City of San Leandro



Tobacco Policy Discussion January 18, 2022

Existing Tobacco Policy in San Leandro (adopted in 2017)

Applicability:

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 both 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 all flavored tobacco or nicotine-infused products (except menthol cigarettes)

Cigar Sales:

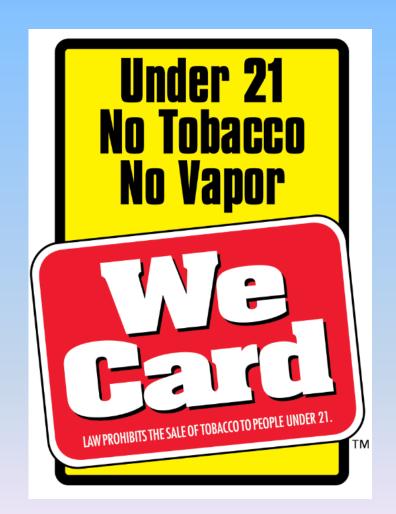
- ➤ Must be in a package of five Cigars costing at least \$7
- Exception for "premium cigars" valued in excess of \$5
- ➤ Sale of flavored cigars prohibited

<u>Electronic Cigarette Products:</u>

- ➤ Sale of flavored electronic cigarette products prohibited
 - ✓ Includes products without nicotine

Existing City Regulations

- Penalties for Violations:
 - ➤ 1st 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, 2023