



**Get Plugged In:
Taking Tobacco Retailer Licensing
to the Next Level**



Meliah Schultzman, JD

June 27, 2013

ChangeLab Solutions

ChangeLab Solutions creates innovative law and policy solutions that transform neighborhoods, cities, and states. We do this because achieving the common good means everyone has safe places to live and be active, nourishing food, and more opportunities to ensure health. Our unique approach, backed by decades of solid research and proven results, helps the public and private sectors make communities more livable, especially for those who are at highest risk because they have the fewest resources.



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AGENDA

- **How can existing laws be enforced through tobacco retailer licensing (TRL)?**
- **What policies can communities adopt to take TRL to the next level?**
- **How have communities in California taken TRL to the next level?**
 - **Derek Smith, San Francisco Department of Public Health**
 - **Denice Dennis, Contra Costa Health Services**

TRL, IN BRIEF

What is a TRL?

Why adopt a TRL?

How to draft an *effective* TRL?

WHAT IS A TRL?

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
PUBLIC NOTICE OF APPLICATION TO SELL ALCOHOLIC BEVERAGES
APPLICANT: WALT DISNEY WORLD CO.
TYPE OF LICENSE: 47 ON SALE GENERAL EATING PLACE
BUSINESS NAME: MAGICAL CATERING CO.
ADDRESS OF PREMISES: 1313 S. HARBOR BLVD. DISNEYLAND PARK ANAHEIM 92802-2300
APPLICANT HAS FILED FOR: PREMISES TO PREMISES TRANSFER

NEW LICENSE
CHANGED PREMISES OR BUSINESS
PROTEST IS TO BE MADE AGAINST THIS APPLICATION, IT MUST BE RECEIVED BY ANY OFFICE OF THE DEPARTMENTAL HEADQUARTERS, 3927 LENHANE DRIVE, SUITE 100, SACRAMENTO 95834, BEFORE THE DATE POSTED. PROTESTS MUST BE VERIFIED. FURTHER INFORMATION REGARDING THIS APPLICATION MAY BE OBTAINED AT THE FOLLOWING OFFICES:
FOR MORE INFORMATION OR ASSISTANCE
CALL OR CONTACT
SACRAMENTO OFFICE
SACRAMENTO OFFICE

State of California
Contractors State License Board
Pursuant to Chapter 9 of Division 3 of the Business and Professions Code and the Rules and Regulations of the Contractors State License Board, the Registrar of Contractors does hereby issue this license to:
S & H CONTRACTING INC
to engage in the business or act in the capacity of a contractor in the following classification(s):
B - General Building Contractor
Witness my hand and seal this day,
February 14, 1991
Issued February 7, 1991

Signature of Licensee
Signature of License Qualifier

THE GREAT SEAL OF THE STATE OF CALIFORNIA
DEPARTMENT OF CONTRACT AFFAIRS
David R. Lilly
Registrar of Contractors

2007/2008 CALIFORNIA RESIDENT HUNTING LICENSE
Valid July 1, 2007 through June 30, 2008

Name _____ Issued _____
Address _____
City _____ State _____
Sex _____ Hair _____ Driver License _____
Height _____ Weight _____
Date of Birth _____

SAMPLE



CALIFORNIA DRIVER LICENSE
DL **I1234568**
EXP **08/31/2015**
LN **CARDHOLDER**
FN **IMA**
2570 24TH STREET
SACRAMENTO, CA 95818
DOB **08/31/1977**
RSTR **NONE**

CLASS C
END NONE

SEX **F** HAIR **BLK** EYES **BRN**
HGT **5'-05"** WGT **125 LB**
DOB **08/31/1977**

Ima Cardholder



WHY ADOPT A TRL?

City/County	Date Passed	Annual Fee	Youth Sales Rate Before Ordinance	Most Recent Youth Sales Rate
Hollister	May 2006	\$269	33%	4.5%
Kern County	November 2006	\$165	34%	7.5%
La Canada Flintridge	June 2009	\$50*	47.1%	0%
Los Angeles County	December 2007	\$235	30.6%	10.9%
Murrieta	May 2006	\$350	31%	7%
Norco	March 2006	\$350	40%	6%
Pasadena	January 2004	\$225	20%	0%
Riverside	May 2006	\$350	65%	31%
Sacramento	March 2004	\$324	27%	19.7%
Sacramento County	May 2004	\$287	21%	8%
San Fernando	October 2008	\$250	38.5%	3%
San Francisco	November 2003	\$175*	22.3%	13.1%
San Luis Obispo	August 2003	\$255	17%	6.8%
San Luis Obispo County	October 2008	\$342	33.3%	14.3%
Tehachapi	February 2007	\$165	8%	5%
Vista	May 2005	\$250	39%	1.1%
Yolo County	May 2006	\$344	28%	7.9%

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HOW TO DRAFT AN EFFECTIVE TRL?

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2. Licensing fee covers administration and enforcement costs



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2. Licensing fee covers administration and enforcement costs
3. Violating any tobacco law is a violation of the license





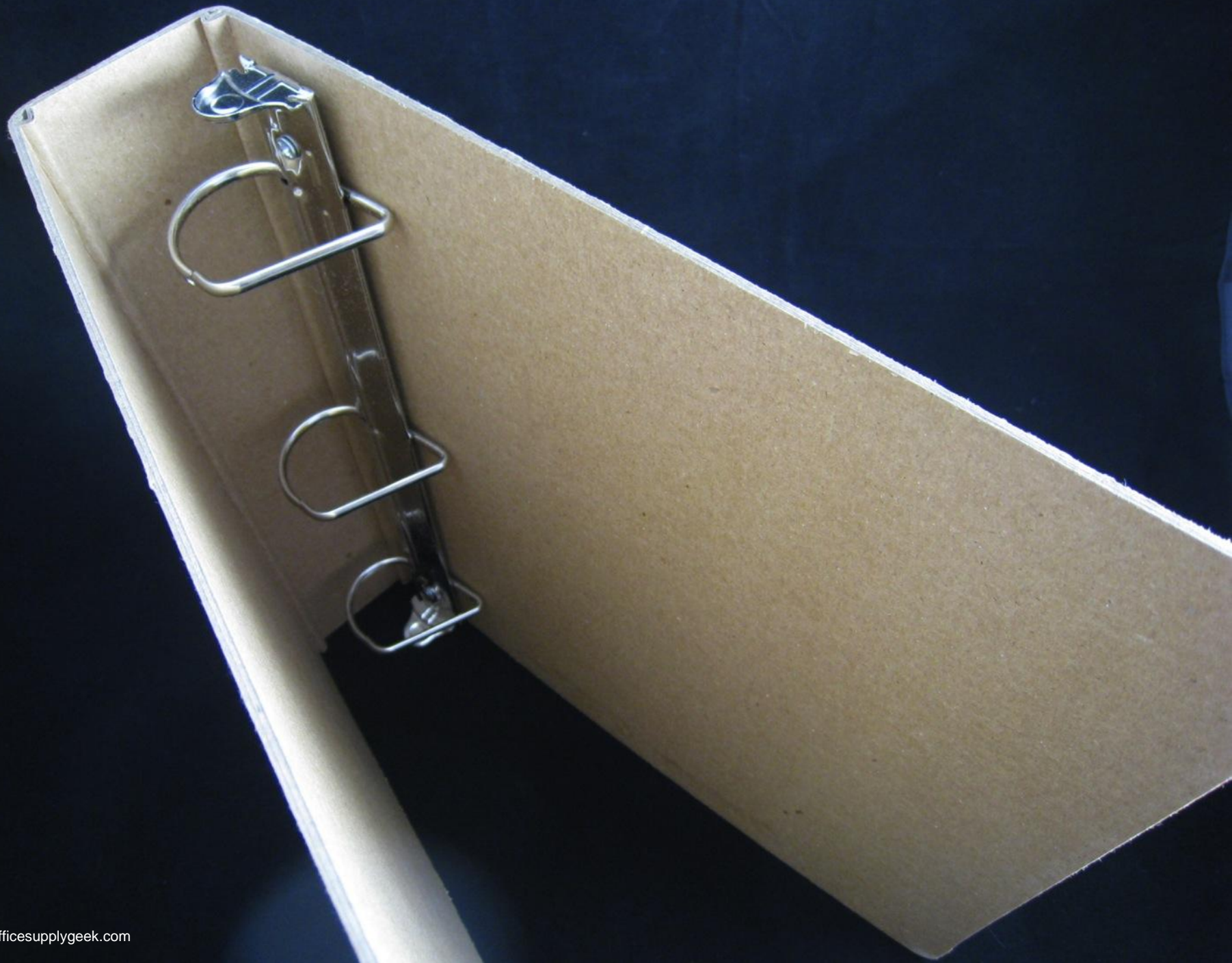
Chiedere a parte, questa era la con-
francese e di rito, gli inglesi avevano un
di meno, e un nemico di più. Invece un
intrigante.
Ma stasera per verificare un certo ben di
di chi, e la cui enorme ricchezza (il mondo
stato l'opinione pubblica (trasparenza) aveva
mondo intero, dagli effetti di quello in Euro-
rapporti di forza. Avvenimento ben diverso e
riparabile a una nuova radice profonda: la
riavere l'instabilità. E non tanto sugli avveni-
rispetto a una sua più duratura che non era
che non era più dominata dagli uomini.
Dopo due anni esagerati, dalla man-
siccazione, piuttosto) la personalità cercava di
richezza contro l'ignoranza, contro la disperazione
di una certa libertà, contro la disperazione
sorriso: la guerra che perdura ogni apparenza di
rivela la cosa da allora, ma più tragica di
scrivere a ogni costo: *The road of getting*
le trincee un giornale inglese, un bisogno avere
Comandi.
Risarcito, insomma, o rinchiuso, contro un ag-
L'Offensiva dei tumuli, più forte di tutti
intense, la conformazione ondiversa dei mo-
fatti di lavoro, o al proprio, più avanti e per-
fanzeschi, inattuali, come il feroce e per-

Self-Service Displays

Tobacco Control Act

Sales to Minors

Individual Cigarettes



Self-Service Displays

Tobacco Control Act

Sales to Minors

Individual Cigarettes

Sales
to
Minors

Self-
Service
Displays

Tobacco
Control
Act

Individual
Cigarettes

Not Your Grandma's
Coupon Binder!
Name: _____
Address: _____
Phone: _____
This binder belongs to...

- & Cleaning Items
- & Air Fresheners
- & Cosmetics
- & Oral Care
- & Skin Care
- & Hair Care
- & Feminine Care
- & Pharmacy
- & Baby
- & Pets
- & Office Supplies
- & Miscellaneous
- & Core Coupons
- & on Policies

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HOW TO DRAFT AN EFFECTIVE TRL?

1. All retailers must obtain a non-transferable license, renewed annually
2. Licensing fee covers administration and enforcement costs
3. Violating any tobacco law is a violation of the license
4. Meaningful penalties: temporary suspension of the license



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ChangeLab Solutions
Law & policy innovation for the common good.

Model California Ordinance Requiring a Tobacco Retailer License (with Annotations)

Revised June 2013 (*Originally issued September 1998*)

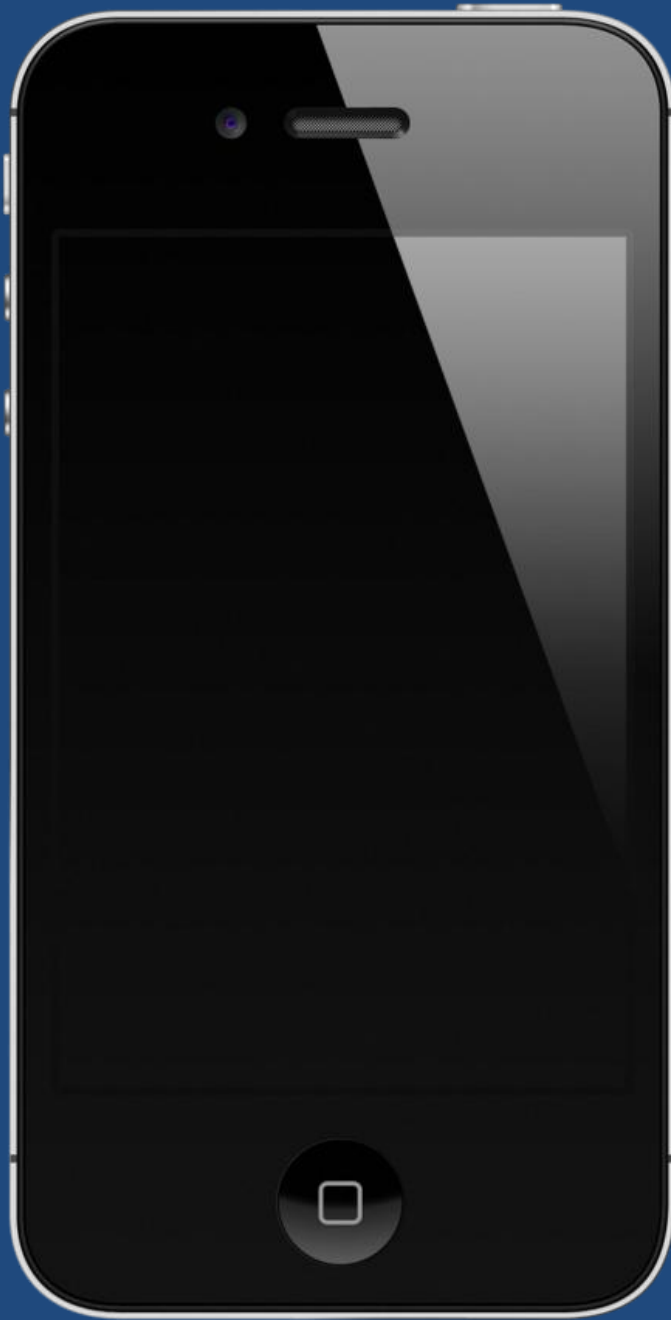
Developed by ChangeLab Solutions

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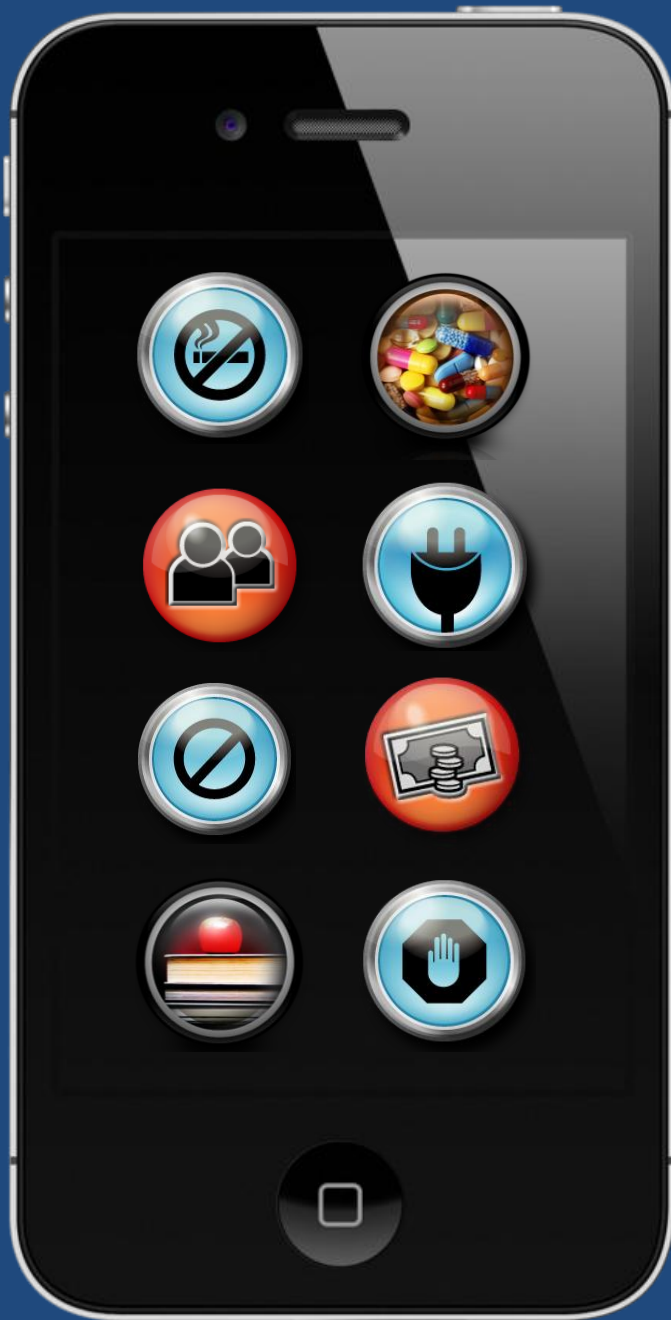
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TRL PLUG-INS



TRL PLUG-INS




TRL PLUG-INS

Eligibility Plug-ins

Requirements and Prohibitions

CITY OF CERRITOS

TOBACCO RETAILER'S LICENSE APPLICATION



This Application is for (Check one):

- New License
- Annual Renewal
- Reissuing a Revoked License
- Change of Ownership

BUSINESS INFORMATION

Business Name _____ Phone Number _____

Business Address _____

Business Mailing Address _____

Previous Name of Business at this Address (if any) _____

State of California Board of Equalization Tobacco Retailer's License Number _____

City of Cerritos Business License Number _____


OWNER INFORMATION

RULES

1. YOU CAN....
2. YOU CAN'T...
3. YOU CAN....
4. YOU CAN'T

TRL PLUG-INS: ELIGIBILITY

- WHO can sell
- WHERE can they sell

<p>CITY OF CERRITOS</p> <p>TOBACCO RETAILER'S LICENSE APPLICATION</p> 		<p>This Application is for (Check one):</p> <p><input type="checkbox"/> New License</p> <p><input type="checkbox"/> Annual Renewal</p> <p><input type="checkbox"/> Reissuing a Revoked License</p> <p><input type="checkbox"/> Change of Ownership</p>
BUSINESS INFORMATION		
Business Name		Phone Number
Business Address		
Business Mailing Address		
Previous Name of Business at this Address (if any)		
State of California Board of Equalization Tobacco Retailer's License Number		
City of Cerritos Business License Number		
OWNER INFORMATION		

NO LICENSES NEAR SCHOOLS AND YOUTH-POPULATED AREAS



NO LICENSES NEAR SCHOOLS AND YOUTH-POPULATED AREAS



NO LICENSES NEAR SCHOOLS AND YOUTH-POPULATED AREAS



LICENSES LIMITED BY LOCATION



LICENSES LIMITED BY POPULATION



HUNTINGTON PARK
Population: 59,000
Tobacco retailers: 100+
Goal: 1 retailer /1,000 people

NO LICENSE FOR NEW RETAILERS THAT PRIMARILY WILL SELL TOBACCO





Percent of Retailers Selling Tobacco to Youth by Store Type, 2012



Source: Youth Tobacco Purchase Survey, 2012. Prepared by: California Department of Public Health, Tobacco Control Program, July 2012.

*Other includes gas station only, gift and discount stores, and others.

TRL PLUG-INS: REQUIREMENTS AND PROHIBITIONS

- WHAT other conditions must be met



PROHIBIT SALE OF SINGLE CIGARS

NEW! *Single Cigar*

Fresh Pouch

59¢



VIOLATING STATE LAWS PROHIBITING SALES OF DRUG PARAPHERNALIA



SIGNAGE REQUIREMENTS



EMERGING PRODUCTS



ChangeLab Solutions

Licensing Ordinance Checklist

Your community has a range of policy choices to consider when designing a local tobacco retailer licensing ordinance. The options below are included in ChangeLab Solutions' *Model California Ordinance Requiring a Tobacco Retailer License* and accompanying "plug-ins," all of which are available at www.changelabsolutions.org/publications/model-TRL-Ordinance. The provisions that ChangeLab Solutions considers essential already include a check mark. Contact us for help drafting an ordinance based on your community's choices.

POLICY OPTIONS IN MODEL ORDINANCE

Who Must Obtain License

- All tobacco product retailers must obtain a nontransferable license
- Define "tobacco product" to include all nicotine and nontraditional products (e.g., e-cigarettes, snus)
- Retailers of "tobacco paraphernalia" (e.g., rolling papers, pipes) must also obtain license
- No license may be issued to mobile vendors

Enforcement of License Requirements

- Licensing program will be administered by (e.g., who issues the license?): _____
- Licensing program will be enforced by _____ but also enforceable by any agency
- Youth decoy operations will be conducted by (if different from enforcement agency): _____
- Number of mandatory inspections is (e.g., times each store is checked per year): _____
- The hearing process will be an *administrative process* (attorneys and court system need not be involved)
- Grant youth decoys partial immunity

Consequences of License Violation

- Each violation results in a *suspension* of the privilege to sell tobacco products (and paraphernalia, if applicable) for ___ days for a 1st licensing violation; ___ days for a 2nd violation; ___ days for a 3rd violation; and ___ days for a 4th violation
- Number of years past violations will be tracked (the "look-back period"): _____ (minimum of 5 years)
- Prohibit display of tobacco products during suspension period
- Prohibit display of tobacco product advertising during suspension period
- Increase suspension periods and penalties for retailers who sell tobacco without a license
- Seize and destroy tobacco products offered for sale without a license

"PLUG-IN" POLICY PROVISIONS

Restrictions on Eligibility for a License

- No license for a business that contains a pharmacy
- No licenses near schools and youth-populated areas
- New tobacco retailers must be located a specified minimum distance from existing retailers
- Number of available licenses is limited based on population
- No license for a retailer that primarily sells tobacco (e.g., head shop, discount cigarette store)
- No license for a restaurant or bar
- Only businesses that sell alcohol for off-site consumption may obtain licenses
- No license for a business that allows smoking anywhere on the premises

Additional Requirements for Retailers

- No sales of individual cigars or cigars in small packages
- No sales of drug paraphernalia
- Retailers may not cover more than 15% of windows with signs
- No sales to purchasers who are under 21

Enforcement Options

- Allow the retailer to pay a fine in lieu of license suspension

Requirements and Prohibitions for Licenses

- Pay an *annual* licensing fee that *fully covers all program costs*, including administration and enforcement
- Violating *any* tobacco law is also a violation of the license
- Require license to be displayed in a prominent location
- Require clerks to check ID if purchaser appears under age 27
- Prohibit all self-service displays (including e-cigarettes)
- Clerks selling tobacco must be old enough to purchase tobacco under state law (e.g., 18 years old)

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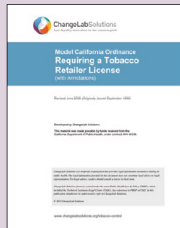
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ChangeLab Solutions



ChangeLab Solutions has developed model language for a tobacco retailer licensing law in California cities and counties. The model language offers a variety of policy options that can be tailored to the specific goals and needs of your community.

In addition to the core provisions, ChangeLab Solutions has drafted supplementary "plug-in" provisions, which offer additional policy options that can be incorporated into the law. For more information, please see our resources on Tobacco Retailer Licensing at www.changelabsolutions.org/publications/model-TRL-ordinance.



While ChangeLab Solutions' model language for a tobacco retailer licensing law was designed for California communities, the model can be adapted for use in other states as well. It is important to carefully check the existing law in your state to learn if local tobacco retailer licensing is allowed. Consult with an attorney licensed in your jurisdiction.

Tobacco Retailer Licensing An Effective Tool for Public Health

Communities are adopting tobacco retailer licensing laws as one way to ensure compliance with tobacco laws and to combat the public health problems associated with tobacco use. In this fact sheet, we explain how tobacco retailer licensing works, why many communities are pursuing this policy, and what goes into creating and implementing a strong tobacco retailer licensing law.

What is tobacco retailer licensing?

Licensing is a common policy tool that state and local governments use to regulate businesses like alcohol retailers, pharmacists, or restaurants. A local government may want to similarly license tobacco retailers in order to protect public health and safety by ensuring that retailers comply with responsible retailing practices.

Under a local tobacco retailer licensing law, the city or county government requires all businesses that sell tobacco products to obtain a license from the government in exchange for the privilege of selling these products to consumers.¹ Local governments may require licensed retailers to pay an annual fee, which can fund administration and enforcement activities such as store inspections and youth purchase compliance checks. Increasingly, tobacco retailer licensing is being used to promote other innovative policy solutions as well, including controlling the location and density of tobacco retailers and imposing additional restrictions on the sale and promotion of tobacco products.²

As of June 2012, more than 100 cities and counties in California had adopted a local tobacco retailer licensing law.³ The Center for Tobacco Policy & Organizing (The Center) classifies 94 of these as "strong,"⁴ meaning the laws have at a minimum:

- a requirement that all tobacco retailers obtain a license and renew it annually;
- an annual licensing fee high enough to fund sufficient enforcement;
- meaningful penalties for violators through fines and penalties, including the suspension and revocation of the license;⁵ and
- a provision stating that any violation of existing local, state or federal tobacco laws constitutes a violation of the local law.



Several communities have prohibited businesses that contain pharmacies from obtaining tobacco retailer licenses because these businesses often provide health-related services to the public.

More than 100 communities in California have passed tobacco retailer licensing ordinances, many of which have particularly effective fee and enforcement provisions. For a list of communities with strong tobacco retailer licensing laws and the Plug-ins they have incorporated, see the Center for Tobacco Policy & Organizing's *Matrix of Strong Local Tobacco Retailer Licensing Ordinances* at www.centerfortobaccopolicy.org/localpolicies-licensing.



"Plug-in" Policy Provisions for a Tobacco Retailer License

Your community has a range of policy choices to consider when designing a local tobacco retailer licensing ordinance. Our *Model California Ordinance Requiring a Tobacco Retailer License* ("Model TRL") contains the basic elements for an effective licensing ordinance that can be used to enforce federal, state, and local tobacco control laws. From there, communities can include additional policy options, or "Plug-ins," to enhance the ordinance and address local public health concerns related to tobacco use.

This fact sheet describes each of the Plug-ins. The Model TRL and Plug-ins are available at www.changelabsolutions.org/tobacco-control. If you would like help adapting any of these models for your community, please contact us at www.changelabsolutions.org/tobaccoquestions.

Restrictions on Eligibility for a License

A local tobacco retailer licensing ordinance allows a community to exercise better control over where tobacco products are sold. These Plug-ins limit the types of businesses and the locations that are eligible for a tobacco retailer license. Limiting where tobacco is sold can reduce youth access to tobacco products and facilitate enforcement of the licensing provisions.

Tobacco-free pharmacies

This Plug-in prohibits businesses that contain pharmacies from obtaining a tobacco retailer license. The sale of tobacco products at stores containing pharmacies may convey a mixed message to consumers, who often rely on these businesses for health-related services. Because stores containing pharmacies frequently provide health-related information to the public, communities may be concerned that the sale of tobacco at these stores conveys a tacit approval of these products to the public. Further, stores containing pharmacies often stock tobacco products near cessation aids, compromising the efforts of smokers who are trying to quit.

No licenses near schools

This Plug-in prohibits a license for a business operating too close to a school or other area frequented by youth. Children are more likely to experiment with tobacco products when tobacco retailers are located near schools. Communities can use this Plug-in to establish "tobacco-free zones" that restrict tobacco sales within a certain distance of schools, playgrounds, libraries, and similar venues.

New tobacco retailers must be a specified distance from current retailers

To prevent the concentration of tobacco retailers within particular neighborhoods, this Plug-in restricts how close tobacco retailers may be to one another. The number of tobacco retailers in a neighborhood affects youth smoking behaviors and youth access to tobacco products. Additionally, in some communities, disadvantaged neighborhoods are disproportionately impacted by high tobacco retailer density.

Thank you!

Meliah Schultzman

mschultzman@changelabsolutions.org



Made possible by funds received from Grant Number 09-11182 with the California Department of Public Health, California Tobacco Control Program

San Francisco's Tobacco-Free Pharmacies

Derek Smith, MSW, MPH
San Francisco Department of Public Health

The local ordinance

- In 2003, San Francisco adopted an ordinance requiring all tobacco retailers to apply for a permit and to agree to not break any state or federal laws around sales of tobacco (TRL)
- In 2008, San Francisco adopted an ordinance that disallows the issuing of a tobacco retailer permit to any establishment that also operates a pharmacy
 - This effectively stopped tobacco sales at the 63 local Walgreens and Rite Aid stores initially, and subsequently at all grocery stores with pharmacies

Why is this a problem?

- Mixed message of selling tobacco products in a health-promoting business
- People entering pharmacies are vulnerable
- Most developed nations do not sell tobacco products at pharmacies
- Increasing availability to every store type means greater access



Facts about pharmacies

- Research showed that prescription sales at Walgreens/Rite Aid makes up about 65% of their profit
- Tobacco is added on as a convenience product, but it is conflict with the fact pharmacies also sell quitting aids like nicotine patches, nicotine gum, and quitting prescriptions via the pharmacy
- Pharmacists are health professionals like us, they agree that selling tobacco at drug stores is a bad idea

8. In 1970, The American Pharmaceutical Association stated that mass display of cigarettes in pharmacies is in direct contradiction to the role of a pharmacy as a public health facility;

San Francisco and Tobacco-Free Pharmacies

- Bob Gordon of the LGBT Partnership worked to encourage private pharmacies to not sell tobacco
- He researched existing pharmacies and began cultivating relationships with owners and pharmacists, providing some help to a later citywide policy
- Health Officer Mitch Katz became determined that this rule must be championed citywide

10. A majority (78%) of independently owned pharmacies in California have become tobacco free; however, tobacco products are still sold by 94% of chain drugstores;

11. Of the independently owned pharmacies that are tobacco-free, 88% report they have experienced either no loss or an increase in business since removing tobacco from their shelves;



City and County of San Francisco
DEPARTMENT OF PUBLIC HEALTH

Gavin Newsom, Mayor
Mitchell H. Katz, M.D.
Director of Health

OCCUPATIONAL & ENVIRONMENTAL HEALTH

December 3, 2010

To: Tobacco Permit Holders

Re: Complying with the ban on pharmacy sales of tobacco products

Dear Tobacco Retailer:

The Board of Supervisors recently amended the law contained in Article 19J of the San Francisco Health Code that prohibits pharmacies from selling tobacco products. Please note that general grocery stores and big box stores with pharmacies are now prohibited from selling tobacco products. A "Big Box Store" shall mean a single retail establishment occupying an area in excess of 100,000 gross square feet. A "General Grocery Store" shall have the same meaning as set forth in Planning Code Section 790.102(a) or any successor provisions.

Your San Francisco permit to sell tobacco products in a pharmacy will expire on November 30, 2010. Please remove all tobacco products from your pharmacy by December 15, 2010. Grocery and "big box stores" that have paid an annual licensing fee for a tobacco sales permit are entitled to a refund. The Tax Collector will be refunding the amount due during January 2010.

**The number of San Francisco
retailers drops by 63...**

San Francisco was sued

- But arguments were mainly dismissed
- Those focusing on 1st amendment and inability to advertise the product were not persuasive
- Policy proposals should be focused on the jurisdiction's desire to regulate where tobacco is sold, not on advertising

Impacts

- There is no longer any tobacco sold at SF stores that contain pharmacies
- A study in Tobacco Control, 2012, looked at customer perspectives of the sales ban and found that:
 - 76% reported that the ban made no difference whether they shopped at San Francisco pharmacies;
 - 13% shopped there less, and
 - 12% shopped there more
- New Walgreens and CVS stores have opened, so clearly there is growth in the pharmacy store business

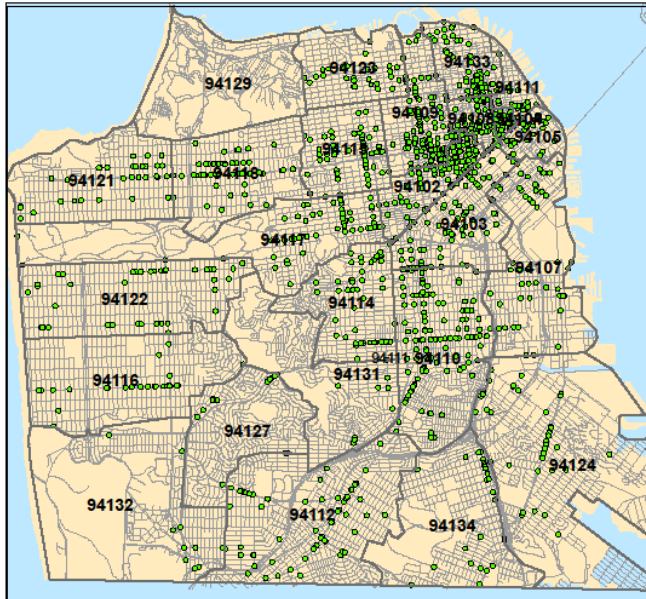


Tobacco Retailer Density

- San Francisco, with the leadership of Youth Leadership Institute advocates, has been exploring tobacco density solutions for over 4 years
- Many neighborhoods are grossly over-concentrated with tobacco retail outlets
- This is a social justice issue, as we know youth growing up exposed to tobacco are much more likely to smoke
- Several steps to this issue: Assessment, Research, and Negotiation

Assess

Tobacco Outlets with Licenses 2005

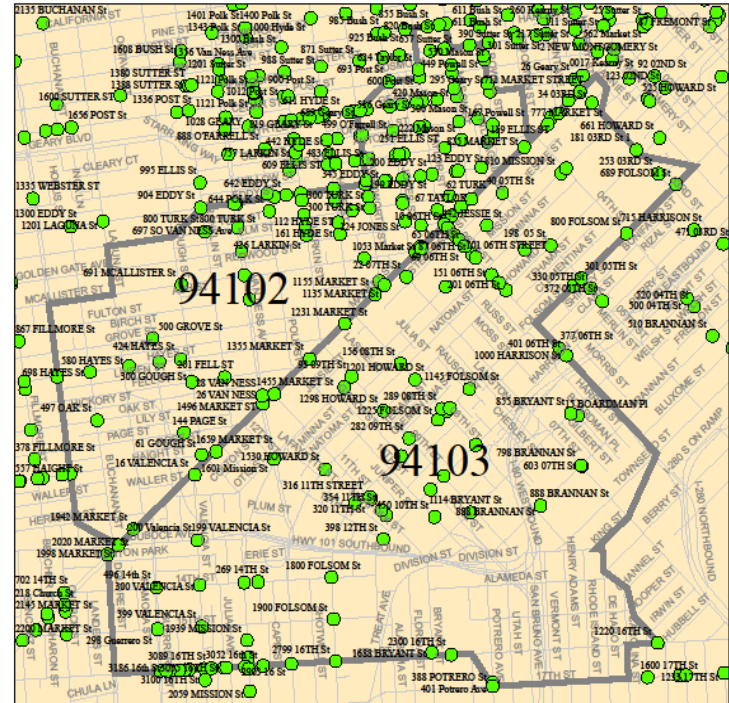


Legend

- Tobacco Outlets
- SFGIS.zipcode

0 7,600 Feet

Tobacco Outlets with Licenses by ZIP Code, 2005



ZIP Codes & Outlets

- Tobacco Outlets
- 94102 and 94103

0 650 1,300 2,600 Feet

1296 Outlets Total

Research and Negotiation

- What has worked in other communities? On similar issues?
- How can this be linked to past successes or other efforts to improve neighborhoods?
- Make a plan about how to frame this issue
- Communicate with key players- legislators, store owners, health experts, regulators to determine the questions/concerns
- Draft and re-draft a policy that works for your community

REGULATION OF ELECTRONIC CIGARETTES IN CONTRA COSTA

Denice A. Dennis, MPH
Tobacco Prevention Project
Contra Costa Health Services
June 27, 2013

E-Cigarettes



- Electronic cigarettes (“e-cigarettes”) are battery operated products designed to deliver nicotine.
- They turn nicotine and other chemicals into a vapor that is inhaled by the user, and are often the shape and size of a regular cigarette.
- E-cigarettes are available in various flavors and claimed strengths of nicotine cartridges.

Why regulate?

- E- cigarettes may appeal to youth because of their:
 - high-tech design
 - easy availability online, via mall kiosks, and convenience stores
 - wide array of flavors of cartridges including chocolate and mint.



Why regulate?

- E-cigarettes may be starter products for youth, a “gateway drug” to other tobacco products.
- Want to deter youth from experimenting with these products.
- Including in TRL provides opportunity to enforce the ‘no e-cigs sales to minors’ law, and may reduce the number of retailers selling these products.



Why regulate?

Concern that use of e-cigarettes in public places and places of employment could:

- cause confusion around enforcement issues in smokefree areas.
- trigger relapse in those who are trying to quit smoking.
- increase social acceptance of smoking.



County's New Law Regulating E-cigarettes

First reading 3/19/13; Adopted 4/9/13:

- All retailers selling electronic cigarettes must have a Tobacco Retailer License in order to sell tobacco products.
- Use of electronic cigarettes prohibited from use wherever smoking is prohibited under the County's comprehensive Secondhand Smoke Protections Ordinance.
- This includes all County buildings, vehicles and other areas occupied by county employees, including the grounds of the Regional Medical Center and health clinics.

445-10.002 License requirement

“It is unlawful for any retailer, individual, or entity to sell or offer for sale any tobacco products in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from Contra Costa County for each location where these sales are conducted.”

Prohibits smoking:

- In any indoor workplace;
- Within 20 feet of all doors, operable windows, air ducts and ventilation systems of enclosed places open to the public;
- Outdoor dining at bars and restaurants;
- On public trails and in public parks;
- Service areas (ATM lines, bus stops, ticket lines);
- Public events (farmer's markets, etc);
- CCRMC campus and clinics
- *Plus* Multi-unit housing protections

Contra Costa County Comprehensive
Secondhand Smoke Protections Ordinance

Definitions changed under County Ordinance

- “Tobacco Product” to include “any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, including but not limited to electronic cigarettes.”
- “Smoke”, “smoking” changed as well.

SECTION I. SUMMARY. This ordinance amends the Second Product Control Ordinance of Contra Costa County, Division 44, to prohibit the use of electronic cigarettes at all places where smoking tobacco. It also amends the tobacco retailer’s license for the sale of electronic cigarettes, by adding the terms “smoking” and “tobacco product.” This ordinance also amends the



Preparing for Reports to BOS

- Developed “Findings” specific to E-cigarettes for the new ordinance. Fact Sheets currently available:
 - ChangeLab Solutions
 - NACCHO
 - CA Youth Advocacy Network (CYAN)

- Developed list of other communities in state and in country that regulate sale of e-cigarettes or have language in their Secondhand Smoke Ordinances. (*Center for Tobacco Policy and Organizing now has this list for TRLs in CA.*)

Arguments heard against regulation

- “E-cigarettes helped me quit, so it’s bad public health policy to take them away from me.”
- “Youth aren’t being influenced by e-cigarettes (because they are too expensive/don’t look like cigarettes/aren’t being marketed to them).”
- “There is no research supporting ill health effects of secondhand vapors.”

NO ONE SPOKE AGAINST LICENSING.



Support for Regulation

- 4 of 5 members of the Board of Supervisors supported regulation of e-cigarettes.
- Board member comments included:
 - “there is a perception that if we were NOT to do anything about this, it’s ok (to use this product)
 - “Need to control how they are sold because we don’t know if they are a safe product.”
 - “do not want to go backwards...(by undermining community norms)”
 - No one from the public or from the Board spoke of concerns about *licensing* retailers who sell tobacco products.

Thank You!

Denice A. Dennis, MPH
Contra Costa Health Services

Thank you!

Meliah Schultzman, JD

mschultzman@changelabsolutions.org

