Attachment 4: Summary of Proposed Updates to the County of Sonoma Tobacco Retail License Policy, 2023.

These are the proposed changes to the County of Sonoma's tobacco retail license (TRL). These draw from model policy language prepared by the Public Health Law Center* that considers state and federal minimum standards, best practices in public health policy, and the practicality of implementation for local governments in California.

In the chart below, proposed changes are noted as major, minor, and administrative. Also, parity with local policies is noted. Research-based *Findings and Purpose* statements demonstrate the public health reasoning for the policy change.

Policy Element/Section	Local Policy Alignment and Findings and Purpose Statements
Major Changes	

ADD: No sale of electronic smoking ~~devices, including e-cigarettes~~ in tobacco retail locations. SC Code Section: 32A-4 (b)	Parity with Petaluma, Sebastopol, and Windsor.
	• Minors are able to access e-cigarettes, as evidenced by:
	  ○ In Sonoma County, 46% of 11th graders have used an e-cigarette and 29% report use in the past thirty (30) days.
	  ○ In Sonoma County, 76% of 11th graders report that it is "fairly" or "very" easy to obtain e-cigarettes.
	• E-cigarette waste is a serious environmental threat since e-cigarettes introduce plastic, nicotine salts, heavy metals, lead, mercury, and flammable lithium-ion batteries into waterways, soil and to wildlife.
	• A 2022 waste characterization study conducted at Sonoma County's central landfill found that e-cigarettes accounted for 70 tons of waste in our local landfill.

ADD: No sale of flavored tobacco products. 32A-4 (a)	Parity: Petaluma, Sebastopol, and Windsor State Law: proposed language is stronger than the state law (SB 793) • Laws prohibiting the sale of flavored tobacco products lead to decreases in youth tobacco use, as evidenced by the following study findings:

	○ New York City's law, which prohibits the sale of all flavored tobacco (excluding menthol) resulted in youth having 37% lower odds of ever trying flavored tobacco products and 28% lower odds of ever using any type of tobacco; and ○ Providence, Rhode Island's law, which prohibits the sale of all flavored tobacco (excluding menthol), resulted in a decline in *current use* of any tobacco product among high school youth from 22% to 12% and e-cigarette use declined from 13.3% to 6.6%, even as statewide e-cigarette use among high schoolers increased to more than 20%.
ADD: No acceptance of price promotions (discounts/coupons) for tobacco products. SC Code Section: 32A-5 (d)	Parity with Petaluma, Sebastopol, and Windsor. ● Tobacco companies decrease the price of their products in order to counter state taxes and local tobacco control efforts. This tactic is appealing to price-sensitive consumers and results in increased demand for tobacco products. Billions of dollars are spent on discounting and coupons as a major part of tobacco companies' marketing expenditures. For example, in 2018 tobacco companies spent the majority of their cigarette marketing budgets on price discounts, accounting for nearly $6.2 billion of $8.6 billion advertising and promotional expenditures. ● The tobacco industry's price discounting strategies, such as coupons and multiple-package discounts, are popular among consumers, with more than half of adult tobacco users accessing some price minimization strategy. Coupon receipt and redemption appears more prevalent among white, younger, female, sexual minority, and more nicotine dependent smokers. ● Price-discounted sales account for a substantial proportion of overall tobacco product sales.
ADD: Minimum pack size: Little Cigars (5). SC Code Section: 32A-5 (e)	Parity with Petaluma, Sebastopol, and Windsor. ● Although federal and state law ban the sale of individual cigarettes, neither federal nor California state laws restrict the sale of individual little cigars and cigars. ● More than half (56%) of Sonoma County retailers sell little cigars individually, making them more affordable and appealing to youth.
ADD: Increase minimum price from $7 to $10. SC Code Section: 32A-5 (f)	Parity with Petaluma and Sebastopol. Windsor Town Council indicated it would increase the minimum price to $10 if the County Board of Supervisors did so first. ● 78.3% of California tobacco retailers sell a popular brand of youth-friendly cigars for less than $1.00;

	• Studies have estimated that if price discounts were prohibited across the United States, the number of people who smoke would decrease by more than 13%; the impact of a $10 federal minimum floor price for cigarettes could reduce the number of packs sold in the United States by 5.7 billion per year and prompt more than 10 million smokers to quit; and that a state-level minimum floor price law designed to raise the average price of cigarette packs by just under $2.00 could decrease the prevalence of cigarette use and consumption by more than 4% and reduce income-based smoking disparities in California. • Among County Unincorporated retailers the average lowest price of cigarettes is $8.80 and the average lowest price of a pack of 5 little cigars is $7.65 (data collected in 2021).
ADD: No new retail location licensed within: 1,000 ft of a park, 1,000ft of a preschool, and 500 ft of another retailer. SC Code Section: 32A-6 (e-f)	Parity: Petaluma, Sebastopol, and Windsor (Parks and Preschools) and Petaluma (Other Tobacco Retailers)
	• High density of tobacco retailers has been associated with increased smoking rates, particularly among youth. • A study of California neighborhoods found that the density and proximity of tobacco retailers influence smoking behaviors, including the number of cigarettes smoked per day.
ADD: Only allow sales of tobacco products at the physical licensed location. SC Code Section: 32A-3 (h)	Parity with Petaluma and Sebastopol.
	Limits sales of tobacco products to in-person sales only at the licensed business location. Customers can continue to order and pick up in store the products allowed by the law. Sets limits for online sales, sales from app-based delivery, or brick and click store fronts. Brick and click have become more popular due to the passage of SB 793. Would allow online/app-based orders but products would have to be picked up at the physical location.
Minor Changes	
ADD: No product sampling, and no smoking indoors or within 20 ft of any licensed retail establishment. SC Code Section: 32A-3 (c)	Parity with Petaluma, Sebastopol, and Windsor.
	Reiterate state laws, avoid confusion. • Compliance staff have observed employees vaping indoors during inspections.
ADD: Sets a 30-day limit on payment/application for license renewal.	Allows enforcement of timely renewal applications and payment.

SC Code Section: 32A-10 (b)	
REMOVE: Requirements for youth decoy operations.	Outside funding is reduced and TRL fee does not cover the cost for youth decoy operations.
REMOVE: Healthy Retail Program	Funding was retracted before the program got off the ground, and is no longer available.
ADD: Requires conspicuous posting of signage on premises indicating sales are being temporarily suspended when a violation is issued. SC Code Section: 32A-14 (b) (5)	Parity with Petaluma. Supports retailers to inform customers and address questions as to why tobacco products are not being sold when there has been a suspension/license revocation.
REMOVE: Settlement Option for retailers outlined in the original policy	All settlements are referenced to Chapter 1 and no longer necessary within Chapter 32A.
ADD: Exceptions Section. Makes explicit exceptions for youth purchase, use or possession & traditional or sacred tobacco use not punishable. SC Code Section: 32A-16	Health equity issue that is standard in newer TRL policies.
Administrative Changes	
Hearing Officer changes 32A-2	Updates the definition to remove authority from the Health Officer to align with how other enforcement in the county is done, for example with Environmental Health, Permit Sonoma and Animal Services.
Enforcement Officer changes 32A-2	Updates the definition to remove from Health Officer to Director of Health Services.
Ensures access to the entire premises during inspections. Not allowing the full inspection could be a violation of the chapter. 32A-13 (c-d)	Complaints have been received that tobacco products not allowed to be sold are hidden from view and sold illegally. This would clarify that inspectors are to have full access to the store. Products that are not allowed to be sold are also not allowed to be stored on site.
Add a new basis for denying a new TRL: if the retailer has violated any local, state, or federal tobacco control law in	Justification: Ensures prospective licensees have not been issued a violation for selling underage or a flavored product (SB 793). Ensures new TRL holders are in good standing and are likely to remain in good standing.

the last 365 days. 32A-8 (b)	
Ensures that local policy is not in regulating any preempted state/federal language. 32A-17	Standard language added to new TRL policies.
Chapter 1 Enforcement Authority. 32A-14 (b) (iv) & 32A-15 (b)	Allows DHS to access the administrative citation rather than being limited to abatement for any violations. When the ordinance was passed the administrative citation code had not been written.

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