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## Will Legislature restrict vaping?

BY ELIZABETH AGUILERA / CalMatters

**Milk and waters in kids’ meals. Smaller “Big Gulps.”** No teens on tanning beds. California officials pride themselves as national leaders in protecting the health of Californians—so much so that conservatives deride it as the “nanny-state.” And that’s particularly true when it comes to its youth.

Yet California is behind some other states and the Trump administration when it comes to cracking down on flavored tobacco and e-cigarette use—nor has it moved to block the sale of flavored vape products containing cannabis.

San Francisco-based Juul Labs Inc., maker of vape pens and nicotine pods, poured hundreds of thousands into lobbying and political campaigns, and until now successfully quashed bills to ban flavored tobacco in California. This year could change that.

The skyrocketing use of flavored vape products among kids, a rash of vape-related hospitalizations and deaths, and the governor’s public support for a ban on flavors could turn the tide. So could a market shift at Juul, which amid evidence that flavors entice teen users, has stopped U.S. sales of flavored pods including mango and mint. Last year eight other states, temporarily at least, banned flavored e-cigarettes, prompting legal challenges. Several states similarly prohibited the sale of flavored cannabis products.

At least 60 California cities and counties, including Sacramento, have taken matters into their own hands by banning flavors or restricting the sale of e-cigarettes. In San Francisco, the first e-cigarette sales ban in the nation went into effect in January.

“Politics gets down to money,” said Jim Knox, director of government relations for the American Cancer Society Cancer Action Network. “The tobacco industry has been for decades, and remains, a very substantial power at the state Capitol.”

Last year in the Assembly, a bill to ban the sale of flavored tobacco products was killed without even a hearing in the Assembly’s Government Organization Committee, chaired by Merced Democrat Adam Gray.

The committee is “the main vise the legislative leadership has used to deliver for big tobacco,” said Stan Glantz, UC San Francisco professor of medicine and director

of its Center for Tobacco Control Research and Education.

A similar 2019 flavor ban proposal in the Senate grew so weakened by amendments that its author abandoned the bill.

Then reports of vaping tragedies nationwide began mounting. As of early February, vaping had caused 2,600 hospitalizations and 60 deaths nationwide. President Donald Trump initially called in September for a ban on all flavored e-cigarette products, but then backpedaled. Instead, in January his administration issued a more limited mandate that manufacturers stop selling certain products, such as pre-filled flavor pods. Exempted are menthol cartridges and also tank-based systems that allow users to refill vape pens with their choice of flavored liquid.

A few days after Trump’s September announcement, Gov. Gavin Newsom issued an executive order directing various California agencies to crack down on the vaping black market, research new ways to tax vape products and develop a \$20 million awareness campaign about the risks of vaping.

The governor also has said he supports a new flavor-ban bill sponsored by the same senator whose bill was stymied last year. Like last year’s, the new state bill would bar more types of flavored products than the Trump administration has restricted.

San Mateo Democratic Sen. Jerry Hill’s pending Senate Bill 793 would prohibit the sale of all flavored tobacco products—not just pods for vape pens in flavors such as mint, fruit, cotton candy, but also tank-based systems, menthol cigarettes, chewing tobacco, cigars and hookah tobacco.

“This is affecting our youth,” Hill said. “The gateway is the flavored product, and we can’t leave it to the industry to police themselves, because they failed to do that.”

Hill’s bill faces opposition from some quarters of the tobacco and vaping industries, and millions of smokers or vapers who oppose any restrictions. □

CalMatters is a nonprofit, nonpartisan media venture explaining California policies and politics. An unabridged version of this story is available at CalMatters.org.