



# TOBACCO RETAILERS LICENSE PROGRAM RECOMMENDATIONS 1ST READING

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On October 15, 2019, the Board of Supervisors authorized staff to return with recommendations pertaining to:



**Adding prohibition of smoking in County parking lots to future negotiations with employee bargaining units**



**Conducting a targeted vaping public health awareness campaign**



**Revisions to County Code related to tobacco control regulation in alignment with State law**



**Tobacco retail licensing program**



Recommendation	
<p><b>Add the prohibition of smoking in County parking lots to future negotiations with employee bargaining units.</b></p>	<ul style="list-style-type: none"><li>• Labor Relations to negotiate language related to the prohibition of smoking in County parking lots during negotiations for successor memorandums of agreement with associations representing County employees.</li><li>• This is a 2022 action item for non-safety unions/associations and 2023 for safety unions/associations.</li></ul>



## Recommendation

**Conduct a targeted vaping public health awareness campaign within the existing Tobacco Control Resource Program, and in coordination with the California Department of Public Health.**

- As of July 23, 2020, **32 vaping and 24 anti-smoking messages** posted on County HHSA Facebook and Twitter

SDCountyHHSA  
January 28 · 🌐

In 2018, vaping among high schoolers jumped nearly 80%.  
For CDC outbreak information, go to [FlavorsHookKids.org](https://www.flavorshookkids.org).

2018: VAPING AMONG HIGH SCHOOLERS JUMPS NEARLY 80%

SDCountyHHSA  
June 23 · 🌐

On July 1, the sale of all flavored smoking products is prohibited in unincorporated San Diego County.

Learn what is considered a "flavor" by reading this Frequently Asked Questions document:  
[https://www.sandiegocounty.gov/.../FAQ%20Tobacco%20Ordinance\\_...](https://www.sandiegocounty.gov/.../FAQ%20Tobacco%20Ordinance_...)

# LATEST LEGISLATIVE UPDATE: SENATE BILL 793 (SB 793)



- SB 793 was signed by Governor Newsom on August 28, 2020. Starting January 1, 2021, retailers will be prohibited from selling these flavored tobacco products:

- Flavored e-cigarettes (commonly known as vapes), e-juice, pods/cartridges
- Menthol cigarettes
- Flavored little cigars and cigarillos
- Loose leaf roll-your-own tobacco
- Smokeless tobacco
- Flavored tobacco product enhancers

- The County will align the January flavored smoking products ban (Ordinance No. 10647) with SB 793 by including smokeless flavored products.
- The County will align the proposed Tobacco Retail Licensing with SB 793 by:
  - Including exemptions for loose leaf pipe tobacco and premium cigars.
  - Requiring a minimum age of 21 to enter or work in a tobacco shop or private smokers' lounge.
  - Maintaining shisha flavor exemption.

# KEY ELEMENTS OF A TOBACCO RETAIL LICENSING PROGRAM



1. All retailers must pay an ***annual fee*** to cover administration and enforcement efforts.

2. All tobacco retailers obtain a ***license*** each year that is issued by the County.

3. Provision that any ***violation*** of a local, state, or federal tobacco law is considered a violation of the County license.

4. Financial deterrent through fines and penalties for ***violations*** that includes suspension and revocation of the license.

With additional recommended model elements that provide for a more robust enforcement



## Model elements of a TRL program

### County Uniform Licensing Procedure

1. No transfer of license if a tobacco retailer sells their business or changes location

### Site regulations

1. Limit sales to the site of the tobacco retailer
2. Limit number of total tobacco retailers
3. Restrict pharmacies from selling tobacco products
4. Limit density of tobacco retailers

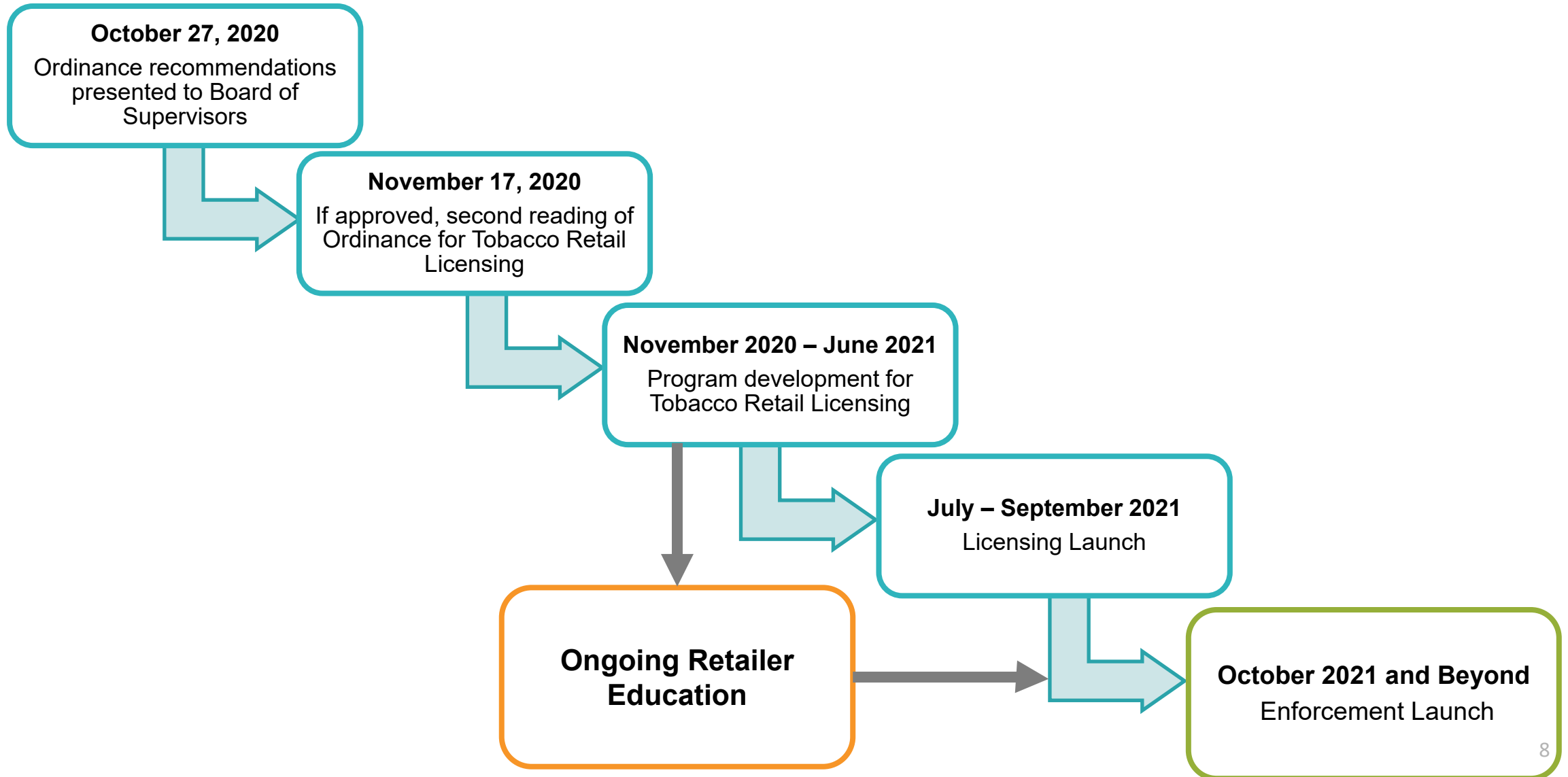
### Price regulations

1. Establish a minimum price for certain tobacco products
2. Prohibit redemption of coupons or multi-pack discounts
3. Establish a minimum pack size for cigars and little cigars

### Clarifications

1. Establish minimum age for clerks to sell tobacco and/or tobacco products and for obtaining a license
2. Restrict persons under the legal minimum age from entering private smokers'/hookah lounges
3. Does not apply to noncommercial Native American practices or anyone under the age of minimum legal purchase

# SUMMARY TIMELINE

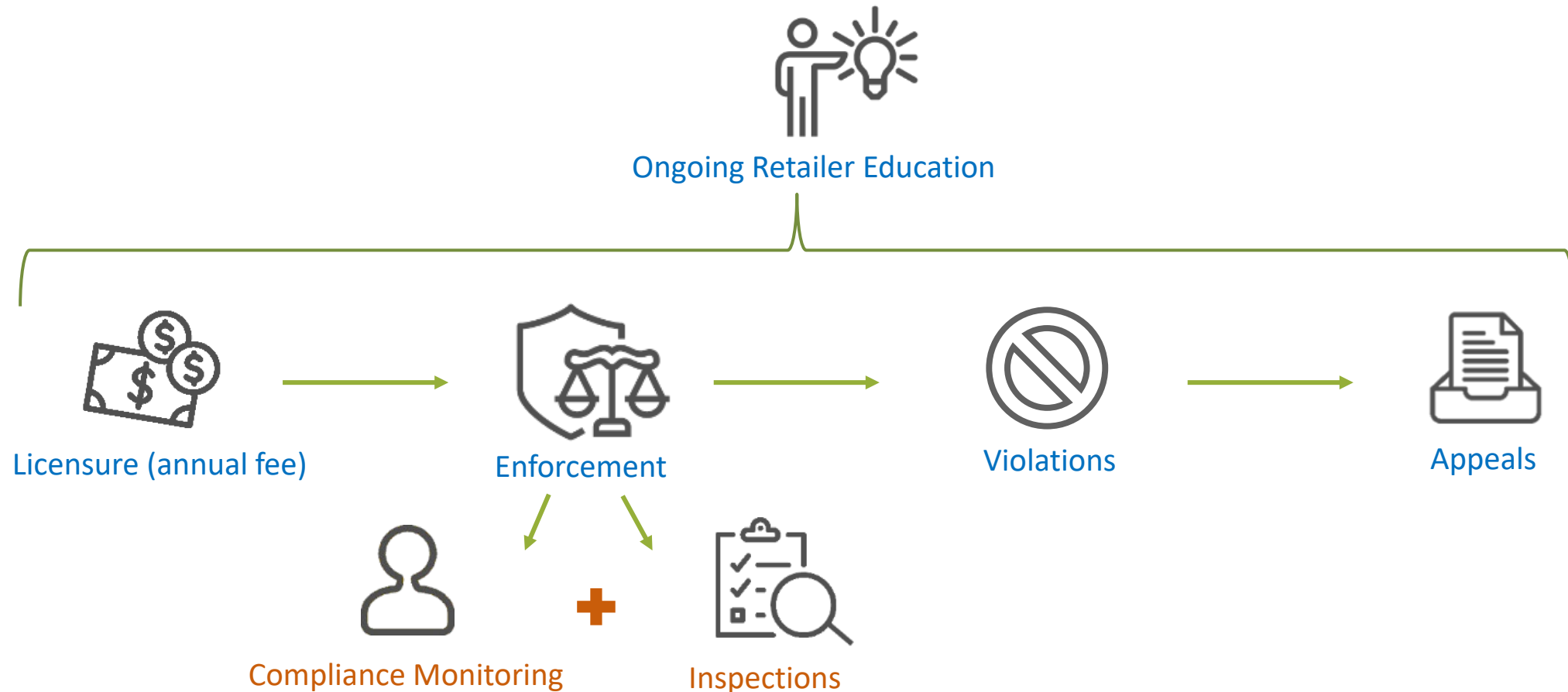






## The Tobacco Retail Licensing Program will be carried out by Public Health Services.

Essential components of a tobacco retail licensing program:



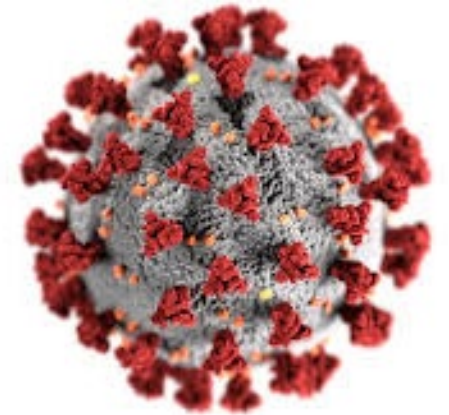


- A tobacco retail licensing program will help address the increase in youth and young adult e-cigarette use, strengthen enforcement of minimum age sale laws, and facilitate compliance monitoring of retailers.
- The County will align the proposed Tobacco Retail Licensing Ordinance with SB 793, signed by Governor Newsom on August 28, 2020.
- **If approved**, County staff will return for a second reading on November 17, 2020.





- **Improve American Lung Association (ALA) State of Tobacco Control Report Card Grade**
  - The January tobacco-related ordinance should raise the County’s grade from a “F” to a “D”.
  - A TRL ordinance, if approved with recommended model elements, should raise the grade to a “C”.
- **Reduce COVID-19 Complications**
  - According to the California Department of Public Health, smoking doubles one’s risk of developing respiratory infections, including COVID-19, and developing severe illness from such infections.
  - Young adults and teens who vape have also been found to face a much higher risk of COVID-19 than those who don’t.
- **Reduce Youth Access and Exposure to Tobacco Products**
  - A TRL ordinance would limit youth access to tobacco and protect the health and well-being of San Diego County residents and visitors by lessening the burden of chronic diseases.





Public Health Services is requesting that the Health Services Advisory Board support the request to the Board of Supervisors to approve the recommendations of the Board Letter.