



**Contra  
Costa  
County**

To: Board of Supervisors  
From: FAMILY & HUMAN SERVICES COMMITTEE  
Date: September 20, 2022

Subject: Tobacco Retail License and Secondhand Smoke Ordinance Updates

---

**RECOMMENDATION(S):**

ACCEPT the Health Services Department Public Health Division reports on Family and Human Services Referral Nos. 118 Policy Options for Protecting Youth from Tobacco Influences in the Retail Environment and 82 Secondhand Smoke Protections Ordinance, as recommended by the Family and Human Services Committee.

**FISCAL IMPACT:**

There is no fiscal impact for this action.

**BACKGROUND:**

**Referral No. 112 - Policy Options for Protecting Youth from Tobacco Influences in the Retail Environment**

The Board of Supervisors approved two tobacco control ordinances in July 2017 to protect youth from tobacco influences in the retail environment: a zoning ordinance and a tobacco retailer licensing ordinance. Of particular concern were the marketing and availability of youth-friendly flavored tobacco products, small pack sizes of cigars and cigarillos, and density and location of tobacco retailers, since these contribute largely to youth exposure to tobacco influences and tobacco use. The tobacco retailer licensing ordinance required

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

---

Action of Board On: **09/20/2022** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I  
Supervisor  
Candace Andersen, District II  
Supervisor  
Karen Mitchoff, District IV  
Supervisor  
Federal D. Glover, District V  
Supervisor

ABSENT: Diane Burgis, District III  
Supervisor

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: September 20, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: Antonia Welty, Deputy

Contact: Enid Mendoza, (925)  
655-2051

cc:

extensive preparation for implementation, and tobacco retailers were required to be compliant with the new provisions by January 1, 2018.

Health Services Department Public Health staff provided a report to the Board of Supervisors in March 2018 on preliminary implementation efforts. In November 2019, the Board of Supervisors adopted Ordinance 2019-34 (Sale of Electronic Smoking Devices and E-Liquids Prohibited) which increased the protections for youth from tobacco influences in the retail environment. Ordinance 2019-34 was a necessary response to an epidemic rise in youth vaping where young people were vulnerable to tobacco addiction as well as concerns related to E-cigarette/Vaping Associated Lung Injury (EVALI). The ordinance also expanded the restrictions on the sale of flavored tobacco in all areas of the unincorporated areas of the County, rather than just within 1,000 feet of youth-sensitive areas.

At the October 29, 2020 Family and Human Services Committee (FHS) meeting, Public Health staff reported on the implementation of the newly adopted Ordinance 2019-34, including information on strategies to continue tobacco retailer licensing and businesses zoning ordinance implementation activities despite the challenges presented by the COVID-19 pandemic.



## BACKGROUND: (CONT'D)

### Referral No. 82 - Secondhand Smoke Ordinance

At the November 13, 2017 Family and Human Services Committee meeting, Public Health presented its annual report on the implementation of the County's Secondhand Smoke ordinance with a recommendation that the Committee consider a proposed ordinance to strengthen the current smoking protections to prohibit smoking inside dwelling units of multi-unit housing, including condos and townhomes. The Committee accepted the report and recommendations, requested that language be added to extend smoking restrictions to guest rooms of hotels and motels, and directed staff to forward those recommendations to the Board of Supervisors for discussion and approval.

The ordinance, titled Smoke-free Multi Unit Residences, was adopted by the Board of Supervisors on March 13, 2018 with implementation to begin for new and renewing leases on July 1, 2018, and for continuing leases and owner-occupied units on July 1, 2019. At the request of the Board of Supervisors, Contra Costa Public Health staff provided reports in March 2018 on preliminary implementation of the ordinances. A follow-up report was later presented to the FHS in October of 2018, at which time the FHS asked Public Health staff to send a letter to each City Manager inviting them to model their own city ordinances after the County's ordinance.

At the October 29, 2020 FHS meeting, Public Health staff reported on the implementation of the Secondhand Smoke Protections Ordinance. The report included updates on the implementation of the Multi-Unit Housing Ordinance, compliance challenges, and the technical assistance provided to cities within Contra Costa County.

At the February 28, 2022 FHS meeting, the attached reports and presentation slides for updates on the implementation of Tobacco Retail Licensing Ordinance No. 2019-34 and Secondhand Smoke Protections Ordinance No. 2018-07 were received and staff was directed to forward the information to the Board of Supervisors for its information. The delay getting the report to the Board of Supervisors is due to administrative staff oversight after FHS approval. Committee staff are reviewing all FHS-approved items to be forwarded to the Board, and has improved its tracking tool to ensure these delays do not occur in the future.

## CONSEQUENCE OF NEGATIVE ACTION:

The reports will not be received.

## ATTACHMENTS

Referral Reports Presentation

Tobacco Retail License Report

Secondhand Smoke Protections Report