



City of
SACRAMENTO

TOBACCO RETAIL LICENSING PROGRAM

April 16, 2019

PROPOSED ORDINANCE

1. Flavored tobacco provisions:

- Prohibits the sale of flavored tobacco products including any tobacco product that imparts a characterizing flavor

2. Update the definition of tobacco products to include electronic cigarettes

- Defined in the ordinance as, “...a device that delivers nicotine or other vaporized liquids to person inhaling from the device including, but not limited to, an electronic cigarette, cigar, pipe, or hookah and any component part or accessory of a tobacco product...(B&PC 22950.5)”

PROPOSED ORDINANCE

3. Incorporate a proximity requirement between tobacco retailers that would prohibit a new tobacco license within 1,000 feet of an existing retailer

Current tobacco retailers can continue to operate and renew their annual non-transferable license if:

- A license is obtained and renewed without lapse or revocation
- A retailer does not cease tobacco retailing for more than 60 consecutive days or does not close for business
- A retailer does not substantially change the business premises or business operation for the purpose of increasing the sale or display of tobacco products

Applies to 304 of the 383 tobacco retailers

PROPOSED ORDINANCE

4. Update City Code to reflect recent changes made to state law including:
 - Raising the age to purchase tobacco from 18 to 21
 - Prohibiting the sale of tobacco without a license
 - Requiring the removal of tobacco, tobacco products and tobacco paraphernalia from public view during a suspension and revocation period
 - Requiring an appeal fee with an appeal

STAKEHOLDERS

POLICY ADVOCATES	TOBACCO INDUSTRY
<ul style="list-style-type: none"><li data-bbox="244 486 1225 596">• Sacramento County Tobacco Control Coalition<li data-bbox="244 644 970 696">• Saving Our Legacy Project	<ul style="list-style-type: none"><li data-bbox="1302 486 2117 596">• JUUL (the electronic cigarette manufacturer)<li data-bbox="1302 644 2142 753">• The American Petroleum and Convenience Store Association<li data-bbox="1302 801 2206 911">• California Fuels and Convenience Alliance

ECONOMIC IMPACT

Financial impact to the *City of* SACRAMENTO :

- Information was not available because sales and business tax data are not collected by category
- Tobacco industry (R.J. Reynolds Tobacco Company) projects \$2.3 million in local sales tax lost annually

Financial impact to the Sacramento tobacco industry:

- Over \$111 million in flavored tobacco product sales
- \$20 million in ancillary sales

IMPACT TO YOUTH

NEIGHBORING DATA

While data reflecting the impact of flavored products on youth here in Sacramento was not immediately available, a recent study conducted by a UCSF Professor provided surveillance data at 12 Bay Area high schools.

The study provides results on the collection of discarded JUUL pod caps, packaging from flavored cigarillos, and cigarette butts from the 12 schools.

Mock, J, Hendlin YH (2019) Converting Toxic JUUL Waste at High Schools into Policy Action and Educational Initiatives with Students.

IMPACT TO YOUTH

NEIGHBORING DATA

JUUL Pod and Cap Waste Collected at One Bay Area High School
(Bluegreen = JUUL "Cool Mint", Green = JUUL "Cucumber", Orange = JUUL "Mango", Beige = JUUL "Creme", Red = JUUL "Fruit", Dark Brown = "Classic Tobacco")



99% of JUUL pod caps collected were flavored

Cigarette Butts Collected at One Bay Area High School, 1/3 Menthol



Cigarette butts collected at 11 of the 12 high schools and 41% of identifiable butts were from menthol cigarettes.

Mock, J, Hendlin YH (2019) Converting Toxic JUUL Waste at High Schools into Policy Action and Educational Initiatives with Students.

OUTCOME OF POLICY

A case study evaluating New York City's 2010 flavored tobacco product ban (which did not include mentholated cigarettes) found that three years after its implementation:

- 20% decrease in youth that reported ever using flavored tobacco products
- Youth surveyed had 28% lower odds of ever using any type of tobacco products as compared to the percent of youth prior to the ban

IMPLEMENTATION OF ORDINANCE

Per tobacco representatives (RKF Consulting):

- 12 – 18 month to deplete flavored products
- Flavored tobacco products, including flavored vape products, account for 85 – 90% of sales for most retailers

Staff surveyed 14 municipalities throughout the state that adopted similar regulations and found that majority provided a grace period between 7 month to 2 years to deplete flavored tobacco inventory.

Municipalities surveyed include: Yolo County, Contra Costa County, City and County of San Francisco, City of San Leandro, City of Oakland, City of Berkeley, and more.

STAFF RECOMMENDATION

In summary, staff recommendation that council adopt an ordinance revising Chapter 5.138 of the Sacramento City Code relating to Tobacco Retailers