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June 20, 2023

The Honorable Assemblymember Damon Connolly  
1021 O Street, Ste. 5240  
Sacramento, CA 95814

**Re: Support for Assembly Bill 935 (Tobacco Sales, flavored tobacco ban)**

Dear Assemblymember Connolly:

On behalf of the Marin County Board of Supervisors, I write in support of Assembly Bill 935 which would make the provisions of the flavored tobacco ban subject to civil penalties in the same manner as the Stop Tobacco Access to Kids Enforcement (STAKE) Act. Your bill would close an important loophole and clarify that products with “characterizing flavor” and “tobacco flavor enhancer”, are subject to the same regulations and penalties under the flavored tobacco ban. We valued your leadership on tobacco use/access reduction efforts during your time on the Marin County Board of Supervisors, and we thank you for continuing these important public health initiatives on a statewide basis.

The flavored tobacco ban (SB 793, Hill) was upheld by 63 percent of voters in 2022. The ban prohibits the sale of most flavored tobacco products, including e-cigarettes and menthol, citing that these types of products were highly disproportionately used by youth – and often marketed to this younger demographic. However, a loophole in the 2020 law allowed for tobacco companies to continue to sell products that contained characterizing flavors, essences, and enhancers – that did not qualify as flavored tobacco under the wording of the law. AB 935 would close that loophole, and uphold the intent of the law and voters in protecting youth and the public from these harmful and highly addictive tobacco products.

We strongly support and thank you for your efforts to protect those in our community most vulnerable to tobacco marketing and use, and therefore from the long-term, harmful and costly health effects.

Respectfully,

Stephanie Moulton-Peters, President  
Marin County Board of Supervisors

Cc: Marin County Board of Supervisors  
Senator Mike McGuire