From: Lisa Millspaugh
To: Grp. City Council and City Web Site
Subject: Flavored Tobacco Ban
Date: Sunday, October 25, 2020 2:33:25 PM

Greetings City Councilors--

I am writing to you in regards to the proposed flavored tobacco ban. I have been in the convenience store business as a store manager with Noon's since 2006. While I understand why you have proposed this ban, I cannot support it for several reasons.

First, a flavored tobacco ban will not be any more effective at limiting access of these products to minors than the laws that we already have on the books. Retailers are forbidden to sell any tobacco, vape or nicotine product to anyone under the age of 21, and are subjected to random compliance checks. Overall, as a community, Missoula Retailers have a very high passage rate for these compliance checks. In fact, within the last 8 days, all three of the Noons stores have passed a compliance check, two of which were for tobacco (one was for alcohol). My company, staff, and I all take the responsibility of keeping tobacco products out of the hands of youth very seriously. Before a new staff member is allowed to work on a cash register, they must complete several hours of training about restricted product sales (this includes tobacco, nicotine and vape product, as well as alcohol training). This training includes topics such as what the law is regarding restricted product sales, preventing underage sales, how to check identification and verify it is valid, and how to prevent other party sales (those who are buying for someone else, possibly a minor), and how to properly refuse a sale. I personally verify that each member on my staff completes their training, and passes all quizzes and tests associated with their training. We also monitor our staff to ensure they are diligent about checking identification of anyone that attempts to purchase tobacco products who appears to be under the age of 30. Our registers require a birthdate to be entered for any sale of any restricted product. If the customer is not of age, the register will not allow the sale. When you take into account the overall success rate for compliance checks, along with our comprehensive training procedures, it is safe to say that minors are not purchasing these products from responsible retailers, such as Noons and our fellow competitors. Since it's safe to assume youth aren't purchasing these products from the responsible retailers in your community, this ban will not accomplish what it was intended to do.

This ban will negatively impact not only retailers, but the community as a whole. Consumers have a choice whether or not to shop in Missoula, and if we do not offer the products these customers desire, they will shop elsewhere, whether that means shifting sales to online retailers, or traveling outside the boundaries of the proposed ban. During the Zoom meeting on Wednesday, I know you heard several other members of the retail community voice similar concerns--and for good reason. Legal sales of flavored tobacco products to adults make up a significant amount of sales in Missoula Convenience stores. Not only will the ban result in a

direct loss of flavored tobacco sales, but it will also negatively impact the sales of other items, such as fuel, beverage, snacks and other items. The loss of these sales to areas outside the ban or to online retailers will limit retailer's ability to pay competitive wages, benefits, such as health insurance, and will likely result in a loss of jobs in a community where many people already struggle to make ends meet. Rest assured, if sales reduce, so does a business's ability to contribute to charitable causes--like the food bank, children's shelters, local school activities and so on. I know proponents of the ban have countered this argument with saying "it's just a threat." However, as my colleague, Earl Allen put it--"its math." Less revenue means less money to contribute to good, charitable causes. Again, this ban will not keep tobacco out of the hands of youth, but will hurt your community.

I participated in the Zoom meeting on Wednesday morning. Unfortunately, due to time constraints, I was one of the people who did not get to speak to the council during the hour that was allotted for the meeting. I find it disturbing that an issue so important to our community seems to not have gotten the appropriate amount of publicity its due, while I feel that those in support of the ban have been given more consideration of their points. While working in our stores over the past month, I have been discussing this issue with customers who are purchasing flavored tobacco products, and the overall response to the ban has been negative. When we first started informing our customers of this proposed ban, nearly every customer reported not being aware it was even being considered. Many have voiced their concerns over the council banning an item that they are legally allowed to purchase, and many are concerned this is an overreach of power by a local government. I, too, share this concern. As an adult, I should be allowed to purchase these legal items if I wish to do so. This ban is a perfect example of the "slippery slope"--if we go down the road of banning flavored tobacco, what items will be banned next to curb the illegal acts of some?

In summary, Missoula retailers have done a good job of following the law and taking steps to keep tobacco products from being purchased in our establishments by youth. We take this responsibility very seriously, and spend a lot of time and effort to help keep kids safe. Unfortunately, while I empathize with what the council is trying to accomplish, this ban will not work because youth are not getting tobacco from retailers--there are several other avenues where people can purchase these products that do not have the standards and practices in place to prevent youth tobacco sales. Retailers have a large responsibility to keep tobacco from youth, and we do so willingly. However, banning flavored tobacco products would have a large negative impact on our business, and this negative outcome would trickle down to the community as a whole. The adverse effects of this ban outweigh the benefits, and for this reason I cannot support it.

I understand that the flavored tobacco ban has been sent back to committee over the past few days. While in committee, I respectfully request that you please consider the measures the Missoula retail community has already done to help keep tobacco from youth, and

carefully examine the negative effects this ban will cause. We always hear, "Keep Business Local," but this measure will do anything but keep business local.

Thank you for your consideration,
Sincerely,
Lisa Millspaugh