



Published May 11th, 2022

Orinda bans sale of vaping and flavored tobacco products, no exception for hookah use

By Sora O'Doherty

The Orinda City Council moved to ban the sale of flavored tobacco products within the city, as well as all vaping products, at its May 3 meeting. The ordinance will not affect the use of such products, as it is limited to sales only.

As introduced, the ordinance would have become effective 120 days after passage. In public comments, Jamie Rojas of a national tobacco trade group asked the council to table the ordinance, and instead allow Orinda voters to express their views concerning a statewide ban, which is on the ballot for the California general election in November. He also argued that bans on flavored tobacco products have been shown to not work, but rather to switch users to unflavored products. Education and outreach, he said, do work. Thomas Lawton, the government affairs representative for Hookah manufacturer Fumari and a member of the National Hookah Community Association, asked the council to exempt flavored tobacco products for use in hookahs. Although, he said, "we strongly support this council's goals of ending teen nicotine addiction and protecting minority communities," youth use of hookah is only 0.8% nationally. He said that there is a rich cultural tradition of hookah, and that tobacco products for use in hookahs are traditionally flavored with molasses or honey.

Yete McMahon, Contra Costa County Senior Health Education Specialist, urged the city to ban the use of flavored tobacco products for hookahs. "Given the health risk of hookah," she said, "we know that culturally it is part of some cultures but it is increasingly common in the general population." She added that "to excuse hookah use could increase health inequality." She informed the council that bans in unincorporated Contra Costa County, San Pablo, Antioch, Dublin, Livermore, and other areas have not excluded hookah, even in cities with hookah lounges within the city. She also offered the county's assistance: "We are available to assist. The County's regulation is comprehensive. County is a resource for you."

The council rejected both the requests to await state action and to exempt products for hookah use. In fact, they eliminated the additional time proposed for retailers to dispose of their current inventory, opting to make the ban effective as soon as allowed by state law, which is 30 days after the date of adoption, eliminating the 90-day grace period that had been proposed.

The council expressed their concerns for Orinda retailers, but agreed that this ban would not be a burden on them. City Manager David Biggs responded to a council question about which retailers will be affected. He noted that CVS Pharmacy does not sell any tobacco products, so the ban will only affect Safeway and two convenience stores associated with gas stations. Rite Aid Pharmacy in Orinda does sell tobacco products, but does not sell any flavored tobacco products or vaping supplies. Council Member Amy Worth noted that Rite Aid also intends to phase out all tobacco sales.

Council Member Nick Kosla pointed out that Del Rey Elementary School, Orinda Intermediate School and Miramonte High School are close to the border of Moraga, which does not have a ban on flavored tobacco products, although Lafayette does. Council Member Amy Worth suggested that this would be a good topic for Biggs to bring up with the Moraga Town Manager, and the council requested that he do so.

Reach the reporter at: sora@lamorindaweekly.com

[back](#)

Copyright © Lamorinda Weekly, Moraga CA