

Gautho, Julia

From: Elizabeth Hicks <elizabeth@consumerchoicecenter.org>
Sent: Wednesday, August 27, 2025 11:50 AM
To: City Council
Subject: [PDF] Consumer Group Opposes Proposed Ban on Sales of Filtered Cigarettes
Attachments: CCC Testimony_ Capitola Cigarette Filter Ban.pdf

Dear Members of Capitola City Council,

As a consumer advocacy group that fights for lifestyle freedom, innovative technologies, and smart policy, we are concerned about the proposed ban on the sale of filtered cigarettes.

We appreciate and support the intention of finding solutions to reduce litter within Capitola. However, we believe the unintended consequences of prohibitive policies like this proposed ban will prevent the city from achieving its desired outcome.

Similar policies have been tried in other localities and states and the result is always the same: prohibition doesn't work. Instead, it drives consumers to nearby localities or states or even to the illicit market to find their desired products.

Massachusetts implemented a flavor ban on nicotine products in 2019 with the hopes that no one within the state would be purchasing or consuming flavored nicotine products. Instead, according to the [Massachusetts Illegal Tobacco Task Force](#), the ban resulted in an increase of interstate smuggling of tobacco products, more tobacco-related police interactions, and a massive loss in tax revenue for the state.

Ultimately, the flavor ban did **not** eliminate consumer use of flavored tobacco products, it just shifted where consumers purchased products - with a notable influx in flavored tobacco sales in the states surrounding Massachusetts. The illicit market also thrived, which poses a serious risk to public health as product standards, regulations, and age verification can all be ignored.

California is not immune to these results. In fact, we've already seen them at a state level from a [study](#) of discarded cigarette packs that was conducted to examine the ban on flavored tobacco products (including menthol) that was implemented in California in 2022. Researchers found that after the ban had taken effect, menthol products and menthol work-around products continue to make up over 21% of the marketplace. Whereas before the ban went into effect, menthol cigarettes made up a little over 24% of the marketplace, meaning the ban had little effect on consumer access.

Frighteningly, international smuggling through the illicit market has helped fill the void for consumer demand. One of the most-found brands, Sheriff, is known to be trafficked by Mexican cartels. It made up over 5% of the sample examined in the study, which suggests that tens of millions of packs are illegally in California.

It's fair to consider that similar outcomes could easily take place in Capitola if there is a ban on sales of filtered cigarettes as nearby cities or the illicit market could help meet consumer demand.

Instead of prohibitive policies that won't help solve the problem, there are better solutions that could be implemented that will help Capitola ensure less cigarette filters are discarded improperly.

First, providing more appropriate receptacles for cigarette filters to be discarded will help make it more convenient for proper disposal. Ensuring that there is signage or images near those designated receptacles to

demonstrate proper disposal could also serve as an educational opportunity to highlight the importance of responsible disposal. If Capitola is as serious about the public health of its citizens as it is about litter, then providing additional signage or incentives to educate or encourage using [less harmful](#) nicotine alternatives over combustible tobacco products will be something worth considering.

Additionally, Capitola could explore cigarette filter-specific recycling programs that not only ensure proper disposal, but take it a step further by potentially recycling the materials into an entirely new product.

While we support the intention to reduce litter within Capitola, we respectfully urge this body to consider that the proposed ban on the sale of filtered cigarettes will create an array of unintended consequences that fail to achieve the desired outcome.

We therefore encourage this body to **reject** the proposed ban on the sale of filtered cigarettes and instead explore evidence-based solutions to the problems that Capitola is trying to resolve.

Thank you for your time and consideration on this matter.

Respectfully,
Elizabeth Hicks

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Elizabeth Hicks

U.S. Affairs Analyst
Consumer Choice Center



[+1 \(319\) 558-9506](tel:+13195589506)

elizabeth@consumerchoicecenter.org

www.consumerchoicecenter.org

Capitola's Proposal to Ban the Sale of Filtered Cigarettes

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