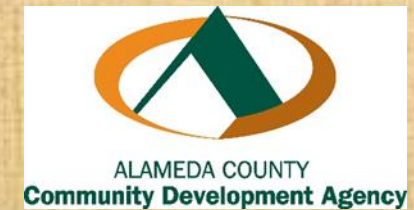




COMPLYING WITH ALAMEDA COUNTY'S TOBACCO RETAIL ORDINANCES



3/18/21 - 2nd Virtual Training to Provide Education and Support to Tobacco Retailers in Unincorporated Alameda County

Agenda

- ❑ Welcome & Introductions
- ❑ Zoom Housekeeping
- ❑ Why Tobacco Retail Regulations?
- ❑ Alameda County's Tobacco Retail Licensing Ordinance
- ❑ Restricted Tobacco Products
- ❑ Questionable Products
- ❑ Cannabis Products
- ❑ Tobacco Retailer License Application Process
- ❑ Q & A



WHY TOBACCO RETAIL REGULATIONS?

Flavored Tobacco Hooks Kids

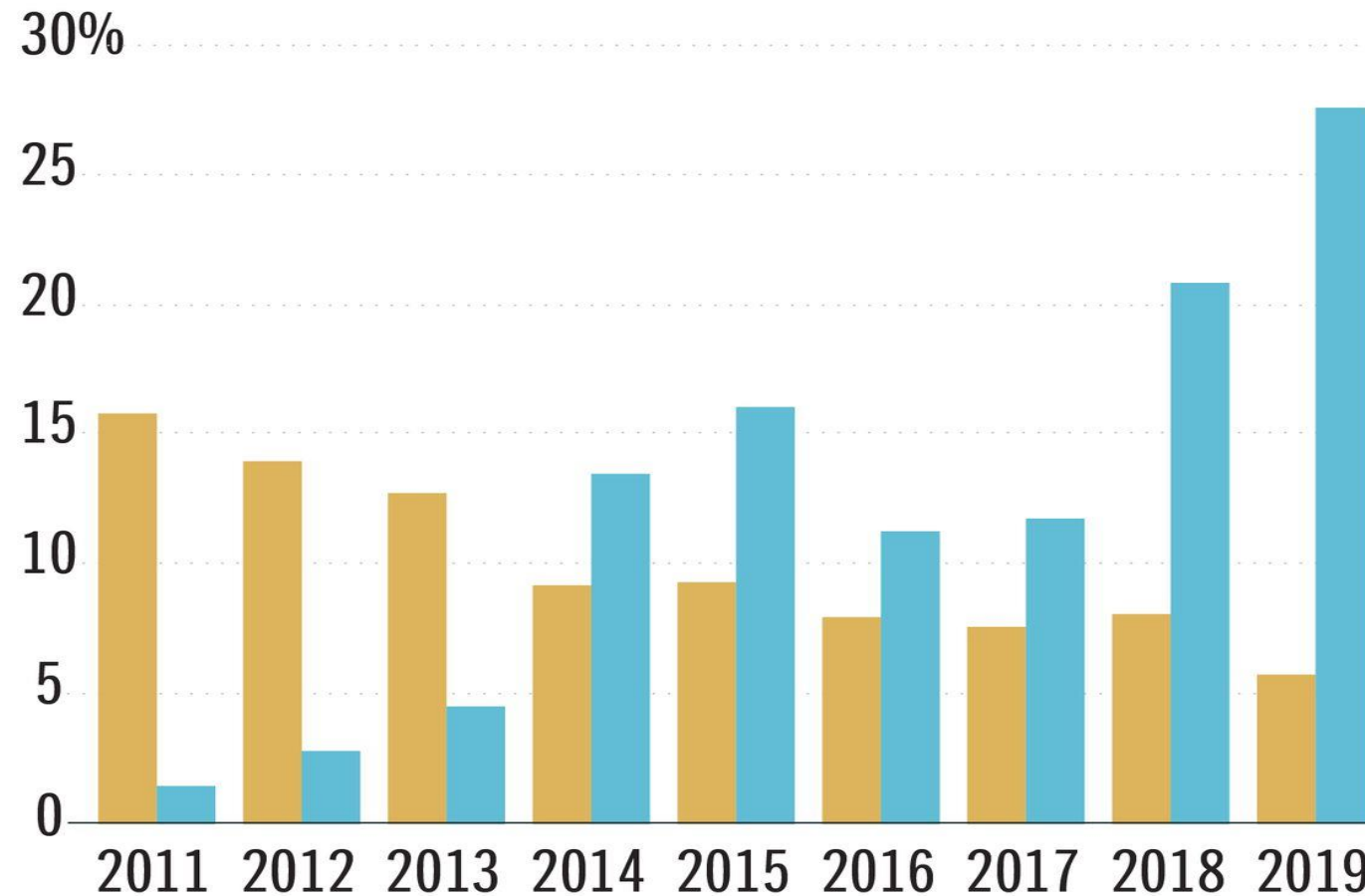
- Over 90% of adult smokers started before age 18
- Flavored tobacco initiates youth tobacco use
 - ▣ 4 out of 5 youth smokers started with a flavored product
 - ▣ Adolescents are more likely than adults to use flavored e-cigs
- Fruit and candy flavors are designed to appeal to youth users by masking the harsh taste of tobacco



Teen e-cigarette use increases

Cigarettes

E-cigarettes



Note: Data from the 2019 National Youth Tobacco Survey conducted of students in grades six through 12. Responses are from within 30 days preceding the administration of the survey.

SOURCES: U.S. Food and Drug Administration, Associated Press

Strong Tobacco Retail Licensing Ordinances Are Effective at Decreasing Youth Tobacco Sales Rates

THE CENTER FOR TOBACCO POLICY & ORGANIZING

Page 2 of 2

Table of youth sales rates before and after the adoption of a strong tobacco retailer licensing ordinance

City/County	Date Passed	Annual Fee	Youth Sales Rate Before Ordinance	Most Recent Youth Sales Rate
Banning	August 2006	\$350	77%	21%
Baldwin Park	October 2008	\$342	34%	9%
Beaumont	December 2006	\$350	63%	20%
Berkeley	December 2002	\$427*	38%	4.2%
Burbank	February 2007	\$235	26.7%	5%
Calabasas	June 2009	\$0*	30.8%	5%
Carpentaria	April 2012	\$379	26%	7%
Coachella	July 2009	\$350	69%	11%
Contra Costa County	January 2003	\$160*	37%	13%
Corona	October 2005	\$350	50%	17%
Davis	August 2007	\$377	30.5%	12%
Delano	June 2008	\$165	23%	5.6%
Desert Hot Springs	August 2007	\$350	48%	4%
El Cajon	June 2004	\$698	40%	1%
Elk Grove	September 2004	\$270	17%	16.7%
Goleta	May 2014	\$534	21%	7%
Grass Valley	November 2009	\$100	27%	0%
Grover Beach	September 2005	\$244	46%	17%
Kern County	November 2006	\$165	34%	13.3%
La Canada Flintridge	June 2009	\$50*	47.1%	0%
Los Angeles County	December 2007	\$235	30.6%	8%
Morgan Hill	April 2014	\$125	15%	0%



**ALAMEDA COUNTY'S
TOBACCO RETAILER
LICENSING (TRL)
ORDINANCE**

Overview of Adopted TRL Ordinance

- **Purpose is to reduce youth access to tobacco**, and to limit negative public health effects of tobacco use.
- Requires businesses in Unincorporated Alameda County that sell tobacco to **obtain a local license annually** to sell tobacco.
- **Provides enforcement mechanism**; holds retailers accountable to comply with local requirements, as well as state and federal tobacco laws.



Overview of Adopted Ordinances

- TRL ordinance adopted by Board of Supervisors on January 14, 2020
- Ordinance prohibiting the sale of all Electronic Smoking Devices adopted by Board on March 10, 2020
- Enforcement of both laws began: **September 6, 2020**



Local TRL Requirements *



- **No selling tobacco without a valid local TRL**
- **Obtain license annually in order to sell tobacco**
- **Comply with all federal and state tobacco laws**
- **Prohibited the sale of all flavored tobacco products**
 - ▣ Includes menthol cigarettes, flavored little cigars/cigarillos, flavored e-cigs

* Applies to areas of Unincorporated Alameda County

Local TRL Requirements *



- **Created pricing requirements for the sale of tobacco:**
 - ▣ Established a minimum sales price of \$8.00 per package of cigarettes, little cigars and single cigars (including taxes)
 - ▣ Established a minimum package size of at least 20 little cigars
 - ▣ Prohibited the redemption of tobacco discounts and coupons

* Applies to areas of Unincorporated Alameda County

Local TRL Requirements *



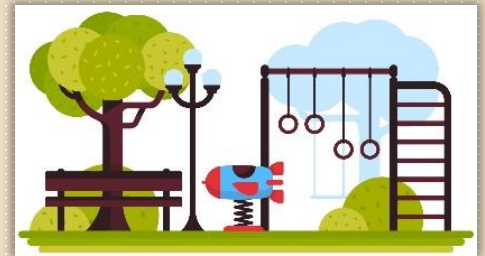
- **Created tobacco retailing density requirements:**
 - ▣ Prohibited tobacco sales (**new retailers**) within 1,000 ft of youth populated areas and 500 feet of existing tobacco retailers
 - ▣ Limited the total number of tobacco retail licenses to 1 per 2,500 residents

- **Prohibited pharmacies from obtaining a TRL**

* Applies to areas of Unincorporated Alameda County

Retailer Proximity to Youth-Populated Areas

- Youth-Populated Areas include:
 - Schools (private or public K-12)
 - Libraries
 - Parks
 - Playgrounds
 - Youth centers
 - Recreation facilities
 - Licensed child-care facilities or preschools



Penalties: Suspensions or Revocation

During Any 5-Year Period

- 1st violation – 30-day license suspension + \$250 fine
 - 2nd violation – 90-day license suspension + \$500 fine
 - 3rd violation – 1-year license suspension + \$1,000 fine
 - 4th violation – license revocation
-
- Retailers alleged to have violated the ordinance may request a hearing before the Board of Zoning Adjustments.
 - Violations stay on a retailer's record for 5 years.



Definitions



What is a “flavored tobacco product?”

- Any tobacco product which imparts a characterizing flavor.



What is a “tobacco product?”

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption
2. Any Electronic Smoking Device
3. Includes any component, part, or accessory intended or reasonably expected to be used with a tobacco product
4. Does not include products authorized for sale by the FDA

What is a “characterizing flavor?”

- A “Characterizing flavor” is a taste or aroma, other than the taste or aroma of tobacco.
- This includes tobacco products described as “sweet” or “spicy.”

EXAMPLES:

Fruit or sweet		Liquor	Mint
Apple	Gummy Bear	Amaretto	Frost
Berry	Pineapple	Bourbon	Menthol
Blueberry	Honey	Caribbean Peach Rum	Peppermint
Cherry	Java	Cognac	Spearmint
Chocolate	Mango	Honey Bourbon	Wintergreen
Cinnamon	Peach	Irish Cream	Winterchill
Cream	Spice	Moonshine	
Dulce De Leche	Sour Apple	Peach Schnapps	
Fruit Punch	Sweet Vanilla	Piña Colada	
Grape (white, red)	Raspberry Cream	Rozay Wine	
Green Sweet		Scotch	
		Spiced Rum	
		Tequila	
		Watermelon Rum	
		Whiskey	
		Wine Grape	

Prohibition of Tobacco Product Coupons & Discounts

- No retailer may honor or redeem a coupon to allow a consumer to purchase a tobacco product for less than the full retail price
 - Coupon means any voucher, rebate,... whether in paper, digital, or other form,... to obtain an article, product,... without charge or at a discounted price.



Electronic Smoking Device (ESD) Ordinance

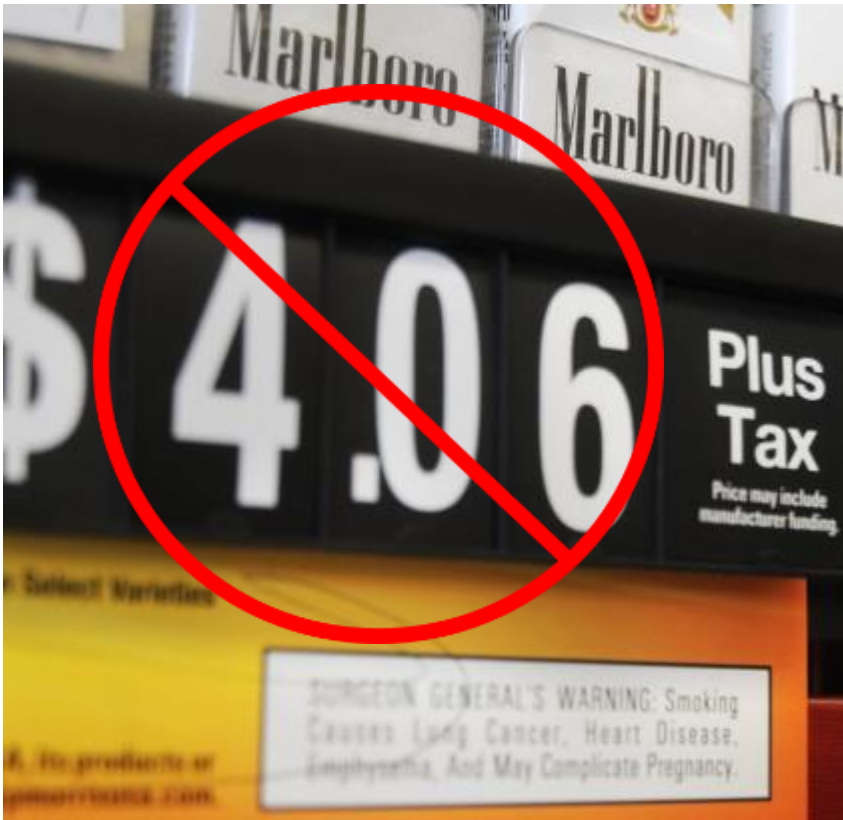


- ❑ Prohibited the sale of all ESDs
- ❑ Adopted on 3/10/20
 - Includes all e-cigs/vapes, e-juices, e-devices
 - Does not include FDA-approved cessation products
 - Does not regulate cannabis devices
 - Enforcement began September 6, 2020
 - Other Alameda County jurisdictions with an ESD ordinance:
 - Livermore, Dublin, Hayward, & Pleasanton



RESTRICTED TOBACCO PRODUCTS

Cigarettes



- The sale of cigarettes for less than **eight dollars (\$8.00)** including tax is prohibited.
- This includes, but is not limited to popular brands such as:
 - Marlboro
 - Camel
 - Pall Mall

Menthol Cigarettes



- The sale of menthol cigarettes is prohibited.
- This includes, but is not limited to popular brands such as:
 - Kool
 - Camel Crush
 - American Spirit
 - Marlboro NXT
 - Pall Mall
 - Newport

Snus



- The sale of flavored snus is prohibited.
- This includes, but is not limited to popular brands such as:
 - Marlboro
 - Camel
 - General

Chewing Tobacco



- The sale of flavored chewing/smokeless tobacco is prohibited.
- This includes, but is not limited to popular brands such as:
 - Copenhagen
 - Longhorn
 - Grizzly
 - Skoal
 - Klondike

Cigars



M.J. Frias
M.J. Frias Churchill Natural Single Cigar
\$3.00

- The sale of flavored cigars is prohibited.
- Little cigars will need to be sold in package sizes of 20 or more and priced at eight dollars (\$8.00) or more.
- The sale of single large cigars for less than eight dollars (\$8.00) is prohibited.

Blunt wraps



- The sale of flavored blunt wraps is prohibited.
- This includes, but is not limited to popular brands such as:
 - Zig-Zag
 - Royal Blunts
 - Juicy, Phillies
 - Backwoods
 - White Owl

Hookah



- The sale of flavored hookah is prohibited.
- This includes, but is not limited to popular brands such as:
 - Starbuzz
 - Al Fakher
 - Social Smoke
 - Fumari
 - Nakhla

Electronic Smoking Devices (ESD)



- The sale of flavored ESDs is prohibited.
- The sale of flavored **e-liquid and pods** for ESDs are also prohibited.
- This includes, but is not limited to popular brands such as:
 - Puff Bars
 - Juul
 - blu
 - Vuse
 - Blue Voodoo e-liquid
 - I Love Cookies Too e-liquid



E-cigarettes

Vape pens

Mods/tanks

The sale of all electronic smoking devices (including parts and accessories) was prohibited starting **September 6, 2020**.



Cigalikes



E-Hookahs



Cartridges



Box mod

Includes cigalikes, e-hookah, e-cigars, batteries and cartridges



QUESTIONABLE PRODUCTS

What about these products?



Flavored Tobacco Products:

- Black & Mild Casino
- Backwoods Stout
- Backwoods Russian Cream

Non-Flavored Tobacco Products

- Dutch Silver
- Orange Zig Zag rolling paper

How to check?

- Ask your distributor
- Contact Code Enforcement
- Contact the Tobacco Control Program

Frequently Asked About Products



Note: These are examples of flavored tobacco products, not an exhaustive list



CANNABIS PRODUCTS

What about cannabis products?



Tobacco Retailers

- Cannot sell cannabis products, including cannabis electronic smoking devices.

County-Permitted Cannabis Retailers

- Can sell cannabis products and accessories (ESDs, CBD liquid, etc.)
- Cannot sell tobacco products



CONTACT

Alameda County Tobacco Control Program

- **Austin Wingate, Management Associate**
Austin.Wingate@acgov.org
(510)-208-5905

Alameda County Planning Department, Community Development Agency

- **Edward Labayog, Senior Code Enforcement Investigator**
Edward.Labayog@acgov.org
(510)-670-6556



ALAMEDA COUNTY
Community Development Agency

