



Office of the Mayor

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TO: Madison Plan Commission
FROM: Mayor Paul R. Soglin
SUBJECT: Zoning of Tobacco Retailers

The harmful effects of smoking are by now well known and accepted.¹

While Madison has been on the forefront of regulating where people can smoke (e.g., indoor smoking ban), the City's zoning code has never adequately addressed or defined the sale of tobacco. This is in contrast to common practice in other jurisdictions that use zoning regulations to prevent tobacco retailers from, among other things, concentrating in particular geographic areas or, because of oversaturation, creating market conditions that lead to lower prices and increased smoking rates.

Thus, I am sponsoring a zoning ordinance to clearly define tobacco retailers in the zoning code, and address where and how they can operate. These regulations will ensure that the City does not allow tobacco retailers to locate within close proximity of a school, day-care center, playground, youth center, park, library, or health care facility. And, by employing a general dispersion requirement, the ordinance will also ensure that places of business where tobacco and associated products are the principal component of the business do not concentrate in higher numbers in some of the City's neighborhoods. Furthermore, the ordinance provides supplemental regulations relative to the display and sale of tobacco products, particularly to minors.

These regulations will ensure that Madison continues to do its part to combat the overall harmful effects smoking continues to have on our citizens.

Importantly, the ordinance also includes "vaping" or e-cigarette sales within the definition of tobacco retailers. Given what we know about vaping, these establishments should absolutely be included as part of these regulations.

As the Common Council knows, it recently passed an indoor vaping ban, finding that "electronic delivery

¹ According to statistics reported by the University of Wisconsin-Milwaukee Center for Urban Initiatives & Research in collaboration with the Wisconsin Division of Public Health's Tobacco Prevention and Control Program, in 2012, there were nearly 1 million smokers in Wisconsin, 20% of whom were adults, 13% high school youth, 2% middle school youth, and 14% of whom were smoking during pregnancy. According to this same data, an estimated 6,678 Wisconsinites died between 2008-2012 from illnesses directly related to smoking. Another 678 people died from illnesses and fires indirectly related to smoking. The annual economic toll of tobacco in Wisconsin was approximately \$3.0 billion paid in direct health care costs and \$1.6 billion in lost productivity.

There are no statistics to suggest that the relative data in Madison would differ markedly from the statewide data. See <http://www4.uwm.edu/cuir/research/upload/Burden-of-Tobacco-2015.pdf>

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devices are currently unregulated and have been proven to emit nicotine, ultra-fine particles, volatile organic compounds and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens."

Beyond the Council's finding, I've also reviewed the University of Wisconsin Center for Tobacco Research & Intervention information on e-cigarettes, which notes the meteoric rise of vaping in the last several years: in 2013, consumers spent \$3 billion on e-cigs globally and sales are forecasted to increase by a factor of 17 by 2030. As part of that rise, vaping has been shown to be particularly popular with youth. In 2014, more teens used e-cigarettes than tobacco products. According to a study by the CDC, more than a quarter million youths who had never smoked a cigarette used electronic cigarettes in 2013. See http://www.ctri.wisc.edu/HC.Providers/healthcare_ecigs.htm.

It is my understanding that vaping advocates believe vaping is not harmful and that it has helped people quit using traditional tobacco. While I am sympathetic to those challenged by tobacco addiction, given the finding of the Common Council, the early studies on the effects of vaping, the position of the CDC and the UW-CTRI relative to the possible harmful effects of vaping, and the well known and obvious health effects of traditional tobacco, I believe vaping should be regulated just like tobacco, unless and until it is proven not to pose health dangers to the public.

Sincerely,

A handwritten signature in black ink that reads "Paul R. Soglin". The signature is written in a cursive style with a large, stylized initial "P".

Paul R. Soglin
Mayor