

Policy Options for Addressing Youth Tobacco Influences in the Retail Environment

Contra Costa Health Services, Public Health Division
For Presentation to Family and Human Services Committee 6/8/15

<u>Tobacco Retailer Requirements:</u>		
Provision	Description	CA Jurisdictions with this Protection
Update the definition of “Tobacco Product” to clarify when a Tobacco Retailer License is required.	Revise definition of “Tobacco Product” to include all “emerging products” including any electronic smoking devices (whether or not they contain nicotine) which mimic smoking or can be used to deliver a dose of nicotine or other substances, and all components, parts or accessory of a tobacco product.	Concord, El Cerrito, Oakley, Pittsburg, and Walnut Creek, as well as close to 90 other jurisdictions in CA. <i>Family and Human Services Committee directed staff to develop updated definition for current ordinance at 4/13/15 Committee Meeting.</i>
Prohibit the sale of flavored (non-cigarette) tobacco products	Prohibits the sale of flavored (non-cigarette) tobacco products within certain distance of schools and youth-sensitive areas or within whole jurisdiction. The Food and Drug Administration has banned candy, fruit and spice as characterizing flavors in cigarettes only. Other tobacco products (smokeless, little cigars, hookah tobacco, and dissolvable tobacco products) with these flavors are exempt from this federal ban.	Santa Clara County, Hayward and Sonoma (Also New York City; Providence Rhode Island, and Chicago.) Berkeley and El Cerrito currently considering.
Require minimum pack size for cigars	Although federal and state law ban the sale of individual cigarettes, neither restrict the sale of individual cigars, including cigarillos and little cigars. Options include requiring minimum pack size (5 or more; current regulation for cigarettes is 20) for all cigars. Could exempt premium cigars that cost \$5 or more.	Hayward, Sonoma, Huntington Park, Gardena
Restrict location of tobacco retailers near schools and other youth sensitive areas.	Prohibits a license to new tobacco retailers if located within a certain distance (e.g., 500-1000 feet) of a school or other area frequented by youth (e.g., playground, church, recreation center, park, etc.).	Near Schools and other Youth Sensitive Areas: Dublin, Union City, Vallejo, Albany, Oakland, Marin County, Berkeley and San Rafael (plus 14 other jurisdictions). Near schools only: Santa Barbara County, Sacramento, Santa Clara County plus 5 other jurisdictions. El Cerrito currently considering.
Prohibit new tobacco retailers from locating within certain proximity of other retailers	Restricts new tobacco retailers from locating within at least 500 feet of another new or existing tobacco retailer.	Dublin, Santa Clara County, Union City, Vallejo plus six other jurisdictions. El Cerrito currently considering.
Prohibit sale of tobacco products in pharmacies	The American Pharmacists Association, the California Pharmacists Association, and the California Medical Association have called for state and local laws prohibiting tobacco sales in drugstores and pharmacies, because doing so supports the public health and social welfare of the communities in which they practice. Prohibiting the sale of tobacco products in pharmacies is consistent with the public’s perception of pharmacies as a place to go for health advice.	Richmond, San Francisco, Santa Clara County

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Prohibit the sale of menthol flavored cigarettes near schools	Would prohibit the sale of menthol flavored cigarettes within a certain distance of a school. The Food and Drug Administration has exempted “menthol” flavor from its ban on “characterizing flavors” in cigarettes.	None currently in CA. Chicago (within 500 feet of schools)
Violations of storefront signage laws is violation of license	Allows for suspension of retailer’s license if a retailer violates the state law or local law setting a maximum percentage of window space that can be covered by signs at retail tobacco outlets. Another way to bring retailers into compliance with health and safety laws.	Santa Clara County
Prohibit new “Significant Tobacco Retailers”	Prohibits a new “Significant Tobacco Retailer”—a business that primarily sells tobacco products—from obtaining a tobacco retailer license. Definition of “Significant Tobacco Retailer” is based on either amount of floor space or percentage of sales devoted to tobacco products. Would also apply to retailers selling Electronic Smoking Devices and paraphernalia if definition of “tobacco products” is revised. This provision would effectively prohibit any new ‘vape’ shops, hookah bars, or tobacco shops.	Richmond, Huntington Park, Carpenteria. El Cerrito currently considering.
Sale of drug paraphernalia is violation of license	Makes violations of state laws regarding drug paraphernalia or controlled substances a violation of a tobacco retailer license.	Oakland, Richmond, Union City plus 8 other cities and counties (Firebaugh, Grass Valley, Huntington Park, Montebello, Parlier, Riverbank, Santa Cruz County, and Watsonville) (as of June, 2012)
Check ID of customers who appear younger than 27	Requires retailers to check the age of purchasers who appear to be under the age of 27.	Concord, Richmond, Albany, Oakland, Santa Clara (age 30) plus 35 other jurisdictions.
Limit or “cap” the number of retailers that can sell tobacco products.	Limits the total number of tobacco retailer licenses that are issued in any one year, or “caps” the licenses issued based on population.	Sonoma, Orville, Lynwood, Huntington Park
Increase the Tobacco Retailer License Fee to full cover the cost of education, enforcement and monitoring of any new provisions adopted by the County.	The current Tobacco Retailer License was set at \$287 in 2010. It reflected the cost at that time related to the administration of the license and some site compliance checks.	110 jurisdictions in CA have Tobacco Retailer Licensing enforcement programs, including youth decoy operations, that are fully funded through tobacco retailer licensing fees (as of September, 2013)

Conditions of License Suspension if violation of law occurs:		
Provision	Description	CA Jurisdiction with these provisions
Remove tobacco advertising during license suspension	Requires retailers to remove or cover all tobacco-related advertising, in addition to tobacco products, during the period that their tobacco retailer license is suspended. Would also apply to Electronic Smoking Devices and paraphernalia if definition of “tobacco products” is revised.	Richmond, Concord, Albany, Oakland, Pacifica, Santa Clara plus 56 other jurisdictions
Expand time period reviewed for prior violations of license	Would expand time period reviewed for prior violations of license from 24 months (2 years) to 60 months (5 years) when considering length of license suspension.	Richmond, Albany, Oakland plus 64 other jurisdictions.