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S.F. supes vote for same smoking laws for e-cigarettes

By Marisa Lagos, March 19, 2014

Smoking electronic cigarettes in bars, restaurants and businesses will soon be illegal in San Francisco, after the Board of Supervisors voted unanimously Tuesday to treat the relatively new product like combustible cigarettes.

The legislation by Supervisor Eric Mar is intended to limit children's use of the nicotine product, which he and other supporters contend has been marketed heavily toward young people, and to protect all members of the public from the secondhand aerosol emitted by the devices, he said.

Under the legislation, San Francisco would include e-cigarettes in its strict antismoking laws, banning them in most public places besides curbside on city streets, requiring sellers to secure a special permit, and prohibiting their sale in pharmacies and other businesses where tobacco sales are banned. The board will vote on it once more next week, and it will become law in April after the mayor, a supporter, signs it.

It's the latest step by local and state officials across the nation to limit use and sales of the devices, which the federal Food and Drug Administration has so far failed to regulate. Health advocates say use of e-cigarettes is on the rise among high school students, in part because they are sold in flavors such as bubble gum that appeal to kids, and that little is known about their long-term health effects.

Mar puffed on an e-cigarette as he presented the legislation.

"Sorry for poisoning all of you, but it's really important to show - I have a banana-flavored one and a peach-flavored one ... they are really targeted at young people and right now it's not regulated," he said, saying the product could create a new generation of nicotine addicts.

Manufacturers of electronic cigarettes - some of which have marketed the products as a way for smokers to get their nicotine fix anywhere they want or as a way to quit smoking - oppose San Francisco's proposal. Cynthia Cabrera, executive director of the Smoke Free Alternatives Trade Association, said San Francisco's legislation and limitations implemented elsewhere indicate a "fundamental misunderstanding" by policymakers of "what the product is."

"It's not a tobacco product, it's a technology product ... and this is stigmatizing people who use the product - it sends the wrong message to the public," she said. "It's interesting that the city would rush to regulate something as if it's tobacco when the FDA is still thoughtfully considering the issue. The city is deciding they have more information than the FDA, when the FDA has been looking at it for years."

Medical marijuana advocates have also expressed concern. Dale Gieringer, director of the California chapter of the National Organization for the Reform of Marijuana Laws, said in a written statement that the legislation will hurt medical cannabis patients who "have no alternative but to vaporize because of the city's stringent antismoking laws." He said studies sponsored by NORML have "demonstrated that vaporizers are an effective harm reduction technology, effectively eliminating the respiratory toxins in marijuana smoke and posing zero secondhand smoke hazards."

Stan Glantz, head of UCSF's Center for Tobacco Control Research and Education, said the battery-operated e-cigarettes contain nicotine as well as dangerous chemicals and emit not just vapor but small particles and gases including metals. Just because they are safer than cigarettes doesn't make them a healthier alternative, he said.

Also Tuesday, Supervisor London Breed introduced legislation she billed as a "comprehensive overhaul" of the city's graffiti policies. The proposal is supported by a long list of city agencies, including the city attorney's office, Police Department and Public Works Department.

Under the legislation, the city attorney will be able to pursue civil lawsuits against chronic graffiti offenders, and those repeat scofflaws will be barred from bringing graffiti and etching tools on Muni or into public parks. The proposal will also streamline the city's evidence collecting system using the 311 phone app. Breed said it could save San Franciscans millions of dollars a year.

<http://www.sfgate.com/bayarea/article/S-F-supes-vote-for-same-smoking-laws-for-5329328.php>