City of San Leandro



Tobacco Policy Discussion January 18, 2022

Existing Tobacco Policy in San Leandro (adopted in 2017)

• <u>Applicability</u>:

The Tobacco Retailers Ordinance applies to any business that sells:

- Electronic cigarettes
- Electronic cigarette products
- Electronic cigarette paraphernalia
- ➤Tobacco products
- ➤Tobacco paraphernalia

TOBACCO RETAILERS LICENSE INFORMATION SESSIONS

Existing City Regulations

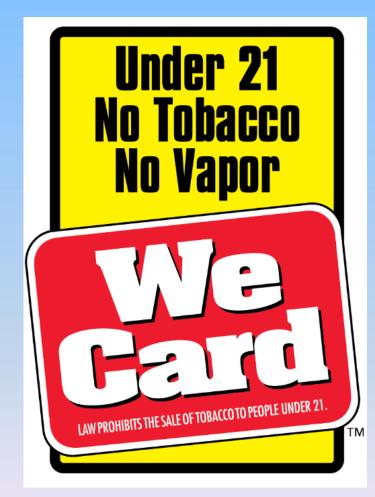
General Provisions:

>All tobacco retailers must obtain <u>both</u> a state and local tobacco retailers license

- Includes businesses that sell electronic cigarettes
- Requires retailers to secure a new TRL upon sale or transfer of business (current local fee = \$500/year)
- Prohibits sales of <u>all</u> flavored tobacco or nicotine-infused products (except menthol cigarettes)
- <u>Cigar Sales:</u>
 - Must be in a package of five Cigars costing at least \$7
 - ➤Exception for "premium cigars" valued in excess of \$5
 - Sale of flavored cigars prohibited
- <u>Electronic Cigarette Products:</u>
 - ➤Sale of flavored electronic cigarette products prohibited
 - ✓ Includes products without nicotine

Existing City Regulations

- Penalties for Violations:
 - Ist Violation: Written warning and thirty days to cure the violation
 - ➢2nd Violation: \$2,500 penalty
 - ➢ 3rd Violation: License suspended for 20 days
 - 4th Violation: License revoked and license cannot be issued to retailer or for the retail location for three years



Prior Council & Rules Committee direction

October 27, 2020 Rules Committee:

Develop new regulations with the following provisions:

- Ban pharmacies from selling tobacco
- Require point-of-sale system at registers for new TRLS ONLY that requires entry of a birth date or scanning of a driver license
- Impose a total cap on the number of TRLs citywide (using a formula based on population), while grandfathering all existing TRL locations
- Prohibit new TRLs in proximity to schools

January 19, 2021 City Council meeting Item 14 request:

• Schedule future discussion of menthol cigarette sales ban

May 26, 2021 Rules Committee Meeting:

Schedule a roundtable forum that includes health advocates and retailers

July 20, 2021 Tobacco Policy Roundtable Forum

Forum held

October 27, 2021 Rules Committee Meeting

 Committee votes unanimously to recommend banning menthol cigarette sales effective January 1, 2023

State Context

- SB 793 (statewide flavor ban) signed into law in August 2020
- Referendum filed with Secretary of State
 - To appear on November 2022 statewide ballot
- If affirmed by voters, statewide flavor ban will go into effect

Regional context in Alameda County

Cities with full ban on flavored products

- Albany (2019)
- Alameda (2018)
- Berkeley (2019)
- Dublin (2020)
- Fremont (2019)
- Hayward (2020)
- Oakland (2020)
- Pleasanton (2020)
- Livermore (2019)
- Unincorporated area (2020)

Cities without out full ban

- Emeryville
- Piedmont
- San Leandro (2017) *
- Newark
- Union City (2010) *

*TRL with partial restrictions

Rules Committee Recommendation

 Adopt proposed ordinance, which bans menthol cigarette sales effective January 1, 2022