

Urged on by LGBTQ+ activists, California cities weigh stricter smoking rules

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California has long been at the forefront of the fight against smoking,

but some local officials in the San Francisco Bay Area, backed by activists who are especially concerned about high rates of smoking in the LGBTQ+ community, are spearheading proposals to further restrict how tobacco is sold and where it is smoked.

In the city of Vallejo on the northeastern edge of San Pablo Bay, Council member Peter Bregenzer is leading an effort to crack down on smoke shops, which he says make it much too easy for children to smoke and vape. In Oakland, Council member Dan Kalb is weighing a new ordinance that would extend smoking bans to all apartment and condominium buildings, as well as bar patios.

The advocacy group LGBTQ Minus Tobacco, following a successful push in nearby Concord, is among the backers of the Vallejo ordinance, and is also pushing for San Francisco and Oakland to ban outdoor smoking at bars.

Joseph Hayden, a Vallejo resident and a volunteer with LGBTQ Minus Tobacco, said the time is right for the city to act.

"Some people have told me they'd ban it all—[tobacco sales](#)—if they could, like Manhattan Beach and Beverly Hills," said Hayden, who is also a volunteer with Tobacco Free Solano. "We want to be sure this [ordinance] has teeth."

Christina Lee, a spokesperson for Vallejo, said the City Council would likely vote on the measure this summer after a public notice period. The city held an informational workshop for tobacco retailers in February, notifying them by email, but no one attended, she added.

The National Association of Tobacco Outlets did not respond to requests for comment from KFF Health News.

California was the first state to ban smoking in all indoor public spaces and offices, in 1995, and later it raised the legal age for tobacco purchases to 21 from 18. In 2022, the state's voters passed a ballot measure affirming a ban on flavored vapes, [menthol cigarettes](#), and other products.

But antismoking activists want to see more action at the local level, especially when it comes to keeping cigarettes and vapes out of the hands of children. A strong push is coming from anti-tobacco campaigners in the LGBTQ+ community, which has higher rates of smoking than the population at large and historically has been a target of tobacco industry marketing.

One sore point is the notorious 1995 R.J. Reynolds effort called Project SCUM (Sub-Culture Urban Marketing) campaign, which was aimed at selling more cigarettes in San Francisco's Castro district, a largely gay neighborhood, and in the low-income Tenderloin district.

The FDA has long recognized that certain populations, including the LGBTQ+ community, are more likely to smoke than others and has tailored public health messaging to those groups. From 2016 to 2020, the agency's Center for Tobacco Products ran a tobacco prevention campaign that featured drag queens from the reality series "RuPaul's Drag Race."

However, in the 2023 California Youth Tobacco Survey, 11.4% of LGBTQ+ respondents reported current tobacco use, well above the 6.4% reported by non-LGBTQ+ respondents.

Research suggests that the pressures associated with belonging to a group that faces discrimination are likely a cause of the high smoking rates. A review of smoking studies in the journal *LGBT Health* recently found that "internalized queerphobia," perceived stigma, and prejudice all

increased the likelihood of cigarette use.

Smoking can also be caught up in the identity of LGBTQ+ people who associate it with the rejection of conventional mores, said Brian Davis, project director for LGBTQ Minus Tobacco.

"Queer young people may even connect queerness and smoking," he said.

In Vallejo, Bregenzer, who is gay and said smoking killed his father, is motivated partly by a desire to protect the LGBTQ+ community. He's also concerned about [youth smoking](#), especially flavored vapes, which appeal to children and are illegal to sell in California but can often be found in smoke shops.

"Youth want to feel cool and fit in, and cherry- or grape-flavored tobacco products may mask the taste they don't like," he said.

Bregenzer's proposed Tobacco Retail License ordinance would ban the sale of all vapes and all flavored products not covered by the state law, as well as 99-cent cigars. It would also require tobacco retailers to pay a yearly fee to be used for youth decoy operations and other enforcement mechanisms.

Vallejo's smoking problem is apparent in the schools. Heena Bharti, a 10th grader who does not identify as LGBTQ+, said she's seen vape smoke rise in the back of her classroom. She deftly brushes off pressure to vape with a "No thanks, I'm OK."

Almost 31% of public schools in Vallejo are within 1,000 feet of a tobacco retailer, according to the February 2024 California Tobacco Health Assessment Tool. The 2021-22 California Healthy Kids Survey reported that 37% of Vallejo City Unified School District juniors said

getting cigarettes was fairly or very easy, and 60% said that was true of e-cigarettes.

Bar patios are another frontier for local activists. Davis said more than 100 California cities, including Vallejo, already require bar patios to be smoke-free, and a top priority for his organization is to have San Francisco and Oakland join that group of cities.

"The tobacco industry uses bars to target queer people by offering event sponsorships, bar promotions, giveaways, coupons, and advertising," Davis said.

Not everyone in the LGBTQ+ community is on board with the new rules. Tony Jasinski, board president of the San Francisco Gay Basketball League, called Davis' push to make bar patios smoke-free a "nanny-state" proposal that didn't consider the effect on businesses in a letter to the San Francisco Chronicle in December.

Jasinski told KFF Health News that such bans drive tourists away and send the message that "we are over-legislated against choice."

Kalb, the Oakland Council member, doesn't see it that way.

"It's weird we already don't allow smoking in outdoor seating areas of restaurants, but somehow if you're just drinking, it's OK?" he said.

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