



Contra
Costa
County

To: Board of Supervisors
From: FAMILY & HUMAN SERVICES COMMITTEE
Date: July 21, 2015

Subject: Policy Options for Protecting Youth from Tobacco Influences in the Retail Environment

RECOMMENDATION(S):

ACCEPT the report on *Policy Options to Protect Youth from Tobacco Influences in the Retail Environment* from the Health Services Department and DIRECT staff to work with effected County Departments to evaluate modifications to the County's existing ordinances as recommended by the Family and Human Services Committee.

FISCAL IMPACT:

Minimal fiscal impact. A portion of the Prop 99 funding Contra Costa Health Services receives for its Tobacco Prevention Project could be allocated to implementing direction provided by the Board of Supervisors. Tobacco Retailer Licensing Fees could also be increased to absorb the cost of implementation and enforcement of any new requirements for Tobacco Retailers.

BACKGROUND:

While we have made good progress in Contra Costa in reducing both adult and youth tobacco use, youth are still exposed to tobacco industry influences in their communities. In 2011, the tobacco industry spent \$605 million [\[1\]](#) advertising and promoting tobacco

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **07/21/2015** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 21, 2015

Contact: Denice Dennis,
925-313-6825

David Twa, County Administrator and Clerk of the Board of
Supervisors

By: , Deputy

cc:

products in California, with 90% of its marketing budget spent in the retail store environment. [_](#)

BACKGROUND: (CONT'D)

[2] Exposure to tobacco marketing in stores increases tobacco experimentation and use by youth [3] and is more powerful than peer pressure. [4] Research also shows that the number of stores selling tobacco in a community can lead to higher rates of youth smoking. In addition to advertising and marketing influences, some Contra Costa jurisdictions have illegal tobacco sales rates to youth that are as high as 26%. [5]

On 5/5/15, Health Services staff were directed to develop and present a report and recommendations for *Policy Options to Protect Youth from Tobacco Influences in the Retail Environment*, which was presented to the Family and Human Services Committee on 6/8/15. The Committee forwarded the report to the full Board for discussion and direction.

The Committee asked staff to investigate two issues related to the recommended policy options: 1) the number of pharmacies that would be impacted by prohibiting tobacco sales in pharmacies; and 2) how much the tobacco retailer licensing fees would need to be increased in order to cover all associated administrative and enforcement costs for the tobacco retailer licensing program. The 6/8/15 report was revised to address these questions, and is included as an attachment here.

[1] Based on the 2011 Federal Trade Commission Report and California state estimate methodology used by Campaign For Tobacco Free Kids:

http://www.tobaccofreekids.org/facts_issues/toll_us/california

[2] U.S. Federal Trade Commission (FTC), *Cigarette Report for 2007 and 2008*, 2011, <http://www.ftc.gov/os/2011/07/110729cigarettereport.pdf>. FTC, *Smokeless Tobacco Report for 2007 and 2008*, 2011,

<http://www.ftc.gov/os/2011/07/110729smokelesstobaccoreport.pdf>. Data for top 6 manufacturers only.

[3] DiFranza, J.R., Wellman, R.J., Sargent, J.D., Weitzman, M., Hipple, B.J., Winickoff, J.P., Tobacco promotion and the initiation of tobacco use: assessing the evidence for causality. *Pediatrics*, 2006. 117(6): p. e1237-1248.

[http://pediatrics.aappublications.org/content/117/6/e1237.abstract%20\(25](http://pediatrics.aappublications.org/content/117/6/e1237.abstract%20(25) and National Cancer Institute, *The Role of the Media in Promoting and Reducing Tobacco Use: TobaccoControl Monograph No. 19*, 2008, U.S. Department of Health and Human Services, National Institutes of Health: Bethesda, MD.

<http://cancercontrol.cancer.gov/brp/tcrb/monographs/19/index.html>

[4] Campaign for Tobacco-Free Kids. *Toll of Tobacco in the United States of America*. 2011. <http://www.tobaccofreekids.org/research/factsheets/pdf/0072.pdf>.

[5] California Department of Public Health, Food and Drug Branch, youth decoy operation results 2009.

CONSEQUENCE OF NEGATIVE ACTION:

If recommendations are not approved, the public's health may not be protected to the extent possible.

CHILDREN'S IMPACT STATEMENT:

Tobacco products are still being promoted to children through availability of youth-friendly flavored tobacco products and inexpensive small packs of these products; exposure to tobacco marketing in the retail environment; and the sale and marketing of tobacco products near schools and other youth sensitive areas. Policies options to address these issues will discourage youth from tobacco use and promote healthier communities.

CLERK'S ADDENDUM

*Speakers: Mary Jaccodine, CC Tobacco Prevention Project; Doug Sibley, Chair of County Alcohol and Other Drug Advisory Board; Phillip Gardiner, African-American Tobacco Control Leadership Council; Alexander Nelson, American Lung Association; ; Supervisor Piepho requested that the returning report include: • specific responses to the questions raised in the letters received from the American Petroleum and Convenience Store Association (APCA) and the National Association of Tobacco Outlets; • The distance from youth-sensitive areas of each of the retailers potentially impacted by the proposed ordinance • The actual distance of a newly opened tobacco shop from the Byron Excelsior Middle School • What additional resources law enforcement may need to enforce any new provisions of the ordinance Supervisor Mitchoff stated that if the licensing fee is increased that those funds should be directed toward covering enforcement costs such as the Sheriff's youth-decoy sting operations and site compliance checks. Chair Gioia noted that the incorporated cities often parallel ordinances adopted by the County. Supervisor Piepho mentioned that if that is so, the issue of the retailers associations regarding forcing businesses in the unincorporated areas to relocate into the cities may not be the case. It may instead force some establishments to close altogether. Supervisor Piepho suggested that County staff may need to speak with the city managers via the Managers Association or at the Mayors Conference, whichever venue is most appropriate. All Supervisors concurred that 'menthol' cigarettes be included in the classifications of tobacco products and should be specified in writing in any proposed ordinance. **ACCEPTED** the report; **DIRECTED** staff to return to the Board with information on issues discussed today and to work with effected County Departments to evaluate modifications to the County's existing ordinances as recommended by the Family and Human Services Committee.*

ATTACHMENTS

Staff Report to FHS

Attachment I - Health Stores Healthy Communities Summary 2013

Attachment II - Policy Options Addressing Youth Tobacco Influences