



Preserving Hookah Culture & Protecting Hookah Tradition across the US

LETTER FROM THE PRESIDENT

January 27th, 2021

Dear Hookah family & Industry,

The National Hookah Community Association “NHCA” is dedicated to protecting and preserving hookah culture and businesses across the United States. Hookah culture businesses are at risk from legislation, specifically flavored tobacco bans which have been triggered by the youth vaping epidemic. NHCA takes a very strong position that hookah businesses should all ensure that their products are not marketed in a way that appears to target minors.

Former Food and Drug Administration “FDA” Commissioner Scott Gottlieb implemented new policies aimed at preventing youth access to, and specifically reducing the appeal of flavored tobacco products. In his March 13, 2019 statement, Commissioner Gottlieb stated, “Any efforts that entice minors to use tobacco products are of particular concern to the FDA, and that manufacturers and retailers are on notice that we’ll continue to be vigilant about [enforcement] efforts [against] tobacco products that appeal to kids”. The FDA has made it clear, including in warning letters to certain e-cigarette makers that graphic images of cartoon characters or candy on packaging are considered to be enticing to minors and will not be tolerated (<https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/flavour-warehouse-ltd-dba-vampire-vape-610057-09092020>). In an April 2020 FDA Guidance for Industry, the FDA stated that it intends to prioritize enforcement of any product that is targeted to minors or whose marketing is likely to promote use by minors.

In addition to the federal actions taken by the FDA, states and municipalities have implemented additional sales restrictions to address flavored tobacco products and their appeal to minors. In California, over 100 cities and counties have passed some form of restrictions on the sale of flavored tobacco. NHCA and its members have worked tirelessly to educate lawmakers on the cultural significance of hookah and ask to exempt hookah from these flavor bans. Most recently the NHCA has successfully worked with the



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California Legislature, the California Medical Association and the Campaign for Tobacco Free Kids to exempt hookah in Senate Bill 793 which bans the sale of flavored tobacco in the State of California. NHCA has used the hookah exemption language in SB 793 to exempt hookah in other cities and counties, such as Chicago, the City of Napa and in relation to the San Diego County Tobacco Retail License Program.. We are currently engaged in California, Illinois, Phoenix, Maryland and New York to protect hookah from new legislation in those States.

However, hookah businesses engaged in practices that can be seen to target minors, especially images of candy or cartoons on packaging and advertising, are putting all of our businesses, including hookah lounges and retailers, manufacturers of hookah tobacco and accessories, distributors and wholesalers at risk. It will be extremely difficult to defend hookah from regulations targeting other tobacco and nicotine products if businesses in our community behave irresponsibly.

One thing is certain, we are all striving to protect hookah and its rich cultural heritage. We at the NHCA take the firm position that tobacco products that are enticing to minors have no place in the market. Therefore, it is imperative that NHCA members self-regulate and take the appropriate steps to ensure that their products are not considered to be “enticing” to minors. Failure to abide by this recommendation places the entire hookah industry at risk to further scrutiny and regulation. We are aware that many if not most of the problems in our sector come from unauthorized products possibly smuggled into the US from other countries. Please be assured that we will be working with regulators to take action against this activity. The NHCA is determined to protect your business and our sector from irresponsible players that threaten all of our futures.

We strongly encourage you to ensure that your business practices reflect best practices for the hookah industry that will ensure our survival and prosperous future.

Sincerely,

Arnold Abramyan



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National Hookah Community Association, President