



CITY TOBACCO RETAILER LICENSE & FLAVORED TOBACCO BAN

NOVEMBER 7, 2018

PROPOSED ORDINANCE

General Provisions to be enforced July 1, 2019:

- State licensed tobacco retailers must obtain a City Tobacco Retailer **License** (TRL)
 - **Buffer zone** for certain new proprietors
 - **Pharmacies** prohibited from selling tobacco products
 - Selling **flavored** tobacco products prohibited
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CITY RETAILER LICENSE REQUIRED

- State licensed tobacco retailers must obtain a City Tobacco Retailer License
 - No City TRL for any pharmacy
 - No City TRL for purchaser of business within 300 feet of K-12 school after three years
 - No new licenses until number of retailers is less than 32



PRICING AND DISCOUNTS

- Full retail price must be posted
- No discounts or coupons
- Little cigars sold only in packages of 5
- Cigars sold only in packages of 5 unless individual cigar is over \$5



FLAVORED TOBACCO PRODUCTS

- Sale of flavored tobacco products, including menthol cigarettes, banned after July 1, 2019
- Presumption: Imparts a charactering flavor, such as menthol, fruit, candy, etc.



OTHER COMMUNITIES

- Berkeley: buffer zone, ban within the buffer zone only
 - El Cerrito, Hayward: buffer zone, ban except menthol
 - San Leandro: No buffer zone, ban except menthol
 - Oakland: No buffer zone, ban except at tobacco stores
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VIOLATIONS OF THE ORDINANCE

1st offense: \$1500 fine

2nd offense: 15 day license suspension or fine based on tobacco sales

3rd offense: 30 day license suspension or fine based on tobacco sales

4th offense: license revocation

FEES

- Fees necessary to run the program
- No fees first fiscal year—State Department of Justice grant

CONCERNS OF RETAILERS

- Ordinance not necessary because State law sufficient to prevent sales to minor
- Ordinance will work an economic hardship



The Sale of Tobacco Products to Persons **Under 21** Years of Age Is Prohibited by Law and Subject to Penalties

To Report an Unlawful Tobacco Sale Call
1-800-5 ASK-4-ID

U.S. Armed Forces active duty personnel with military ID must be at least 18 years of age
Valid Identification May Be Required

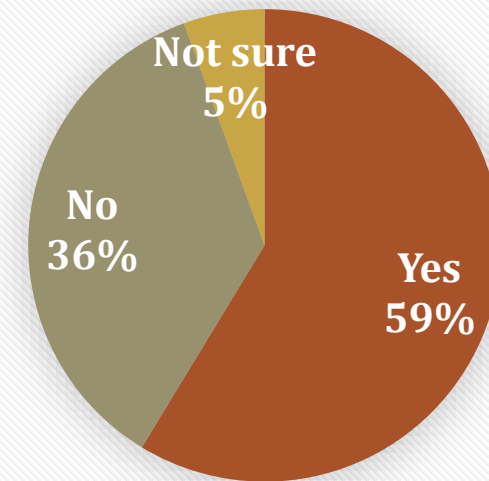
This sign must be readable by the consumer and must not be altered, covered or obliterated in whole or in part

Business and Professions Code Section 22952

COMMUNITY SURVEY

- Majority supports banning sale of flavored tobacco products
- Majority supports buffer zone for schools

Do you think the City of Alameda should ban the sale of flavored tobacco in Alameda?



COUNCIL OPTIONS

- Pharmacies
 - Sales of business
 - Buffer zone (distance, what's included)
 - Menthol or other flavored tobacco products exempted
 - Penalty options for violations
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RECOMMENDATION

- Introduce the Ordinance

AMENDING THE MUNICIPAL CODE TO REQUIRE THE LICENSURE OF
TOBACCO RETAILERS AND PROHIBIT THE SALE OF FLAVORED
TOBACCO PRODUCTS

