

City of San Leandro Rules Committee



Tobacco Retail Licensing policy
October 27, 2021

Existing Federal & State Law

- Prohibits the sale or furnishing of cigarettes (including electronic cigarettes), tobacco products, and smoking paraphernalia to anyone under the age of 21;
- Requires that retailers post conspicuous notices stating that selling tobacco products to anyone under 21 years of age is illegal
- Prohibits sale of tobacco products and paraphernalia through self-service displays with limited exceptions
- Prohibits the sale of “bidis” (filter-less cigarettes wrapped in temburni or tendu leaf) except in adult-only establishments
- Prohibits the manufacture, distribution, or sale of cigarettes in packages of less than 20 and prohibits manufacture, distribution, or sale of “roll-your-own” tobacco in packages containing less than 0.60 ounces of tobacco
- Prohibits the sale of flavored cigarettes (except menthol)
- April 2021: Biden Administration announces *proposal* to seek nationwide ban on flavored cigars and menthol cigarettes

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)
- Prohibits non-sale distribution of tobacco and electronic cigarette products
- 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
- Electronic Cigarette Products:
 - 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 or 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:

- Directed staff to schedule a roundtable forum

July 20, 2021 Tobacco Policy Roundtable Forum

- Forum held

State & Regional 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
- Local Considerations:
 - Lack of data
 - Administration & enforcement constraints
 - Insights from neighboring jurisdictions

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

Next Steps

- Q & A
- Policy direction from Committee
- Present ordinance amendment to City Council, based on Committee direction