



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: March 20, 2018

Subject: Report on Implementation of Tobacco Control Ordinances to Protect Youth from Tobacco Influences
adopted in July, 2017

RECOMMENDATION(S):

CONSIDER accepting the Health Services Report on Implementation of Tobacco Control Ordinances to Protect Youth from Tobacco Influences.

FISCAL IMPACT:

A portion of the Prop 99 and Prop 56 funding Contra Costa Health Services receives for its Tobacco Prevention Program is allocated to coordinating and implementing the new ordinances. Tobacco Retailer licensing fees, currently \$287 per retailer, are also used to conduct outreach, education and compliance inspections with tobacco retailers on the ordinance amendments and new requirements.

BACKGROUND:

In July 2017, after a comprehensive review of youth tobacco influences in the retail environment and policy options to address those influences, the Board of Supervisors adopted two ordinances revising County Code to include 14 policy provisions that would serve to strengthen the County's ordinance to protect youth from tobacco influences and to help prevent youth from initiating tobacco use. Of particular concern were the marketing and availability of youth-friendly flavored tobacco products, small pack sizes of cigars and

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **03/20/2018** ☒ 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: March 20, 2018

Contact: Daniel
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David Twa, County Administrator and Clerk of the Board of
Supervisors

By: , Deputy

cc: Denice Dennis, Tasha Scott, Marcy Wilhelm

cigarillos, and density and location of tobacco retailers, since these contribute largely to youth exposure to tobacco influences and tobacco use. The Board of Supervisors directed that the new tobacco ordinances

BACKGROUND: (CONT'D)

be implemented no later than January 1, 2018, and that staff report back on implementation of the new laws no later than March 2018.

The newly adopted tobacco control provisions are described below.

Under The Tobacco Product and Retail Sales Control Ordinance (incorporated into Chapter 445-2 of Health and Safety Code):

- a) A Tobacco Retailer License is required for all retailers selling traditional and/or emerging tobacco products, such as newer electronic smoking devices and “liquids” that were not included in the previous ordinance.
- b) The sale of flavored tobacco products, including menthol flavored cigarettes, is prohibited within 1,000 feet of schools, parks, playgrounds and libraries. (These areas are referred to as Youth Sensitive Areas).
- c) The sale of menthol flavored cigarettes is prohibited within 1,000 feet of schools, parks, playgrounds and libraries.
- d) A minimum pack size of ten is required for the sale of cigars, including little cigars and cigarillos. (Cigars priced at \$5 or more, including taxes and fees, are exempt from this provision).
- e) Pharmacies are not eligible for a Tobacco Retailer License, and hence, the sale of tobacco products is prohibited in pharmacies (as of 7/1/18).
- f) The number of retailers that can sell tobacco products is capped at the current number of licenses issued at the adoption of the ordinance.
- g) Tobacco retailers are required to check the ID of customers who appear younger than 27 prior to the sale of tobacco products.
- h) Tobacco retailers are required to comply with drug paraphernalia sales laws.
- i) Tobacco retailers are required to comply with storefront signage laws.
- j) Tobacco retailers who have their license suspended for violation of County, State or Federal law are required to remove tobacco advertising during the license suspension period.
- k) During a license suspension hearing, the time period that is reviewed for prior violations of the license is 60 months (5 years) when considering the length of a license suspension period under the law.

Under the Tobacco Retailing Businesses Ordinance (Chapter 88-26 of Zoning Code):

- l) New tobacco retailers are prohibited from operating within 1,000 feet of schools, parks, playgrounds and libraries.
- m) New tobacco retailers are prohibited from operating within 500 feet of new or existing tobacco retailers.
- n) New “Significant Tobacco Retailers”, including “vape” shops, hookah bars or smoke shops, are prohibited. (Significant Tobacco Retailers are retailers with 20% or more of floor or display area dedicated to tobacco products and/or tobacco paraphernalia).

Anticipated implementation activities for the new regulations were reported to the Board of Supervisors when the new regulations were under discussion. Most of proposed new

regulations regarding sales of tobacco products are included in the Tobacco Retailer Licensing Ordinance, which is administered and enforced through the County's Public Health Division. Implementation, including outreach and education activities, was expected to be integrated into ongoing Tobacco Retailer Licensing implementation activities conducted by the Tobacco Prevention Program staff. Specifically, implementation would include:

- Developing educational materials for direct mailing to all existing licensed tobacco retailers, including information on resources available to address business planning to comply with the new regulations.
- Working with the affected County departments to develop operational protocols and to assure that any intersecting ordinance requirements are addressed in communications to the public.
- Working with the Business License Office to review new license applications for approval and to provide educational materials through the Business License Office application and renewal mechanisms to both current and new retailers.
- Updating and maintaining the Tobacco Prevention Program webpages with the new regulations and educational materials, as well as both State and County information on Tobacco Retailer Licensing and requirements.
- Conducting site inspections, education and follow-up with owners if stores are not compliant with the new regulations.
- Collaborating with the Sheriff's Office to conduct youth decoy operations for compliance with PC308a, the 'no-sales of tobacco products under 21' law.
- Continuing to coordinate license suspension hearings for those retailers that have been found to be in violation of the law.

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. Implementation of the new County tobacco prevention ordinances discourage youth from tobacco use and promote healthier communities, which addresses the following children's outcome: Communities that are Safe and Provide a High Quality of Life for Children and Families.

CLERK'S ADDENDUM

Speakers; Margo Connelly, American Cancer Society; Lucky Bralimah, resident of Richmond.

ATTACHMENTS

Final Report