Update to Tobacco Retail License - County of Sonoma Unincorporated Area

sonoma county
DEPARTMENT OF HEALTH SERVICES

SONOMA COUNTY
18 50
CALIFORNIA REPUBLIC
AGRICULTURE
INDUSTRY
RECREATION
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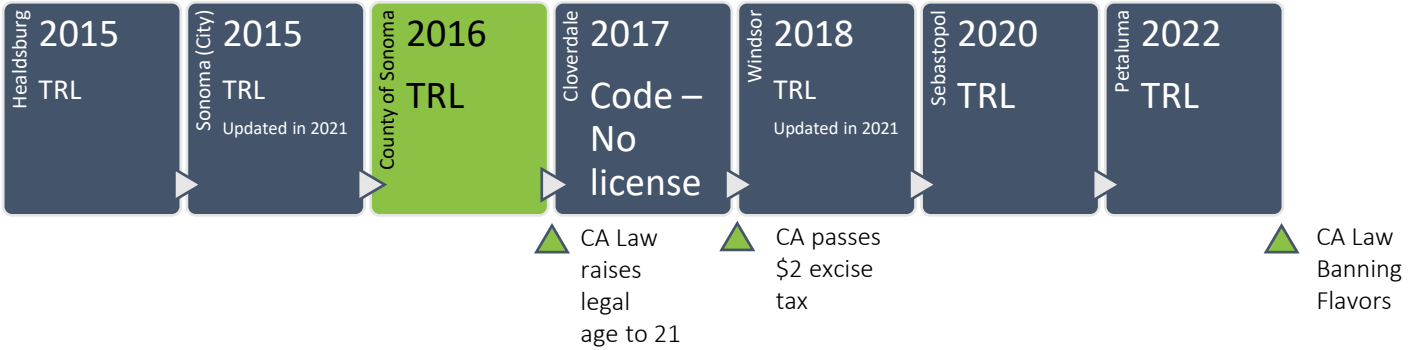
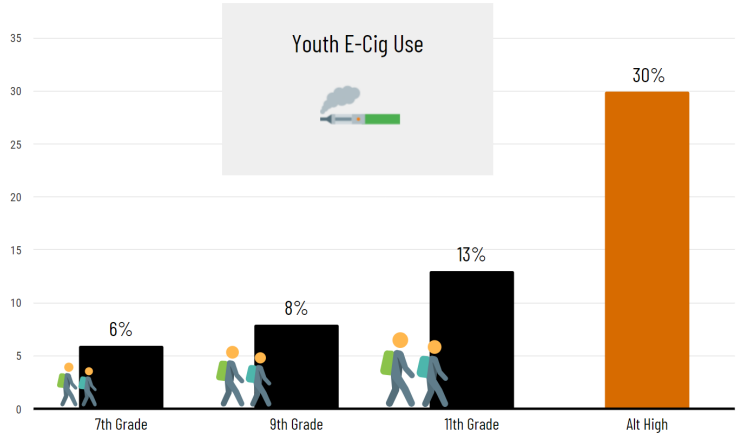
IMPACT tobacco nicotine prevention sonoma

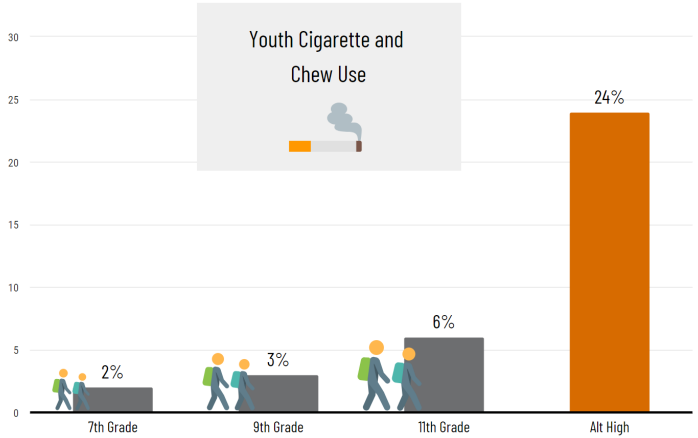
— County of Sonoma's TRL was passed and effective in 2016
— Currently, 79 licenses tobacco retailers in SC Unincorporated
— 337 tobacco retailers in entire county (23% in SC Unincorporated)
— Seven (7) of county's 10 jurisdictions have a tobacco retail policy

Timeline of 7 policies (effective dates) in Sonoma County



Sonoma County Youth, Current Tobacco Use





Sonoma County Adult Tobacco Use

E-Cig Use

Sonoma County Adults (18yrs+) that have used e-cigarettes in the past 30 days
(2017-2021)

3.5%

Cigarettes

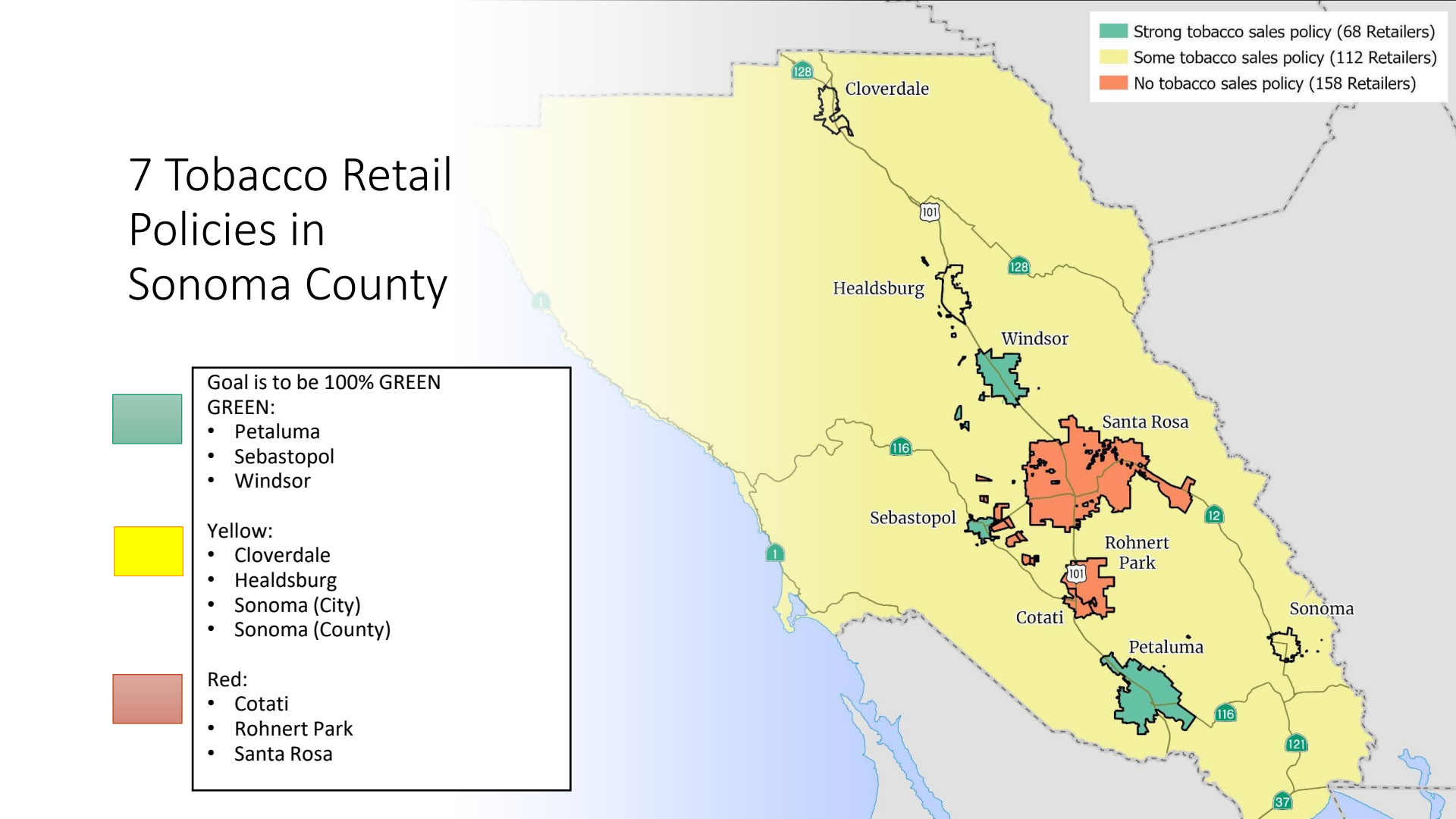
Sonoma County Adults (18yrs+) smoke cigarettes
(2021)

7.4%

Dual use is common

Source: California Health Interview Survey

7 Tobacco Retail Policies in Sonoma County



Goal is to be 100% GREEN

GREEN:

- Petaluma
- Sebastopol
- Windsor

Yellow:

- Cloverdale
- Healdsburg
- Sonoma (City)
- Sonoma (County)

Red:

- Cotati
- Rohnert Park
- Santa Rosa

TRL Comparison: County Unincorp to Strongest Policies Locally

Major Policy Elements Proposed, 2023	Petaluma, Sebastopol, & Windsor	County of Sonoma Unincorp.
No Sale of **Any** Flavored Tobacco Products, Includes the products that are exempt in CA law	Yes	No
No Sale of E-Cigarettes in Tobacco Retail Locations, Does not apply to cannabis dispensaries	Yes	No
Minimum Price of $10 of Cigarettes, Little Cigars, Smokeless Tobacco*, and Cigars*	Yes	Partial**
Minimum Pack Size: 5 Little Cigars	Yes	No
No Discounts/Coupons on Tobacco Products	Yes	No
Explicitly states onsite sales only, i.e. no online sales allowed	Yes***	No
Expanded definition of Youth Sensitive Areas	Yes	No

**Town of Windsor has a minimum price at $7 for Cigarettes, Little Cigars, Smokeless Tobacco and Cigars.*

***County of Sonoma does have a minimum price at $7 for Cigarettes, Little Cigars, and Cigars.*

****Town of Windsor does not have an on-site sales provision*

#1 Recommend Adding:
No Sale of Flavored Tobacco Products

Why It's Recommended Given CA Flavor Ban

- Since there is no pre-emption in state law, localities can have stronger policies.
- CA Flavor Ban is incomplete, this would include exempted products.
- Cleans up burden of proof issues with CA law. Strengthens our ability to determine which products are flavored, leading to more uniformity of flavored products in the county.
- Ability to use local civil offense structure, not limited to state law's criminal penalty.

Public Health Evidence

- 86% of CA high school students who use tobacco products use a flavored tobacco product. (2022, CA Youth Tobacco Survey, past 30-day user)

Jurisdictions with Closely Matching Policy

- 77 in CA. 3 in Sonoma County (Petaluma, Sebastopol, and Windsor)

Retailer Impacts

- Retailers are already held to the state law. The few retailers with state exempted products would need to remove those flavored products.

#2 Recommend Adding:
No Sale of E-Cigarettes

Public Health Evidence:

- E-Cigarettes are the most popular tobacco product used by youth and young adults.
- 76% of Sonoma County 11th graders reported it was easy or fairly easy to buy e-cigarettes. (2017-2018, CHKS)
- There are serious health implications; A Scientific Statement (2022) from the American Heart Association outlines negative effects to the body and mind, including to pulmonary and cardiovascular function, brain health and addiction, mental health and sleep health.
- E-cigs are an environmental waste problem: Batteries need special disposal and nicotine component is hazardous waste, which requires different special disposal method. A 2022 Sonoma County central landfill study found 70 tons of e-cigarette waste.

Jurisdictions With Closely Matching Policy:

- 44 in CA, 3 in Sonoma County (Petaluma, Sebastopol, and Windsor)

Tobacco Retailer Impacts:

- Retailers have already greatly reduced their inventories due to CA flavor ban.
- Proposing that retailers have 6 months to sell down non-flavored inventory.

#3 Recommend Adding : No Price Promotions on Tobacco Products

Public Health Evidence:

- Discounts/coupons/promotions erode minimum price and state excise taxes.
- Low prices are especially appealing to price sensitive consumers, including youth.

Jurisdictions with Closely Matching Policy:

- 34 in CA, 3 in Sonoma County (Petaluma, Sebastopol, and Windsor).

Retailer Impacts:

- Minimal, some retailers may need to redesign their discount program to exclude tobacco products.

#4 Recommend Adding : Minimum Pack Size

Setting a pack size limit is an important compliment to the minimum price provision. It guards against the common practice of selling larger pack sizes at the price set by the ordinance. This practice erodes the intended effect of having a minimum price, which is to make tobacco products prohibitively costly for the novice user.

Public Health Evidence:

- Smaller pack sizes are more affordable and appealing to youth.

Jurisdictions with Closely Matching Policy:

- 55 in CA, 5 in Sonoma County (Cloverdale, Petaluma, Sebastopol, Sonoma (City) and Windsor)

Retailer Impacts:

- Retailers already receive little cigars in 5 packs from their distributors.
- Retailers are only allowed to sell non-flavored little cigars (state flavor ban) and have already reduced their inventories.
- Retailers would be given 6 months to sell down remaining non-flavored inventory in smaller pack sizes.

#5 Recommend Modification: Increase Minimum Price from $7 to $10

Public Health Evidence:

- Increasing the price, decreases consumption. Youth are especially price sensitive.
- Increasing the price increases quit attempts by adults.

Jurisdictions with Closely Matching Policy:

- 36 in CA, 3 in Sonoma County (Petaluma ($10), Sebastopol ($10), and Windsor ($7))
    - Windsor Town Council indicated willingness to increase minimum price to $10 if the County went first (08/2021).

Retailer Impacts:

- Price difference is kept by retailers.
- Among Unincorporated retailers the average lowest priced tobacco products (2021):
    - Cigarettes at $8.80
    - Little Cigars (5 pack) at $7.65

#6a Recommend Modification: Expand Youth Sensitive Areas to Include Libraries, Parks, Playground, and Preschools

Public Health Evidence:

- High density of tobacco retailers has been associated with increased smoking rates, particularly among youth.

Jurisdictions with Closely Matching Policy:

- 103 in CA, 3 in Sonoma County (Petaluma, Sebastopol, and Windsor)

Retailer Impacts:

- New Retailers: limits location of future new businesses seeking a tobacco license.
- Current retailers: An additional 25 businesses will be under the transfer of license rules (can only to an immediate family member) that apply to retailers within 1,000 ft of a youth sensitive area.

#6b Recommend Adding:
Limit proximity of retailers to one another, must be more than 500 ft. apart. Applies to new licensees only.

Public Health Evidence:

- 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.

Jurisdictions with Closely Matching Policies:

- 63 in CA, 1 in Sonoma County (Petaluma)

Retailer Impacts:

- New retailers would not be allowed in a location that is within 500 ft of another tobacco retailer.

#7 Recommend Adding:
On-Site Sales Only

This provision would limit sales of tobacco products to the licensed physical location. It would prohibit both licensed and unlicensed retailers in unincorporated SC having the transaction of selling tobacco product occur on-line. Currently, state law allows on-line sales of all tobacco products, including flavors, with the use of proper delivery methods.

Why It's Recommended:

- Selling on-line is a work-around to the state flavor ban that tobacco retailers across the state have begun pivoting to for the purpose of selling flavored tobacco products. Passing this now would keep retailers from jumping on this band-wagon.
- On-line sales are difficult to monitor and enforce.
- There is less scrutiny with ID checking as ID must be checked at delivery point. Delivery agents are not typically trained as well on checking ID and there is no oversight of these transactions.

Jurisdictions with Matching Policy:

- Two (2) in Sonoma County (Petaluma and Sebastopol). Similar policies in CA exist, but count is unknown.

Retailer Impacts:

- Retailers who currently have an on-line presence would no longer be allowed to sell on-line.
- A scan of many Sonoma County unincorporated retailers found only one licensed TRL holder was selling inventory online. However, an un-licensed retailer was found to be selling on-line. The current TRL is ambiguous on the matter of on-line sales.

Community Engagement

Distributed written notice to retailer on September 29th

Via email and USPS mail

Hosted 2 virtual community outreach presentations

October 11th & October 16th

Licensed tobacco retailers & public invited

Notice Statement posted on Impact Sonoma County webpage

October 4th-October 23rd

Boosted social media post on DHS & Impact Sonoma platforms

Ran for 7 days from October 16th-October 23rd

Community feedback will be shared with the BOS

Implementation and Enforcement

EXTRA SUPPORT TO RETAILERS TO ENSURE COMPLIANCE

EXTRA TIME TO SELL DOWN NON CONFORMANT PACK SIZE PRODUCTS AND UNFLAVORED E-CIGS

EXTRA TIME TO SELL DOWN PRODUCTS EXEMPTED FROM CA FLAVOR BAN LAW

Summary of Recommendation

Thank You

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