

**SUMMARY OF PROVISIONS UNDER  
ORDINANCE NO. 2017-01, TOBACCO PRODUCT AND RETAIL SALES CONTROL,  
AND ORDINANCE NO. 2017-10, TOBACCO RETAILING BUSINESSES**

**Contra Costa Health Services, Public Health Division  
For Presentation to the Contra Costa Board of Supervisors, July 11, 2017**

<b>Tobacco Product and Retail Sales Control Ordinance (Ordinance No. 2017-01)</b>		
<b>Provision</b>	<b>Description</b>	<b>CA Jurisdictions with Similar Protection</b>
<b>a. Require a Tobacco Retailer License for all retailers selling traditional and/or emerging tobacco products.</b>	Revises definition of “Tobacco Product” to include all “emerging products” including all electronic smoking devices (whether or not they contain nicotine). The new definition covers all electronic devices that can be used to deliver a dose of nicotine or other substances, and all components, parts or accessory of a “tobacco product”.	El Cerrito, Richmond, Albany, Oakland, San Jose and Santa Clara County for a total of close to 100 jurisdictions in CA.
<b>b. Prohibit the sale of flavored (non-cigarette) tobacco products</b>	Prohibits the sale of flavored (non-cigarette) tobacco products within 1,000 feet of schools, parks, playgrounds, and libraries. The Food and Drug Administration has banned candy, fruit and spice as characterizing flavors for cigarettes only. Other tobacco products (smokeless, little cigars, hookah tobacco, and dissolvable tobacco products) with these flavors are exempt from the federal ban.	El Cerrito (citywide), <b>San Francisco (citywide)</b> , <b>Los Gatos (citywide, except adult-only shops)</b> , <b>Santa Clara County (countywide, except adult-only shops)</b> , <b>Novato (citywide)</b> , <b>Yolo County (countywide)</b> , Berkeley (within 600 feet of schools), Hayward (within 500 feet of schools), and Manhattan Beach (citywide, except adult-only shops).
<b>c. Prohibit the sale of menthol flavored cigarettes</b>	Prohibits the sale of menthol flavored cigarettes within 1,000 feet of schools, parks, playgrounds, and libraries. The Food and Drug Administration has exempted “menthol” flavor from its ban on “characterizing flavors” in cigarettes.	<b>Yolo County (county-wide)</b> . <b>Santa Clara County (County-wide, except adult-only shops)</b> , <b>San Francisco (citywide)</b> , <b>Los Gatos (citywide, except adult-only shops)</b> , Berkeley (within 600 feet of schools), West Hollywood (within 600 feet of youth oriented areas), and Chicago (within 500 feet of high schools).
<b>d. Require minimum pack size for cigars</b>	Require minimum pack size of 10 (current regulation for cigarettes is 20). Although federal and state law ban the sale of individual cigarettes, neither restrict the sale of individual cigars, including cigarillos and little cigars that are the same size as cigarettes. Exempts premium cigars that cost \$5 or more. The ordinance prohibits the sale of a tobacco product unless the product is in the original manufacturer’s packaging and conforms to all applicable federal labeling requirements.	El Cerrito, Hayward, Sonoma, Huntington Park, Gardena, Union City.
<b>e. Require tobacco retailers to check ID of customers who appear younger than 27</b>	Requires retailers to check the age of purchasers who appear to be under the age of 27. This measure helps insure that tobacco is not sold to youth and is even more relevant since the State advanced the legal age to purchase tobacco from 18 to 21 years of age.	Concord, Richmond, Albany, Oakland, Santa Clara (age 30) plus 35 other jurisdictions
<b>f. Prohibit sale of tobacco products in pharmacies</b>	Prohibits the sale of tobacco products in pharmacies, consistent with the public’s perception of pharmacies as a place to go for health-related service and advice. Of the 9 pharmacies in the unincorporated county, 3 have already made corporate decisions to not sell tobacco products (2 CVS stores & Park Rexall).	Richmond, San Francisco, Santa Clara County, <b>Sonoma County</b> , Berkeley, Healdsburg, Daly City, Hollister, Marin County, <b>Novato</b> .

<b>g. Limit or “cap” the number of retailers that can sell tobacco products.</b>	This density measure limits the total number of County Tobacco Retailer Licenses that are issued to the current number of licenses.	Sonoma, Orville, Lynwood, Huntington Park, San Francisco
<b>h. Require tobacco retailers to comply with drug paraphernalia sales laws</b>	Makes violations of state laws regarding drug paraphernalia or controlled substances a violation of a tobacco retailer license. Definition of what constitutes drug paraphernalia will be consistent with state law.	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)
<b>i. Require tobacco retailers to comply with storefront signage laws</b>	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 locations. These laws exist for safety purposes, as they provide for more visibility into stores for law enforcement. This provides a means to bring retailers into compliance with health and safety laws.	Santa Clara County <b>and Yolo County.</b>
<b>j. Expand time period reviewed for prior violations of license</b>	Expands time period reviewed for prior violations of license from 24 months (2 years) to 60 months (5 years) when considering length of license suspension.	Berkeley, El Cerrito, Richmond, Albany, Oakland plus 64 other jurisdictions
<b>k. Remove tobacco advertising during license suspension</b>	Requires retailers to remove or cover all tobacco product-related advertising, in addition to tobacco products, during the period that their tobacco retailer license is suspended.	Berkeley (remove products), Richmond, Concord, Albany, Oakland, Pacifica, Santa Clara plus 56 other jurisdictions

**Tobacco Retailing Businesses (Ordinance No. 2017-10)**

<b>l. Prohibit location of a <u>new</u> tobacco retailer near schools, parks, playgrounds and libraries.</b>	Prohibits a license to new tobacco retailers if located within a 1000 feet of a school, park, playground, or library. Existing tobacco retailing businesses that do not meet the location standards will become nonconforming uses. A nonconforming use will be allowed to continue operating under the ordinance.	Near Schools and other Youth Sensitive Areas: El Cerrito, Antioch, Dublin, Hayward, Union City, Vallejo, Albany, Oakland, Marin County, and San Rafael (plus 14 other jurisdictions). Near schools only: Berkeley, San Francisco, Santa Barbara County, Sacramento, Santa Clara County, Manhattan Beach, plus 5 other jurisdictions.
<b>m. Prohibit new tobacco retailers from locating within certain proximity of other retailers</b>	Requires that no new tobacco retailers locate within a certain distance 500 feet of another tobacco retailer. Existing tobacco retailing businesses that do not meet the location standards will become nonconforming uses. A nonconforming use will be allowed to continue operating under the ordinance.	El Cerrito, San Francisco, Santa Cruz, Hayward, Dublin, Santa Clara County, Union City, Vallejo, Fairfield, Saratoga, Rohnert Park, Temple City, Westminster, Selma, El Cajon
<b>n. Prohibit new “Significant Tobacco Retailers”</b>	Prohibits a <b>new</b> “Significant Tobacco Retailer” – a business that primarily sells tobacco products – from obtaining a tobacco retailer license. “Significant Tobacco Retailer” means any tobacco retailing business for which 20 percent or more of floor or display area is devoted to tobacco products, tobacco paraphernalia, or both. Prohibits any new ‘vape’ shops, hookah bars, or tobacco shops.	El Cerrito; Huntington Park; Richmond; Carpinteria; Concord (no new hookah shops); Dublin (no vapor lounges or hookah bars); Hayward (no vapor lounges); Union City (no vapor lounges or hookah bars); and Pittsburg (moratorium on any new “smoke shops”)

**BOLDED** jurisdictions adopted these provisions since the report to the Board of Supervisors on 5/24/16.