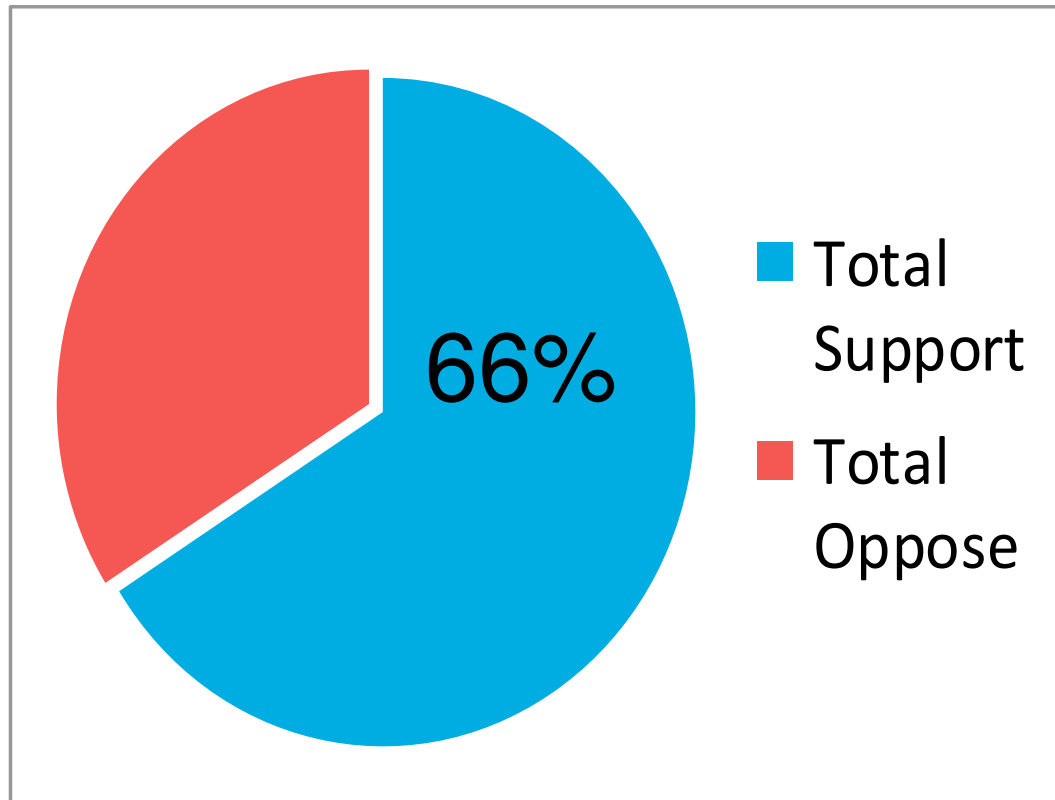


Allow License Suspensions for Sales of Drug Paraphernalia



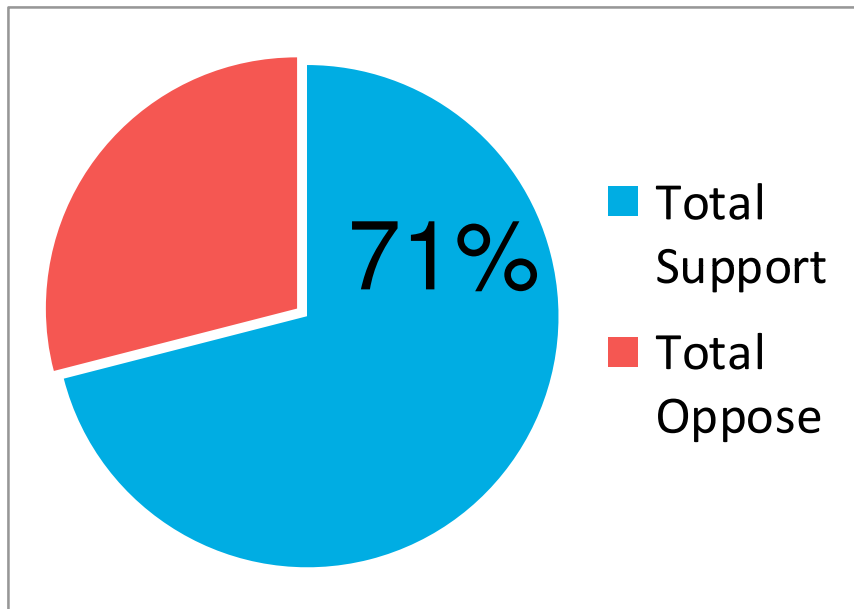
Support for Drug Paraphernalia Plug-in

California Voters

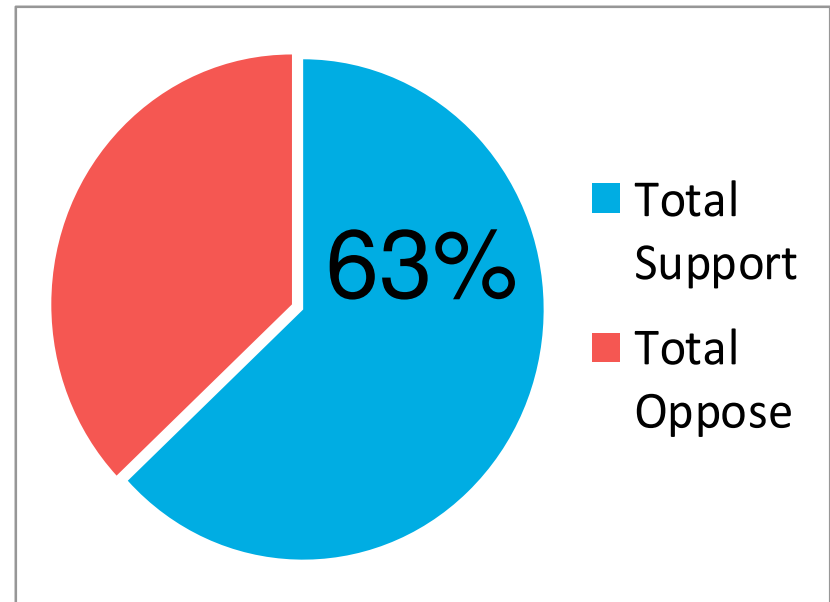


Support for Drug Paraphernalia Plug-in

Los Angeles County Voters

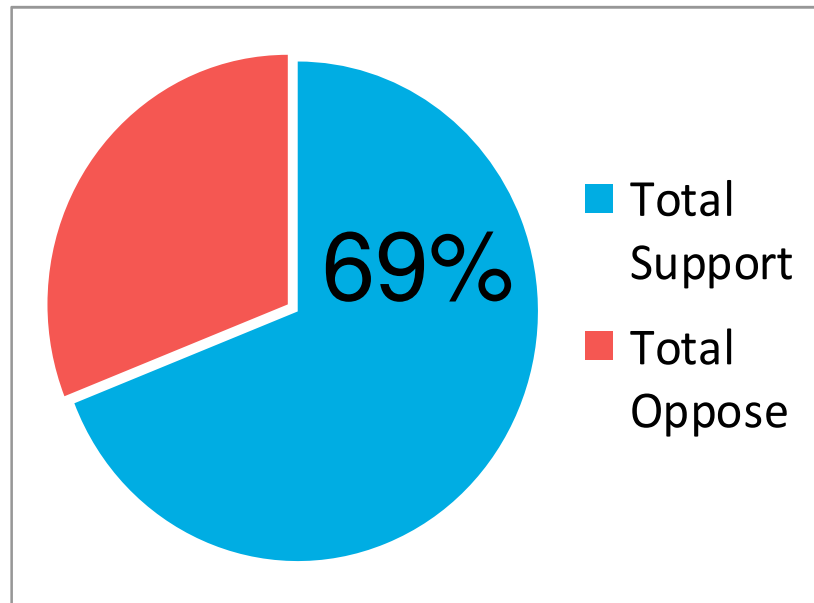


Santa Clara County Voters



Support for Drug Paraphernalia Plug-in

Rural California Voters



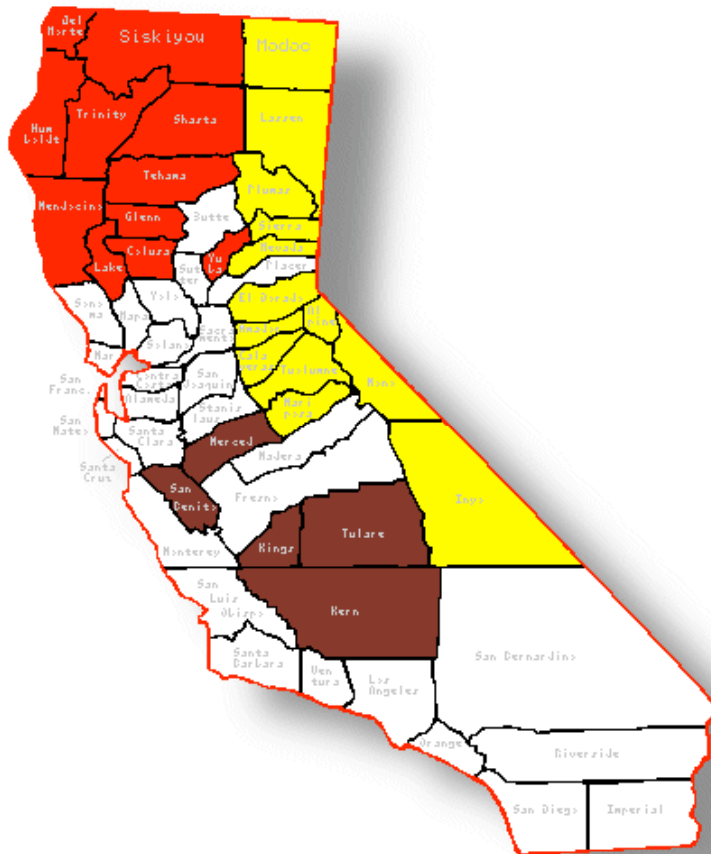
Survey of Rural California Voters



Public Opinion Research Survey: March 2008

Survey of California Rural and Small Town Voters

About Local Tobacco Retailer Licensing Ordinances



Background

The sale of tobacco products to minors is a problem in most cities and counties in the state. Illegal sales by retailers contribute to the lifelong addiction of many youth to tobacco. To combat this problem, many California cities and counties have passed or are considering passing a tobacco retailer licensing ordinance.

In March 2008, the Center for Tobacco Policy & Organizing commissioned a survey of 945 California rural and small town voters to gauge the level of support for a licensing ordinance and to identify the unique challenges for getting an ordinance adopted in rural communities. The survey was conducted by Goodwin Simon Victoria Research. Complete survey results are available at www.Center4TobaccoPolicy.org/polling-rural.

Summary of Key Findings

Provisions of a Tobacco Retailer Licensing Ordinance

California rural voters understand the need for a tobacco retailer licensing ordinance and are supportive of a licensing ordinance and the different provisions of such a law:

- 50% feel that it is easy for minors to buy cigarettes at local retail stores
- 78% support requiring store owners to get a license to sell cigarettes
- 66% feel that a fee of \$200 a year for the license is either "too low" or "about right"
- 91% agree that a store owner who repeatedly sells cigarettes to minors should no longer have the right to sell cigarettes
- 84% think that increasing the penalties, such as suspension and revocation of the license, on retailers for each new violation is either too mild or about right as a punishment
- 69% would be more inclined to support a licensing ordinance if it included a provision to not allow stores that sell methamphetamine (meth) pipes to obtain a license. This includes about half of those who earlier in the survey were opposed to a local tobacco license.

Statements For and Against a Tobacco Retailer Licensing Ordinance

California rural voters are receptive to statements in favor of a licensing ordinance. At least 75% of voters thought that all eight arguments given in the survey were important reasons to support a licensing ordinance. The four statements rated as most important are listed below:

- 86% -- There is no more effective way to improve the health of the community than through reducing smoking, especially among teens
- 83% -- These laws really work, because communities that have adopted a licensing ordinance have seen sales of cigarettes to minors decrease
- 81% -- A licensing ordinance sends the message that smoking is not okay for minors and that the community is not going to allow it
- 80% -- If you can stop the easy access of minors to cigarettes then teen smoking can be reduced

Fewer rural voters feel that the reasons against adopting a licensing ordinance are important. The three statements rated as most important are listed below:

- 64% -- It is not fair to blame the store owners; teens and parents should be held accountable
- 54% -- A new layer of taxes and bureaucracy is too much
- 52% -- A licensing ordinance could end up punishing everyone by shutting down local small grocery stores in areas where they are few and far between

Drug Paraphernalia Plug-in Campaigns





Using Tobacco Retailer Licensing to Provide Penalties for Violation of State Drug Paraphernalia Laws

June 2009

Methamphetamine (meth) addiction is one of California's top drug problems, ruining lives, generating crime and violence, and worsening other public health crises like HIV infection.¹ A new legal tool can help reduce sales of drug paraphernalia related to meth use by allowing communities to insert a provision into a local tobacco retailer licensing ordinance to make violations of state laws regarding drug paraphernalia a violation of a tobacco retailer license.

The rationale for connecting drug paraphernalia enforcement with enforcing tobacco laws is that retailers of drug paraphernalia commonly sell cigarettes and they often claim that their drug paraphernalia is tobacco paraphernalia.

What is a tobacco retailer license?

To combat the problem of illegal sale of tobacco products to minors, many California cities and counties have passed a tobacco retailer licensing ordinance. This ordinance requires all tobacco retailers to obtain a license to sell tobacco products and can be used to encourage tobacco retailers to comply with all federal, state, and local laws relating to tobacco. When a retailer illegally sells tobacco products to a minor, they are not only violating state law (Penal Code section 308 or the STAKE Act), they are also violating their local license. The consequence of violating the law against selling tobacco to minors is the suspension of the retailer's local tobacco license. Model language for a tobacco retailer licensing ordinance is available at: talc.phlpnet.org/pdf_files/0018.pdf.

What is the state law regarding sales of drug paraphernalia?

Although selling tobacco paraphernalia is legal (e.g., a lighter, matches), California does prohibit the sale of "drug paraphernalia," defined as items that are "designed for use" or "marketed for use" with drugs.² Selling "drug paraphernalia" is illegal under state law if there is reason to know that the item will be used for taking drugs.³ State law also prohibits local governments from enacting an ordinance that directly regulates sales of drug paraphernalia.⁴

What is the connection between tobacco retailer licenses and reducing sales of drug paraphernalia?

Since all retailers who sell any kind of tobacco paraphernalia should be required to obtain a license, another condition can be placed on tobacco retailers in order to protect local health, safety, and welfare: the retailer must comply with all state laws regarding drug paraphernalia. This condition must be included in the licensing ordinance itself.

If compliance checks reveal that the retailer is selling items that constitute "drug paraphernalia" (e.g., a city agent purchases a "meth pipe"), the retailer is not only violating state law, but is also violating its tobacco license, which can then be suspended or revoked. Enforcement proceedings happen the same way as if the retailer were caught selling tobacco to a minor. For example, the city can hold an administrative hearing and introduce evidence of the sale of the illegal meth pipe. This evidence can take many forms, but often the best evidence will be the item which was purchased. The retailer will have the opportunity to present evidence of its own (probably claiming that the item is "tobacco paraphernalia" rather than illegal "drug paraphernalia"), and afterward the hearing officer will make a decision, such as suspending the retailer's license for a certain number of days.

Drug Paraphernalia Plug-ins in California



Grass Valley

Richmond

Oakland

Union City

Riverbank

Santa Cruz County

Watsonville

Firebaugh

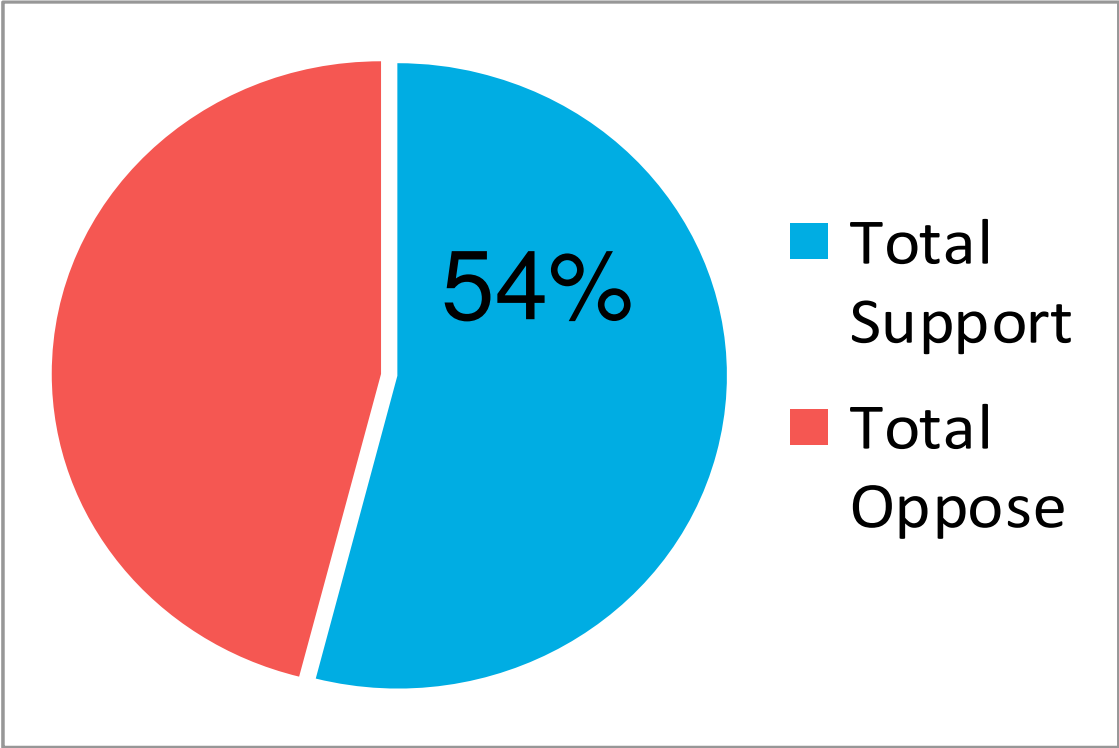
Montebello

Eliminate Sales of Individual Little Cigars and Cigarillos



Support for Eliminating Single Sales of Little Cigars

California Voters



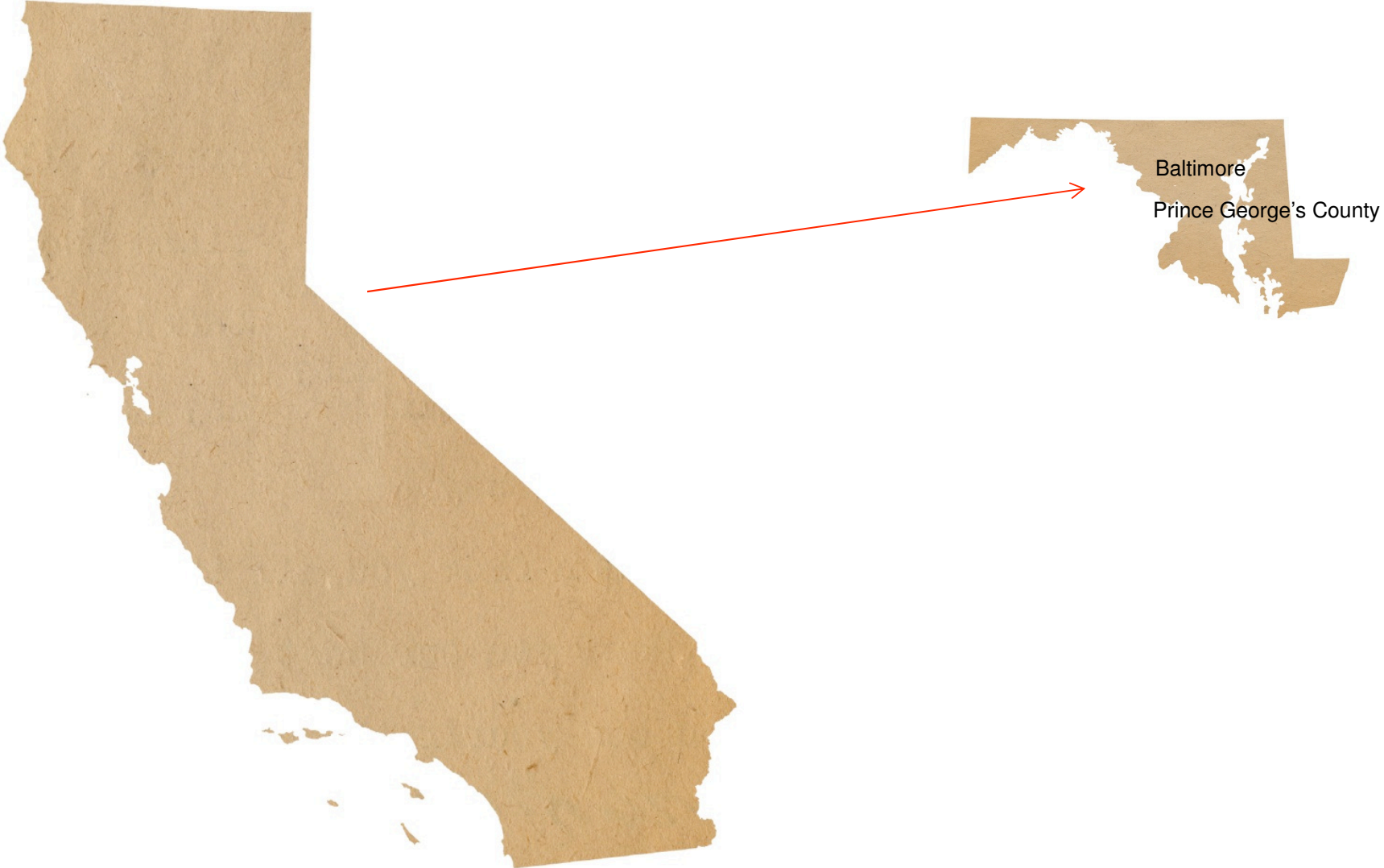
Eliminating Single Sales of Little Cigars Campaigns



Eliminating Single Sales of Little Cigars in California



Eliminating Single Sales of Little Cigars in California







for Tobacco Policy
& Organizing

† AMERICAN LUNG ASSOCIATION.
IN CALIFORNIA



**AMERICAN
LUNG
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IN CALIFORNIA

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www.Center4TobaccoPolicy.org/Blog

How Plug-ins Can Create Momentum for Tobacco Retail Licensing (TRL):

*How Watsonville Became the First Jurisdiction In
Santa Cruz County to Adopt TRL*

Over 7 years of struggling...

Elected Officials showed little interest in TRL in Santa Cruz County for over 7 years.

A seemingly unrelated event led to TRL adoption...

Weapons, drug paraphernalia seized from three local cigarette stores

By JON CHOWN

OF THE REGISTER-PAJARONIAN

Watsonville police confiscated more than 150 illegal knives and a dozen pairs of brass knuckles Monday morning from a chain of discount cigarette stores in Watsonville.

Three stores, Discount Cigarettes at 218 Freedom Blvd. and 1938 Main St. and Cigarette City at 1441 Freedom Blvd., were allegedly selling switchblade knives, spring-loaded buck knives, butterfly knives, brass knuckles and



happy to comply with the police. He said if the city objected to what he was selling and wanted to make new restrictions, he would happily comply with those as well.

"We always check ID," he said. "I'm very disappointed we had employees who sold to minors. It's terrible for everyone."

Pajaro Valley Unified School District Trustee Sandra Nichols said Monday that she was the person who had re-



The media loved the story...

“Cartons of smokes share shelf space with soft-pellet guns that replicate more deadly assault weapons.”

Page A8 — REGISTER-PAJARONIAN, Tuesday, March 16, 2010



Tarmo Hannula/Register-Pajaronian

ABOVE: Cigarette City, 1441 Freedom Blvd., was one business from which police reportedly confiscated numerous illegal weapons, smoking pipes and other goods. The owner is cooperating with police. **BELOW:** Police obtained several styles of brass knuckles, including many with built-in blades.

WEAPONS

From page A1

something should still be done about some of the other items there.”

City Councilman Emilio Martinez said he plans to get the issue on an agenda soon.

“This is really unfortunate because we have a lot of stabbings in Watsonville. these businesses need a lot more scrutiny,” Martinez said. “This is shocking and outrageous.”



News Quotes

“This is really unfortunate because we have a lot of stabbings in Watsonville. These businesses need a lot more scrutiny. This is shocking and outrageous.”

- City Council Member Martinez

News Quotes

"The array of knives blows you out of the water, some 12 inches or longer. You begin to wonder about stores like this, carrying a message that would be viewed by alarm in our community."

- Planning Commissioner Rhea DeHart

Can we make a connection to TRL?

- **Provide funding for increased police presence in the community.**
- **Help enforce state drug paraphernalia laws. (Plug-in)**

More Headlines

3/18/2010 SELLING TO MINORS
Sting lends momentum to tobacco licensing proposal

*Switchblades,
brass knuckles
help sell
cigarettes*

FRIDAY March 19, 2010

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AS WE SEE IT

Selling more than tobacco

*Uproar over store bust shows
need for more oversight*

The Community Speaks Out

- Coalition writes letter to Watsonville City Council
- Community speaks at City Council & Board of Supervisors meetings



◆
Co-Chair
Richard Salazar

March 18, 2010

Mayor and City Council Members
City of Watsonville
275 Main St., Suite 400 (4th Floor)
Watsonville, CA 95076

Re: Tobacco stores selling tobacco, weapons, and drug paraphernalia to minors

Dear Mayor and City Council Members:

The Santa Cruz County Tobacco Education Coalition is very concerned about the tobacco stores that sold cigarettes, illegal weapons, and drug paraphernalia to minors. We applaud the Watsonville Police Department for discovering these serious violations of the law that threaten the health and safety of the community.

Watsonville imposes tobacco license fees

City is first in Santa Cruz County to do so

- Adopted August 2010.
- Staff report references weapon & drug seizure, the resulting media attention, and the community outcry.

Ordinance includes drug paraphernalia provision

- As part of the application, the proprietor must submit a signed statement that no drug paraphernalia is or will be sold for which the license is sought.

Snowball Effect:

Other jurisdictions don't want to be left behind.



Youth Sales Rates Increase

- Increase by 60% between 2008 and 2010.
- Makes front page news.



Where We Are Now

- Board of Supervisors passed TRL in April, 2011 – includes drug paraphernalia provision
- City of Santa Cruz and Capitola expected to consider next

In summary...

- The Watsonville City Council became interested in TRL because of other issues in the community (drugs, weapons, gangs).
- TRL & the drug paraphernalia plug-in gave the City a tool to address other issues.
- Created momentum countywide for TRL.