youth cigarette smoking: A propensity-modeling approach. *Am J Public Health.* 2006; 96(4): 670-76.

<sup>10</sup> Henriksen L, Feighery EC, Schleicher NC, Cowling DW, Kline RS, Fortmann SP. Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools? *Prev Med.* 2008; 47(2): 210-4.

<sup>11</sup> Leatherdale ST, Strath JM. Tobacco retailer density surrounding schools and cigarette access behaviors among underage smoking students. *Ann Behav. Med.* 2007; 33(1): 105-11.

<sup>12</sup> West JH, Blumberg EJ, Kelley NJ, et al. Does proximity to retailers influence alcohol and tobacco use among Latino adolescents? *J Immigr Minor Health.* 2010; 12(5): 626-33.

<sup>13</sup> Chan WC, Leatherdale ST. Tobacco retailer density surrounding schools and youth smoking behaviour: a multi-level analysis. *Tob Induc Dis.* 2011; 9(1):9.