

Unincorporated Sonoma County Tobacco Retail License Proposed Updates

Presentation to:
River Municipal Advisory
Committee (MAC), District 5
December 14, 2023



sonoma county
DEPARTMENT OF HEALTH SERVICES

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Presentation Topics

- What is a Tobacco Retail License (TRL)?
- What's the Problem? – Youth and Environmental Impact
- Why Update?
- Proposed Updates
- Intersection of federal, state, and local flavor laws
- Enforcement
- Endorsements
- Retailer outreach

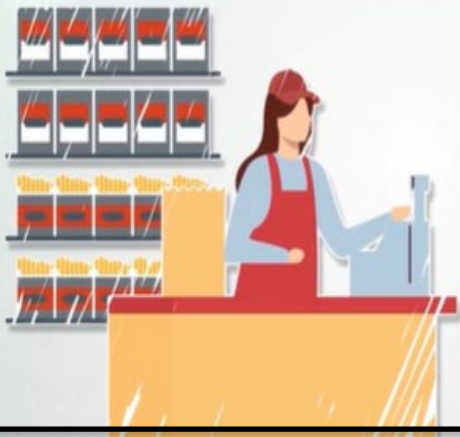


What is a Tobacco Retail License (TRL)?



Tobacco Retail License

A Mechanism to...



Evaluate & support retailer compliance

Reduce youth access

Fund compliance checks

Establish more effective enforcement

Tobacco Retail Policies Across California (2023)

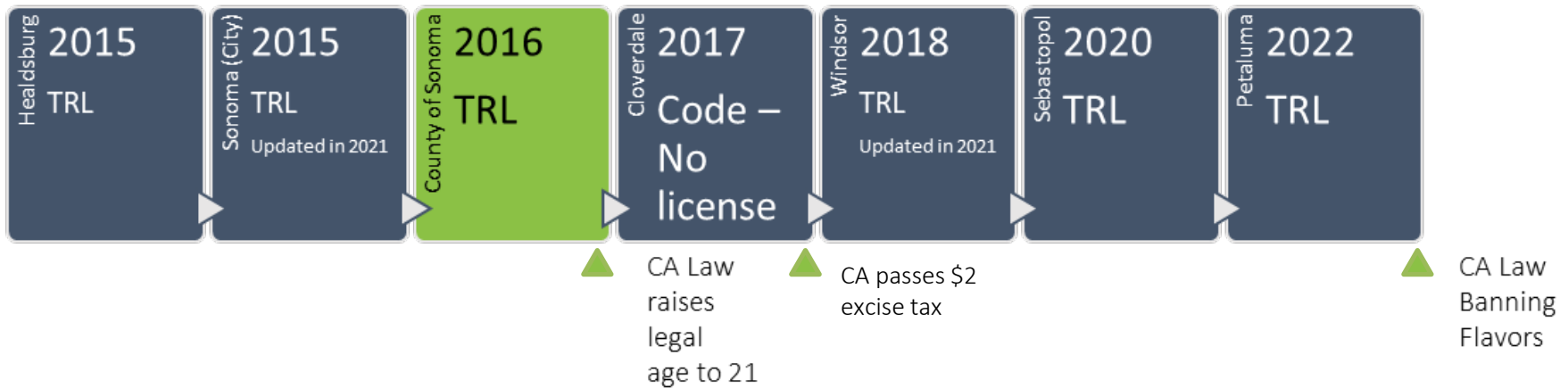


226 CA municipalities require TRL to sell tobacco

- 7 of 10 jurisdictions in Sonoma County impose additional local restrictions on the sale of tobacco
- South of Sonoma County: All of Marin County is covered by TRL
- North of Sonoma County: Most of Mendocino County covered by TRL (Fort Bragg is the exception)

Local Tobacco Retail Policy Timeline

Timeline of 7 policies (effective dates) in Sonoma County



Tobacco Sales Policies in Sonoma County

Strength of Policies



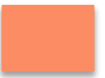
Green:

- Petaluma
- Sebastopol
- Windsor



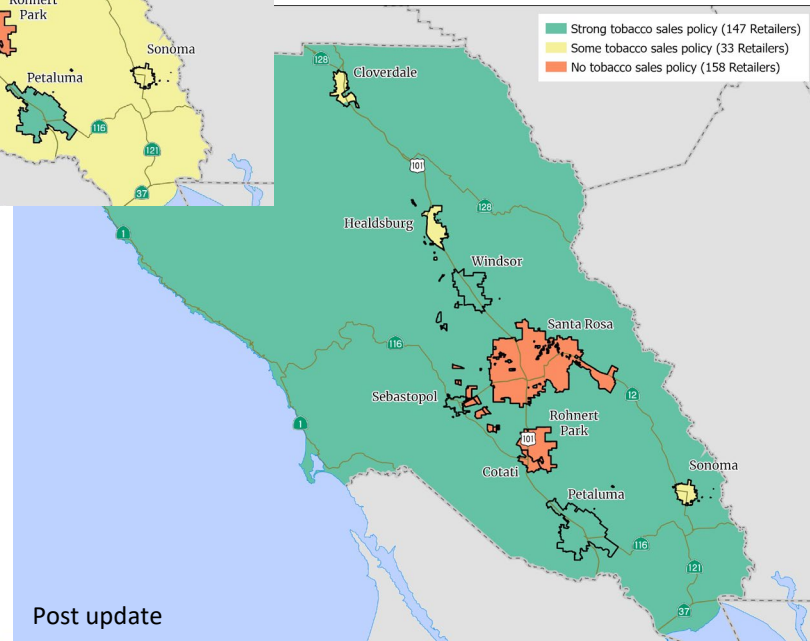
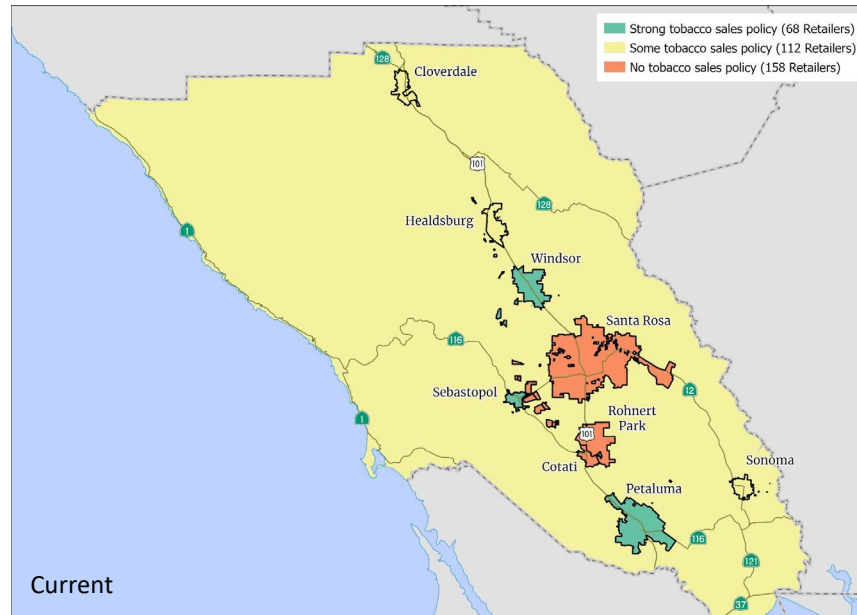
Yellow:

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



Red:

- Cotati
- Rohnert Park
- Santa Rosa



What's the problem?

- Youth vaping spiked ~2015-2020
 - High of 1 in 4 high schoolers vaping regularly
 - Currently, on the decline but still high
- Vapes contain high amounts of nicotine
 - Highly addictive, interferes w/ normal brain development, harmful chemicals, nicotine is neurotoxin and raises blood pressure.
- Vaping continues to plague schools

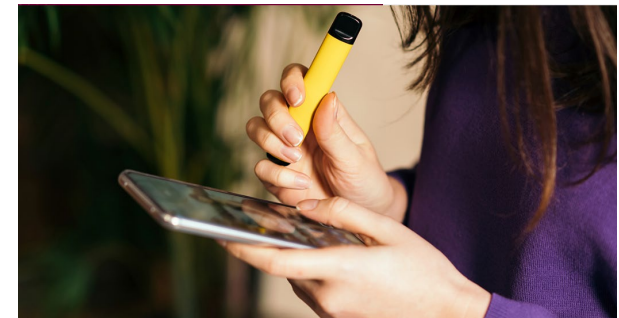


Tobacco Industry Drove the Problem by Marketing Flavors to Youth

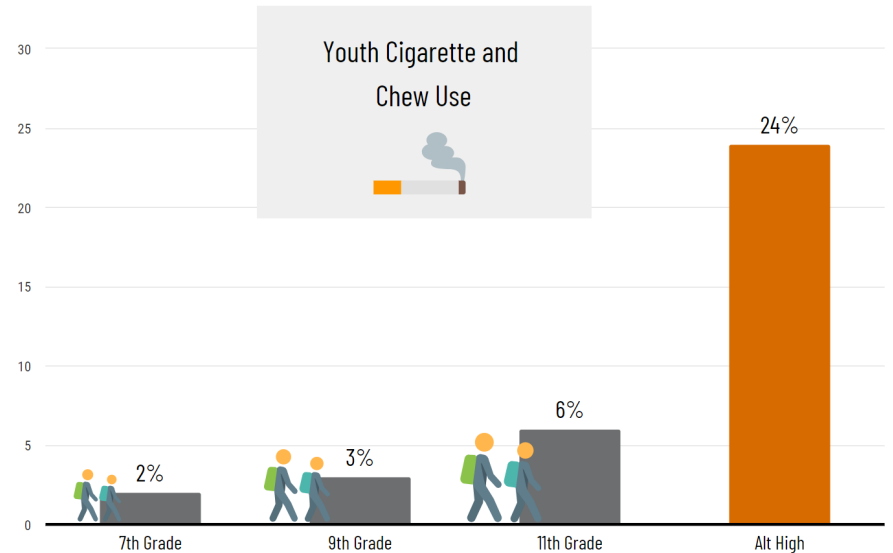
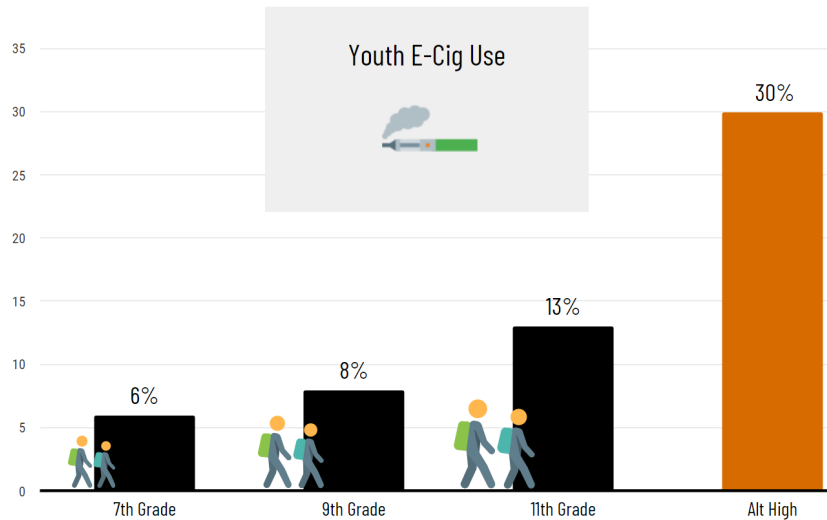
TOBACCO PRODUCT MENU

Source: Philip Morris and British American Tobacco's aggressive efforts to expand revenues with diverse sales goals.

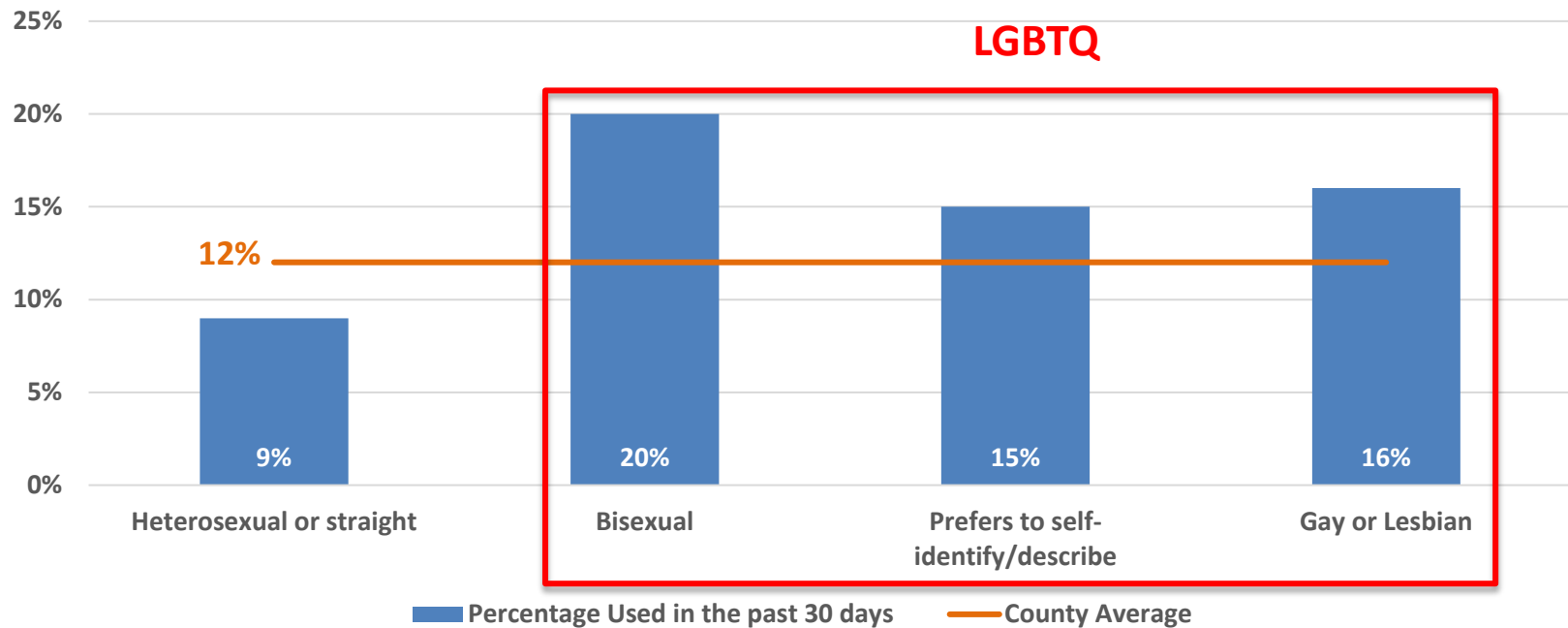
NEW DESSERT MENU



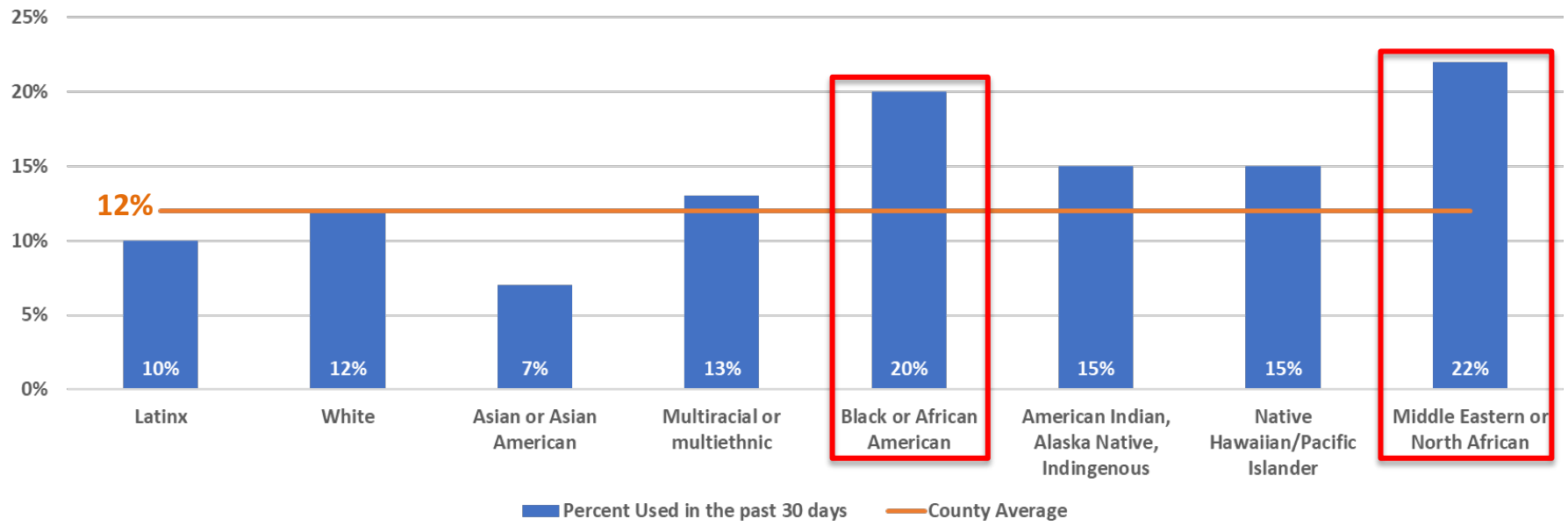
Sonoma County Youth Current Tobacco Use, 2023



Sonoma County Youth E-Cigarette (Tobacco) Use Compared by Sexual Orientation



Sonoma County Youth E-Cig Tobacco Use Compared by Race/Ethnicity

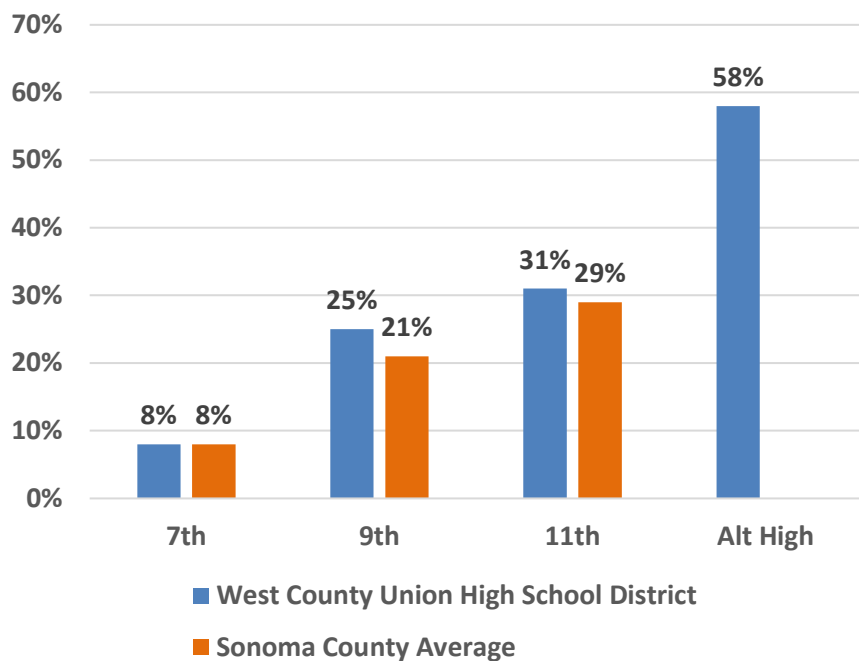


Source: 2023 Sonoma County Youth Truth

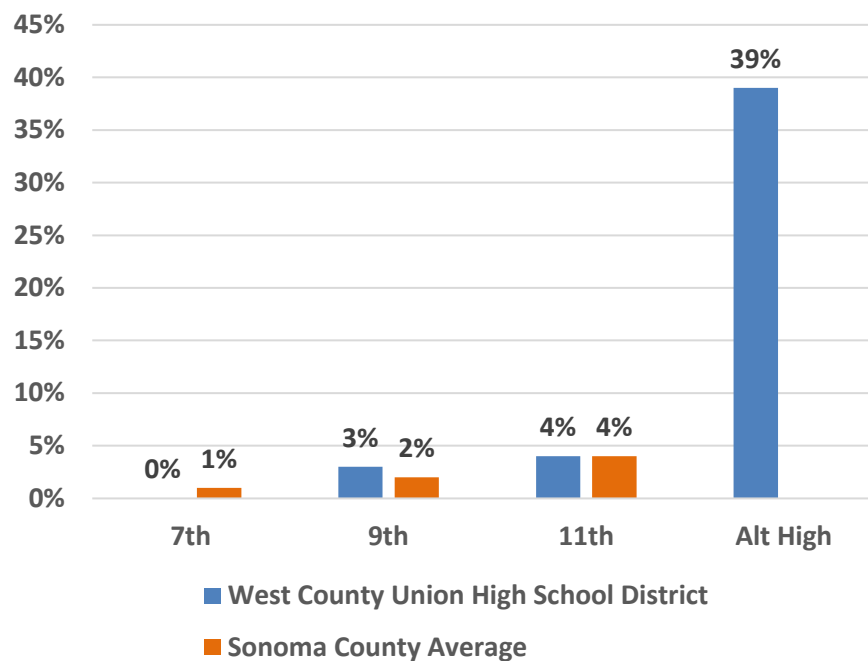
Youth Tobacco Use: West County

2017-2019

E-Cigarette Use

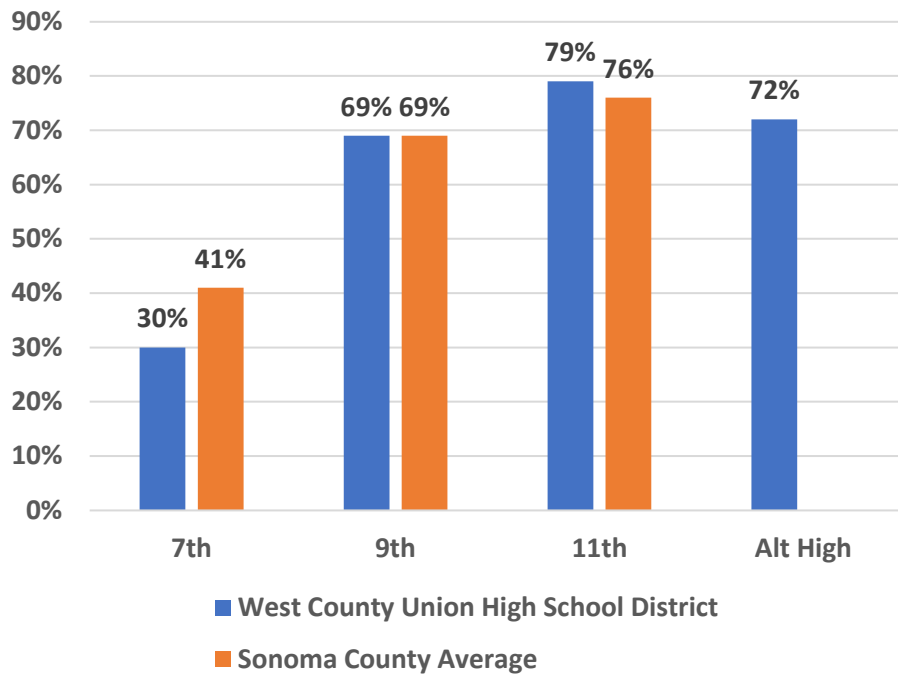


Cigarette Use

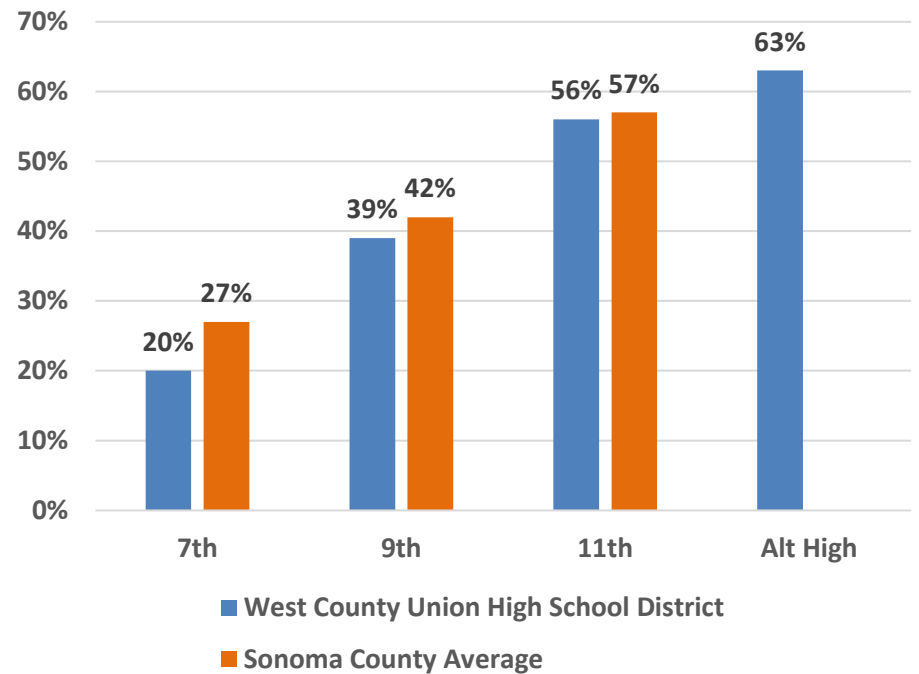


Youth Report Tobacco Products were Easy to Obtain 2017-2019

E-Cigarettes



Cigarettes



Environmental Impact

Sonoma County Waste Characterization Study (2022)

- 70 tons of vapes = over 3 million vape pens
- Contains hazardous material
- Non-biodegradable
- Can explode and catch fire



Lithium-ion
batteries,
heavy metals (lead,
mercury)

Nicotine
salts

Plastic



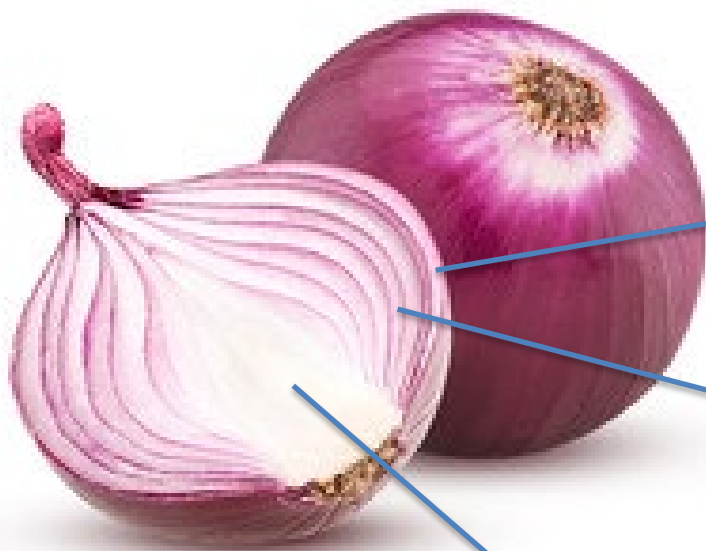
American Lung Association State of Tobacco Control Report, 2022

Sonoma County

	Cloverdale	Cotati	Healdsburg	Petaluma	Rohnert Park	Santa Rosa	Sebastopol	Sonoma	Windsor	Sonoma County Unincorporated
Overall Tobacco Control Grade	D	D	B	A	D	D	A	B	A	B
Total Points	7	8	12	17	8	8	17	14	16	13
Smokefree Outdoor Air	A	A	B	A	A	A	A	A	B	A
Dining	4	2	4	4	4	4	4	4	4	4
Entryways	4	4	4	4	4	4	4	4	4	4
Public Events	4	4	4	3	4	4	4	4	4	3
Recreation Areas	4	4	4	4	4	4	4	4	4	3
Service Areas	4	4	0	4	4	4	4	4	0	4
Sidewalks	1	1	0	0	0	1	0	1	0	0
Worksites	1	0	0	1	0	0	1	0	0	0
Total Points	22	19	16	20	20	21	21	21	16	18
Smokefree Housing	C	A	A	A	A	A	A	A	A	A
Nonsmoking Apartments	0	4	4	4	4	4	4	4	4	4
Nonsmoking Condominiums	0	4	4	4	4	4	4	4	4	4
Nonsmoking Common Areas	4	4	4	4	4	4	4	4	4	4
Total Points	4	12	12	12	12	12	12	12	12	12
Reducing Sales of Tobacco Products	F	F	A	A	F	F	A	A	A	A
Tobacco Retailer Licensing	0	0	4	4	0	0	4	4	4	4
Total Points	0	0	4	4	0	0	4	4	4	4
Restrictions on Flavored Tobacco Products	F	F	F	A	F	F	A	D	A	F
Flavored Tobacco Products	0	0	0	4	0	0	4	1	4	0
Total Points	0	0	0	4	0	0	4	1	4	0
Emerging Issues Bonus Points										
Emerging Products Definition - Secondhand Smoke	1	1	1	1	1	1	1	1	1	1
Emerging Products Definition - Licensing	1	0	1	1	0	0	1	1	1	1
Retailer Location Restrictions	0	0	0	1	1	0	1	1	1	1
Sale of Tobacco Products in Pharmacies	1	0	1	1	0	0	1	0	1	1
Minimum Price of Cigarettes	0	0	0	1	0	0	1	0	1	1
Minimum Pack Size of Cigars	1	0	0	1	0	0	1	1	1	0
Total Points	4	1	3	6	2	1	6	4	6	5

How do federal, state, and local tobacco flavor laws work?

- Retailers responsible for following laws
- State and local laws can be more restrictive
- Local laws provide oversight and impart consequences for non-compliance and enhance protections for youth. Parity is a priority.



Federal: Governs Product Standards and Safety

Ex. Ban flavored cigarettes with menthol exemption

State: Ensures Legality of Products, T21, Flavor Ban, Interstate watch

Ex. CA bans most flavored products with few exemptions

Local: Additional Provisions in TRL “Bucket”

Ex. Ban all flavored products, no exemptions, min price, no discounts etc.; provides resources for enforcement

Proposed Updates to County of Sonoma Unincorporated TRL

Passed 1st Read October, 2023

1.	No Sale of Flavored Tobacco Products
2.	No Price Promotions on Tobacco Products
3.	No Sale of E-Cigarettes
4.	Add Minimum Pack Size
5.	Increase Minimum Price from \$7 to \$10
6.	Expand Youth Sensitive Areas Definition
7.	Limit retailer-to-retailer proximity
8.	No online sales



Model Policy Provisions

Tobacco Policy Comparisons									
Jurisdiction	Non-transferable license	No Tobacco Sales in Pharmacies	Youth Sensitive Area	Restrict number of licenses	Minimum Price	Minimum Pack Size	Local Flavor Restriction	Ban electronic smoking devices	No Discounts/ Coupons
Sebastopol, Windsor, Petaluma	✓	✓	✓	✓	✓	✓	✓	✓	✓
Unincorporated Sonoma County (2016 TRL)	Some limits to family only	✓	✓	✓	Not at standard	No	No	No	No
Unincorporated Sonoma County (Proposed 2023 TRL)	Some limits to family only	✓	✓	✓	✓	✓	✓	✓	✓



Tobacco Laws Save Lives

- ♥ In Sonoma County, ~570 deaths each year are attributed to smoking
- ♥ People who smoke die 10 years earlier than nonsmokers, on average
- ♥ In California, 97% of people who smoke began before age 26
 - ♥ Tobacco 21 law saw a 45% reduction in tobacco sales to 15-16yr olds
- ♥ A \$10 price for cigarettes is estimated to reduce sales by 5 billion per year and induce cessation for over 10 million smokers nationally

Sources:

United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014.

8 Institute of Medicine (now the National Academy of Medicine), Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products, Washington, DC: The National Academies Press, 2015.

Smoking-attributable mortality, 2008-2012, Sonoma County Department of Health Services

Enforcement is Effective

- **Less likely to sell to minors:** In Sonoma County, tobacco retailers located in jurisdictions with strong TRLs were less likely to sell to minors both in 2021 and 2023.
- **Unincorporated has good track record:** In 2023, only 1 of the 16 stores visited sold to the underage decoy.
- **TRL provides support and guidance.** California's new flavor ban relies on local jurisdictions to enforce the law. Has led to inconsistent adherence to the law. Supporting retailers to understand law = more compliance.
- **Keeps things fair:** County of Sonoma's TRL has stopped unlicensed retailers from operating. Creates retailer accountability.
- **Playing by the rules:** County of Sonoma's TRL incentivizes compliance because the license is valued as violations could lead to loss of ability to sell tobacco. Reward retailers that adhere to regulations.

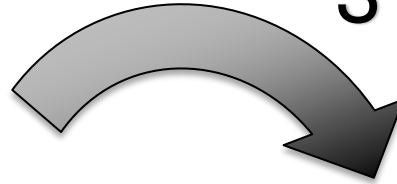


Comparison 2021 to 2023: Tobacco Retailers Selling to Underage in Sonoma County

2021: Sales to Underage



31% decrease



2023: Sales to Underage



What Turned the Curve:

- New TRLs passed = more compliance and education
- Education to all tobacco retailers

Jurisdictions without a TRL are more likely to sell to underage youth



Current Endorsements



**Maternal, Child, and
Adolescent Health
Advisory Board**

**Over 300 letters of support
from individuals**

Retailer Outreach



Distributed written notice to retailers

October 2nd
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 shared with the BOS



Thank You!!

Comments, Questions?

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