SUMMARY OF A PROPOSED ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA, STATE OF CALIFORNIA, REPEALING AND REPLACING CHAPTER 32A OF THE SONOMA COUNTY CODE PERTAINING TO LICENSURE OF TOBACCO RETAILERS

On November 7, 2023, the Board of Supervisors of the County of Sonoma will consider a proposed ordinance to repeal and replace Chapter 32A to the Sonoma County Code.

Sonoma County has been proactive in developing and implementing evidence-based policies aimed at reducing exposure to second-hand smoke in public places and multi-unit housing. Expanding on the County's work on smoking policies with the particular goal of reducing youth access and smoking rates, revisions to the current tobacco retailer license ordinance are being proposed. The primary function of a tobacco retailer licensing ("TRL") ordinance is to reduce illegal sales of tobacco products to minors by enacting retailer conditions that reduce the appeal and access of products to underage youth and by using the fees generated through licensing to ensure age limits are complied with by tobacco retailers.

The proposed ordinance will make the following changes to Chapter 32A of the Sonoma County Code:

A) Major Revisions:

1. ADD: No sale of electronic smoking devices in tobacco retail locations. SC Code Section: 32A-4 (b)
2. ADD: No sale of flavored tobacco products. 32A-4 (a)
3. ADD: No acceptance of price promotions (discounts/coupons) for tobacco products. SC Code Section: 32A-5 (d)
4. ADD: Minimum pack size: Little Cigars (5). SC Code Section: 32A-5 (e)
5. ADD: Increase minimum price from $7 to $10. SC Code Section: 32A-5 (f)
6. 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)
7. ADD: Only allow sales of tobacco products at the physical licensed location. SC Code Section: 32A-3 (h)

B) Minor Revisions:

1. ADD: No product sampling, and no smoking indoors or within 20 ft of any licensed retail establishment. SC Code Section: 32A-3 (c)
2. ADD: Sets a 30-day limit on payment/application for license renewal. SC Code Section: 32A-10 (b)
3. REMOVE: Requirements for youth decoy operations.
4. REMOVE: Healthy Retail Program.
5. 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)

6. REMOVE: Settlement Option for retailers outlined in the original policy.
7. ADD: Exceptions Section. Makes explicit exceptions for youth purchase, use or possession & traditional or sacred tobacco use not punishable. SC Code Section: 32A-16

C) Administrative Changes:

1. Hearing Officer changes, 32A-2
2. Enforcement Officer changes, 32A-2
3. Ensures access to the entire premises during inspections. Not allowing the full inspection could be a violation of the chapter. 32A-13 (c-d)
4. Add a new basis for denying a new TRL: if the retailer has violated any local, state, or federal tobacco control law in the last 365 days. 32A-8 (b)
5. Ensures that local policy is not in regulating any preempted state/federal language. 32A-17
6. Chapter 1 Enforcement Authority. 32A-14 (b) (iv) & 32A-15 (b)

Copies of the proposed ordinance are available on-line at https://sonoma-county.legistar.com/Calendar.aspx and during regular business hours in the office of the Clerk of the Board of Supervisors, 575 Administration Drive, Room 100A, Santa Rosa, California.

M. Christina Rivera
Clerk of the Board of Supervisors

By: _____
Deputy Clerk